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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Notice of Hearing

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 will conduct a public hearing jointly and concurrently with the United States Department of Agriculture to be held at the Holiday Inn West, Route 22 at junction of Route 309 (one mile east of Lehigh Valley interchange of the Pennsylvania Turnpike, northeast extension) Allentown, Pennsylvania beginning at 9:30 A.M. eastern daylight savings time, on January 23, 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.

In the event the hearing is not completed within the week, it will be reconvened Monday morning, January 28, 1974, at the Downington Inn, junction of U.S. Route 30 and Pennsylvania Route 100, Downington, Pennsylvania, beginning at 10 A.M., eastern daylight savings time.

Purpose of the hearing is to receive evidence with respect to a number of proposals to amend the orders. In summary, the proposals would:

(1) Expand the Mid-Atlantic Milk Marketing Area to include additional counties in the states of Maryland, Pennsylvania and New Jersey. As to New Jersey counties, the proposal would remove from the New York-New Jersey Milk Marketing Area, and place in the Mid-Atlantic Milk Marketing Area, the New Jersey counties now included under the New York-New Jersey order.

(2) Expand the New York-New Jersey Milk Marketing Area to include a number of counties in Pennsylvania.

(3) Amend the pooling requirements under the Mid-Atlantic Milk Marketing Order.

(4) Remove all references to certified milk in the Mid-Atlantic Milk Marketing Order.

(5) Change the Class II price and the direct delivery differential on Class I milk and provide a credit on direct delivered milk disposed of for Class II use.

(6) Amend the base provisions of Mid-Atlantic Milk Marketing Order to permit the combining of bases from more than one farm owned by the same person into one base; provide for computing of bases for farmers in the expanded areas; change the computation of bases for producers making no qualifying milk deliveries during the base forming period; and amend the base rules contained in Section 1004.93 of the order.

(7) Make such other conforming amendments as may be required by the foregoing proposals.

Notice of the hearing was published by the United States Department of Agriculture in the Federal Register on Friday, December 21, 1973, beginning at page 35006, Volume 38, No. 245.

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.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Revisions Concerning Interest Rates

On December 21, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 31:1-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions concerning interest rates.

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

3:1-1.1 Interest rates

(a) The maximum rate of interest to be charged, taken or received, upon a loan [or forbearance] of any money, wares, merchandise, goods and chattels, made on or after July 16, 1973, shall be 8 per cent per year, except as hereinafter provided. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended by [Ch. 55, P.L. 1968] Ch. 323, P.L. 1973.

NEW JERSEY REGISTER

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(b) The maximum rate of interest to be charged on loans secured by real estate on which there is erected or to be erected a one-, two- or three-family dwelling occupied or to be occupied by the borrower, shall be 8¾ per cent per annum. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended by Ch. 328, P.L. 1973. Any provision in a mortgage commitment contracted prior to the effective date of said act providing for an increase in interest rates to be charged based on the highest lawful interest rate shall be null and void.

(c) Contracts for the following classes or types of loans may lawfully provide for any rate of interest which the parties agree upon, and interest at any such rate may lawfully be taken:

1. Loans in the amount of \$50,000 or more, except loans where the security given is a mortgage on real property consisting of a lot of land upon which there is constructed or in the course of construction a dwelling house of three-family units or less. The rate of interest stated in such contract upon the origination of such loans may be taken notwithstanding that payments thereon reduce the amount outstanding to less than \$50,000;

2. Loans or advances of credit made by savings and loan associations, banking institutions or any Department of Housing and Urban Affairs or Federal Housing Administration approved mortgagees for which an offer or commitment to purchase has been received and which are subsequently purchased, in whole or in part, by the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, and any successor thereof or by any State or Federal governmental or quasi-governmental organizations.

(d) The rates established [in this Section] herein shall be effective immediately and shall remain in force until such time as this regulation is rescinded or until said rate or rates are increased or decreased by a subsequent regulation.

Authority: N.J.S.A. 31:1-1

An order adopting these revisions was filed and effective December 21, 1973, as R.1973 d.366 (Exempt, Emergency Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

BANKING

CONSUMER CREDIT BUREAU

Revisions In Pawnbroking Service Charges

On January 10, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:10-23 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions concerning pawnbroking service charges, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 403(a).

Such revisions will be included in N.J.A.C. 3:16-2.1.

An order adopting these revisions was filed and effective January 11, 1974, as R.1974 d.7.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (State Service)

On January 15, 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 Subparts 7-3.109 and 12-11.102 of the Civil Service Personnel Manual (State Service). The manual is not subject to Code codification.

Full text of the revised rules follows:

7-3.109c. 5. When an employee moves from a 40-hour-a-week classification to an NL classification the following shall determine the type of action and the procedure that shall be used in making the pay adjustment:

a. When the NL work week position is one range less than the 40-hour-week position, lateral transfer procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40-hour-week position and moves to an NL work-week position in range #9—

Work week adjustment: Rate goes to same step 4 in range #9. The anniversary date remains the same.

b. When the range of the NL work week position is equal to or greater than the range of the 40-hour-week position, Promotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40-hour-week position and moves to an NL position in range #11—

Work week adjustment: Rate goes to same step 4 of range #9.

Promotion increment added: Rate goes to step 5 in range #9.

Adjustment to new range: Rate goes to step 3 (next higher) in range #11. The anniversary date remains the same.

c. When the NL work-week position is more than one range less than the 40-hour-week position, demotion procedures shall be used.

Example: The employee is at step 4 of range #10 in a 40-hour-week position and moves to an NL position in range #7. The employee has served more than one year in the 40-hour-week position and it is an Exigencies of the Service demotion—

Work week adjustment: Rate goes to same step 4 in range #9.

Demotion increment subtracted: Rate goes to step 3 of range #9.

Adjustment to new range: Rate goes to step 6 (next higher) in range #7. The anniversary date remains the same.

Exception:

"Exception — effective December 10, 1973, when an employee moves from a 40-hour-week classification to an NL classification that has responsibility for first-line supervision of employees serving in 40-hour classifications, after application of the above adjustments, the employee shall be moved to the next higher step in the new range, if position in the range permits." THE CS-21 MUST CONTAIN A STATEMENT THAT THE

ABOVE DESCRIBED SITUATION APPLIES TO THE ACTION.

6. When an employee moves from an NL work-week classification to a 35-hour-week classification, the determinations and procedures used are the same as those for moving from a 40-hour-week to an NL work week.

7-3.109d Rights

In situations under 7-3.109c where Exigencies of the Service Demotion procedures (as defined in Subpart 7-3.105) are used, a 45-day notice of demotion shall be given to the employee.

Subpart 12-11.102 New Jersey Civil Service Medical Review Board

12-11.102a Subject

This Subpart details the procedures for handling appeals from rejections for psychological and/or psychiatric reasons.

12-11.102b Reports Submitted to the Department Of Civil Service

All psychological and/or psychiatric reports submitted by an appointing authority to the Department of Civil Service rejecting a candidate as mentally unfit must include the following information:

- (1) They must be signed and dated;
- (2) They must clearly state the amount of time a candidate was personally interviewed and what type of interview was conducted;
- (3) They must include a diagnosis or detailed statement showing a behavioral pattern clearly indicating an inability to effectively perform the duties of the position, or other specific reasons for rejection on a psychological/psychiatric basis;
- (4) They must state which tests (for example M.M.P.I., Rorschach, T.A.T.) have been administered and they must be accompanied by all raw data, protocols, computer print-outs and profiles from these psychological tests. Removal shall not be effected by the Department of Civil Service unless such material is provided by the appointing authority;
- (5) They must be accompanied by all background information gathered by the appointing authority including, if in existence, the police background investigation report.

12-11.102c Procedures

Along with the disposition of a certification, the appointing authority shall file a copy of the complete report with all appropriate data with the Department of Civil Service. Another copy of this material must be served on the rejected candidate by the appointing authority. The sole exception shall be if the examining psychologist or psychiatrist clearly states that disclosure to the candidate would be injurious to his or her health. In this case the reports and data must still be released to the candidate's doctor or attorney upon written request of the candidate.

Note: The appointing authority shall not inform the candidate of a rejection until certification has been disposed of.

Upon receipt of a complete report with all appropriate data, the Department of Civil Service shall inform the rejected candidate that such a report has been filed and that an opportunity will be provided for rebuttal. The candidate shall be advised that it would be to his or her advantage to submit a report from a doctor of the candidate's choice; however, an appeal may be instituted without a refuting report.

If the candidate does not respond, his or her name shall be removed from the eligible list. The candidate may,

however, still appeal to the Civil Service Commission within 20 days of the removal. See Subpart 12-11.101 for details.

If the candidate appeals, all material which has been submitted shall be presented to the New Jersey Civil Service Medical Review Board. This Board is composed of a psychiatrist, a psychologist and a representative of the Department of Civil Service. Both parties shall be given an opportunity to present information in person before the Board, although appearances are not required.

The Medical Review Board shall submit a report and recommendation to the Civil Service Commission for final determination. Both parties shall be given an opportunity to file exceptions to the report and recommendation of the Medical Review Board previous to action by the Commission.

12-11.102d Burden Of Proof

In accordance with N.J.A.C. 4:1-8.14(b)3, the burden shall be on the appointing authority to show that a candidate is mentally unfit to perform effectively the duties of the position.

An order adopting these revisions was filed January 21, 1974, as R.1974 d.18 (Exempt, Procedure Rule).

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

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

**CIVIL SERVICE
CIVIL SERVICE COMMISSION
Revisions to Personnel Manual
(Local Jurisdictions)**

On January 15, 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) concerning the Medical Review Board, prerequisite to layoff and demotional and reemployment rights. The manual is not subject to Code codification.

Full text of these revised rules read as follows:

**SUBPART 12-11.102 NEW JERSEY CIVIL SERVICE
MEDICAL REVIEW BOARD**

12-11.101a Subject

This Subpart will detail the procedures for handling appeals from rejections for psychological and/or psychiatric reasons.

12-11.102b Reports submitted to the Department of Civil Service

All psychological and/or psychiatric reports submitted by an appointing authority to the Department of Civil Service rejecting a candidate as mentally unfit must include the following information:

- (1) They must be signed and dated;
- (2) They must clearly state the amount of time a candidate was personally interviewed and what type of interview was conducted;
- (3) They must include a diagnosis or detailed statement showing a behavioral pattern clearly indicating an

inability to effectively perform the duties of the position, or other specific reasons for rejection on a psychological/psychiatric basis;

- (4) They must state which tests (M.M.P.I., Rorschach, T.A.T.) have been administered and they must be accompanied by all raw data, protocols, computer print-outs and profiles from these psychological tests. Removal shall not be effected by the Department of Civil Service unless such material is provided by the appointing authority;
- (5) They must be accompanied by all background information gathered by the appointing authority including, if in existence, the police background investigation report.

12-11.102c Procedures

Along with the disposition of a certification, the appointing authority shall file a copy of the complete report with all appropriate data with the Department of Civil Service. Another copy of this material must be served on the rejected candidate by the appointing authority. The sole exception shall be if the examining psychologist or psychiatrist clearly states that disclosure to the candidate would be injurious to his or her health. In this case the report and data must still be released to the candidate's doctor or attorney upon written request of the candidate.

Note: The appointing authority shall not inform the candidate of a rejection until certification has been disposed of.

Upon receipt of a complete report with all appropriate data, the Department of Civil Service shall inform the rejected candidate that such a report has been filed and that an opportunity will be provided for rebuttal. The candidate shall be advised that it would be to his or her advantage to submit a report from a doctor of the candidate's choice; however, an appeal may be instituted without a refuting report.

If the candidate does not respond, his or her name shall be removed from the eligible list. The candidate may, however, still appeal to the Civil Service Commission within 20 days of the removal. See Subpart 12-11.101 for details.

If the candidate appeals, all material which has been submitted shall be presented to the New Jersey Civil Service Medical Review Board. This Board is composed of a psychiatrist, a psychologist and a representative of the Department of Civil Service. Both parties shall be given an opportunity to present information in person before the Board, although appearances are not required.

The Medical Review Board shall submit a report and recommendation to the Civil Service Commission for final determination. Both parties shall be given an opportunity to file exceptions to the report and recommendation of the Medical Review Board previous to action by the Commission.

12-11.102d Burden of Proof

In accordance with N.J.A.C. 4:1-8.14(b)3 the burden shall be on the appointing authority to show that a candidate is mentally unfit to perform effectively the duties of the position.

PART 16-2 PREREQUISITE TO LAYOFF

Subpart 16-2.101 Obligations of appointing authorities to employees who are to be laid off

16-2.101a Subject

This Subpart will describe the obligations of appointing authorities planning to give notice of layoffs to employees.

16-2.101b Preliminary determinations

An appointing authority contemplating layoff of em-

ployees for economy reasons or because of elimination of functions should make every effort to determine what employment opportunities are available to its employees. This review of employment possibilities should take place prior to notice of layoffs to the employee.

Layoffs should not be made until the appointing authority has exhausted every possibility for transfer, reassignment or demotion of its employees. The employees involved should be offered any other employment in the Department or the jurisdiction for which they may be qualified based on their accumulated background and qualifications. The Department of Civil Service will provide assistance to any appointing authority requiring information during any employment reviews made prior to layoff and in any event the Department of Civil Service will review all final actions taken.

If an appointing authority is unsuccessful in relocating their employees, layoff procedures will be followed. The Civil Service Department will thereafter make formal determinations of demotional and reemployment rights.

PART 16-5

DEMOTIONAL AND REEMPLOYMENT RIGHTS

Subpart 16-5.101 Determination of demotional and reemployment rights by the Department of Civil Service

16-5.101a Subject

This Subpart describes the procedure that will be followed by the Department of Civil Service upon receipt of a 45-day layoff notice from the authorities, effective January 1, 1974.

16-5.101b Definitions

1. **Level**—a group of class titles with the same or similar duties, responsibilities, qualifications or salary range.

2. **Seniority right**—the right of a permanent employee to displace another permanent employee in the same organizational unit holding a title on the same level who has less seniority. For layoff and demotion purposes, seniority is defined as the amount of time which an employee has served continuously in a permanent capacity in a title on the same level from which he/she is being laid off or demoted, in the jurisdiction in which the layoff or demotion is being effected, regardless of organization unit.

3. **Special reemployment right**—the right of a permanent employee to be certified against another employee who is serving temporarily or provisionally in a title on the same, comparable or lower level in any of the organizational units of the jurisdiction. If there are no incumbents against whom special reemployment rights can be exercised, the name of the employee so laid off or demoted will be placed on a special reemployment list for the same, comparable or lower level titles for appropriate certification with the provision that certification and appointment to any position having a class title below the level of the one from which the employee was laid off or demoted in lieu of layoff will in no way affect retention on lists for higher titles.

4. **Demotional right**—the right of a permanent employee to displace another permanent employee in the same organizational unit who holds a title on a lower level, regardless of the seniority held by the employee in the lower level.

5. **Employee's organizational unit**—for layoff and demotion purposes in municipalities and counties, the organizational unit is considered to be the lawfully established Department.

6. **Blanket 45-day-notice**—a 45-day-notice of layoff or demotion which is posted and/or given general distribution in the organizational unit of layoff to notify all employees of the reduction in force and the possible application of

seniority or demotional rights by those employees directly affected by the layoff.

16-5.101c Procedure: positions in the competitive division

1. Upon receipt of a 45-day-layoff-notice, the director of Local Government Services shall act for the Chief Examiner and Secretary in determining the seniority, special reemployment and demotional rights of the employees:

a. First, the seniority rights of all permanent employees shall be calculated to determine if the 45-day-notice was in order; if not, the notice will be returned to the appointing authority for correction.

(1) Employees holding emergency, temporary or provisional appointments, or probationers on the level on which the layoff is being effected, shall be terminated before any permanent employee in a title on that level is issued a 45-day-notice.

(2) The 45-day-notice shall be issued to the permanent employee with the least amount of seniority in the titles on the level on which the layoff is being effected. In addition, a blanket 45-day-notice shall be issued to employees in the organizational unit involved. (Note: Probationers must also be given the same 45-day-notice of layoff as a permanent employee—see Subpart 16-4.101).

(3) If the person to be laid off or demoted is a veteran and has the same seniority as another employee on the same level, the employee holding veteran's status must be retained in favor of the nonveteran. If both employees are veterans, the disabled veteran shall be retained in favor of the veteran. If both have identical veteran's status, the appointing authority may select either of the two to be laid off or demoted.

(4) If two employees have the same seniority, the person with the least favorable performance rating for the 12-month period immediately preceding the date of layoff or demotion must be issued the 45-day-layoff-notice first, except that a veteran must be retained in favor of a non-veteran regardless of the rating. This criteria applies only to those jurisdictions whose performance rating systems have been approved by the Department of Civil Service.

b. The special reemployment rights of the employees being laid off or demoted shall be calculated to determine those titles for which the employees shall be placed on special reemployment lists.

c. The individual's demotional rights shall be calculated to determine if demotional rights to a lower title exist.

2. The branch office manager shall forward recommendations along with the following material to the director of Local Government Services for a determination to be made:

a. The examination announcement by which the laid off employee obtained permanent status.

b. A copy of the latest approved specification for the title.

c. The salary range for the title.

d. A list of all titles in which emergency, temporary or provisional employees are serving in all of the organizational units of the jurisdiction, together with the names of the incumbents, the salary ranges for the titles and copies of the specifications for each title.

e. A list of all permanent employees serving in the same, comparable or lower titles in the same organizational unit and their dates of seniority, salary ranges and appropriate specifications.

3. The director of Local Government Services shall act for the Chief Examiner and Secretary in notifying the appointing authority and involved employees of the determination regarding seniority, special reemployment and demotional rights of the employees. Such determination shall be made prior to expiration of the 45-day period.

4. All appeals and requests for review concerning any of these determinations shall be directed to:

Chief Examiner and Secretary
Department of Civil Service
Arnold Constable Building
Trenton, New Jersey 08625

16-5.101d Procedure: Positions in the noncompetitive and labor divisions

1. The same procedure outlined above will be followed in effecting layoffs for employees holding permanent status in titles allocated to the noncompetitive or labor divisions of the classified service.

2. An employee having permanent status in a competitive title shall have bumping rights against noncompetitive or labor titles if he/she has more seniority than those being displaced. Seniority shall include all permanent continuous service in the jurisdiction.

3. An employee having permanent status in a higher noncompetitive or labor title can displace another employee in a lower title provided that the employee being displaced has less seniority than the employee in the higher title. Seniority shall include all permanent continuous service in the jurisdiction.

4. At the discretion of the appointing authority, displaced competitive employees may be placed in vacant noncompetitive or labor positions after notifying the Department of Civil Service of such intent.

16-5.101e Limitations

1. An employee affected by a layoff shall be required to exercise his/her seniority or demotional right. Refusal to accept a comparable position on the same level as one's permanent title (exercise of seniority rights) shall be considered a voluntary resignation by the employee unless the appointing authority agrees to allow the employee to demote voluntarily to a lower level title. In such cases, a permanent employee in a lower level title may not be displaced; the voluntary demotion must be made to a vacant position. The employee shall not be placed on a special reemployment list for the former title (or level) in this situation.

2. The Department of Civil Service recommends that, where other positions are available for placement of those whose positions are being abolished, assignment to these positions be made on a seniority basis unless there are substantial reasons for not so doing.

An order adopting these revisions was filed January 21, 1974, as R.1974 d.17 (Exempt, Procedure Rule). These revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

**COMMUNITY AFFAIRS
DIVISION OF HOUSING
AND URBAN RENEWAL**

**Proposed Revisions On
Relocation Assistance**

Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 20:4-1 et seq., proposes to revise a portion of the rules concerning relocation assistance and specifically the rule on differential

payments. The purpose of the revisions is to delete in its entirety the current text of N.J.A.C. 5:11-8.5(c)5. and replace it with the text below.

Full text of the proposed, revised rules follows:

5:11-8.5(c)5. Homeowners displaced by a local code enforcement program are eligible for moving expense payments and replacement housing payments for tenants and certain others. The following rationale will defend such a position:

- i. N.J.S.A. 20:4-14 deems a displacee of code enforcement a displaced person;
- ii. N.J.S.A. 20:4-5 limits replacement housing payments for homeowners to acquisition programs; however
- iii. N.J.S.A. 20:4-6 provides for a replacement housing payment for tenants and certain others to owners displaced by code enforcement.
- iv. Therefore, it is clear that a homeowner displaced by a nonacquisition program is eligible for a moving expense payment and replacement housing payment for tenants and certain others.

6. Although we believe that the amount of relocation assistance should reflect the family's ability to pay, our regulations do not discriminate concerning income or financial resources. There is a built-in limit to assistance in replacement housing, however. The amount is limited to the difference between basic rent paid in the old unit and the actual or scheduled rent for comparable housing, whichever is less.

7. Victims of one-family fires are considered displacees of code enforcement when a vacate order is issued by a municipal inspector and a copy of said order, with accompanying request for relocation service, is sent to the relocation officer named in the WAAP. The supporting rationale is the same as in paragraph 5. of this subsection. In addition, we have traditionally construed the Act and regulations to cover single-family fires.

8. Victims of major disasters can avail themselves of many relief programs offered by Federal, quasi-Federal (Red Cross), and private agencies. Our relocation assistance should not be considered as a disaster or emergency program in any sense. Regularity and normalcy is expressed in definitions listed in the Act. Emergency is not included.

NOTE:

Businesses dislocated by code enforcement are eligible for assistance. Only rarely has a business relocation occurred under such circumstances, however. In each instance (perhaps six since 1969), the business has been an occupant in a mixed-use building cited unfit under local code. They have been small and of marginal profit. Costs have not exceeded \$1,500. Incidence outside of this norm is not anticipated.

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

David Gardner
Department of Community Affairs
Post Office Box 2768
Trenton, New Jersey 08625

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

Lawrence F. Kramer
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Emergency Revisions on Heating And Lighting Requirements

On January 21, 1974, the Department of Community Affairs, pursuant to authority of N.J.S.A. 55:13A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to its rules concerning heating and exterior lighting requirements.

Full text of the adopted revisions follows:

5:10-19.4(c)3 The operation of normally required exterior lighting fixture will not be required unless failure to operate said fixtures poses a clear and present danger to the residents of the hotel or multiple dwelling in question or the public generally.

5:10-19.4(1)4.iii The minimum temperature requirement of 68 degrees F. will be waived. The minimum allowable temperature which must be maintained will be 66 degrees F. between the hours of 6:00 A.M. and 11:00 P.M. when the outside temperature falls below 60 degrees F; and 60 degrees F. between the hours of 11:00 P.M. and 6:00 A.M. and during day light hours when the outside temperature rises above 60 degrees F.

Note: These revisions would not affect the authority of local boards of health to enforce their own ordinances concerning minimum temperature requirements pursuant to N.J.S.A. 26:3-31.

An order adopting these revisions was filed and effective January 21, 1974, as R.1974 d.14 (Exempt, Emergency Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rule Concerning Mandatory Fluoridation of Water

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., proposes to adopt a new rule calling for the mandatory fluoridation of public water supplies.

Full text of the proposed rule follows:

SUBCHAPTER 5. FLUORIDATION

7:1-5.1 Mandatory fluoridation of public water supplies

(a) Public water supplies whereby water is distributed for potable or culinary purposes to more than 100 services shall have their fluoride content adjusted to maintain a fluoride ion concentration between a minimum of eight-tenths (0.8) parts per million (milligrams per liter) and a maximum of one and five-tenths (1.5) parts per million

(milligrams per liter) in the water delivered to consumers. The optimum fluoride ion concentration shall be one (1.0) parts per million (milligrams per liter). The following exceptions shall apply:

1. Public water supplies in which the natural fluoride ion content is present in concentration of at least eight-tenths (0.8) ppm (milligrams per liter).

2. Public water supplies wherein the artificial adjustment of the fluoride ion concentration would be impracticable due to engineering problems and/or other physical conditions or unusual circumstances, as determined by the State of New Jersey Department of Environmental Protection.

3. Plans and specifications, prepared by an engineer licensed to practice in New Jersey, shall be submitted to this Department for approval prior to implementation and construction of fluoridation facilities as required by these rules.

4. These rules shall be complied with within 12 months of the date of formal adoption by the Department of Environmental Protection.

Copies of the proposed rules may be obtained on request from the New Jersey State Department of Environmental Protection, Division of Water Resources, Potable Water Section, P.O. Box 2809, Trenton, New Jersey 08625, or in the Office of Potable Water, Arnold Constable Building, 209 East State Street, Trenton, New Jersey.

A public hearing respecting this proposed action will be held on Thursday, February 28, 1974, at 10:00 A.M. in the War Memorial Building, Lafayette and South Willow Streets, Trenton, New Jersey, at which time interested persons may present oral or written statements respecting the proposed action.

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

John Wilford
Division of Water Resources
Department of Environmental Protection
P.O. Box 2809
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 rules substantially as proposed without further notice.

Richard J. Sullivan, Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF MARINE SERVICES

BUREAU OF MARINE LANDS MANAGEMENT

Proposed Procedural Rules for Administration Of the Coastal Area Facility Review Act

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:19-1 et seq., proposes to adopt new rules concerning the administration of the Coastal Area Facility Review Act.

Full text of the proposed rules follows:

CHAPTER 7B.

COASTAL AREA FACILITY REVIEW ACT

SUBCHAPTER 1. PROCEDURAL RULES FOR THE ADMINISTRATION OF THE COASTAL AREA FACILITY REVIEW ACT

7:7B-1.1 Definitions

The following words shall have the following meanings unless the context clearly indicates otherwise.

"Act" means the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.

"Coastal area" means that area defined in paragraph 4 of the Act.

7:7B-1.2 Permit process

(a) The application procedure is as follows:

1. A person shall apply in writing to the Commissioner on forms provided by the Department for that purpose. Six copies of the application shall be submitted containing the following:

i. The name and address of the applicant;

ii. A written explanation of the proposed activity and its need including a future activities plan;

iii. A list of names and addresses of the owners of record of adjacent lands in or adjacent to the coastal area. In the event the property on which the proposed facility will be located is bordered by other property owned or controlled by the applicant, he shall supply the names and addresses of the next adjacent landowners;

iv. A map or plan showing the location and boundaries of the area of the proposed facility;

v. A detailed plan of the proposed facility drawn to an appropriate scale, indicating: (1) The area(s) of existing and proposed fill and excavation, if any; (2) Existing and proposed finish elevations; (3) All existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, parking areas, and other related facilities, both temporary and permanent; (4) The means of equipment access to the facility site:

(A) In the case of those single-family, detached residential units with building lot perimeters of less than 1,200 feet, the requirement for specific location of structures within the building lot will be waived if the applicant provides dimensions and locations of each building lot.

vi. Certification of ownership or interest in the property on which the proposed facility will be located;

vii. Application may be made before the municipality or municipalities concerned have approved the issuance of any permits the project may require, but the Commissioner shall not render his decision until after approval by the municipality or municipalities, unless said municipal approval is so conditioned as to require prior Department approval;

viii. An environmental impact statement as specified in N.J.A.C. 7:7B-1.2.

7:7B-1.3 Environmental impact statement

(a) An example of the format to be utilized in preparing an environmental impact statement is attached as Appendix A.

(b) The environmental impact statement shall describe and inventory in detail existing environmental conditions at the project site and in the surrounding region which shall include the following:

1. Air quality;
2. Water quality;
3. Water supply;
4. Hydrology;
5. Geology;
6. Soils;
7. Topography;
8. Vegetation;
9. Wildlife;

10. Aquatic organisms;
11. Ecology;
12. Demography;
13. Land use;
14. Aesthetics;
15. History;
16. Archeology.

(c) The description of existing environmental conditions for housing developments of 25 or more dwelling units or equivalent shall embrace a description and detailed inventory of:

1. Water quality;
2. Water supply;
3. Hydrology;
4. Geology;
5. Soils;
6. Topography.

(d) The environmental impact statement shall also include:

1. A project description which shall specify what is to be done and how it is to be done during construction and operation;

2. A listing of all licenses, permits or other approvals as required by law, and the status of each:

i. In those cases where the Department decides that the proposed coastal area facility will also involve riparian lands, and/or regulated wetlands, the applicant must furnish proof or receipt of or application for the necessary riparian grants, permits and/or licenses, and wetlands permit with the application for a coastal area facility permit.

ii. In cases involving an application for a conveyance of riparian lands, the approval of the conveyance shall precede any approval under the Act or this regulation.

3. An assessment of the probable impact of the project on all topics described in N.J.A.C. 7:7B-1.2(b);

4. A listing of adverse environmental impacts which cannot be avoided;

5. Steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding region;

6. Alternatives to all or any part of the project with reasons for their acceptability or nonacceptability;

7. A reference list of pertinent published information relating to the project, the project site and the surrounding region.

7:7B-1.4 Public hearing

(a) The public hearing required by the Act shall be held in a location in the general vicinity of the proposed project.

(b) A notice describing the proposed facility and an announcement of the date, place and time of the hearing on the application shall be caused by the Department to be published in a newspaper or newspapers of general circulation in the county or counties in which the land is located.

(c) The Commissioner shall notify in writing all adjoining landowners, local governing bodies and local environmental commissions, if any, and the county planning board and environmental commission, if any, of the county in which the proposed facility area is located of the date and subject of the hearing.

(d) The Commissioner shall file a copy of the environmental impact statement submitted by the applicant with the clerk and environmental commission, if any, of the municipality in which the facility is prepared, and with the planning board and environmental commission, if any, of the county in which the facility is proposed.

(e) Interested persons may examine the filed application

during normal working hours in the Offices of the Division of Marine Services, in Trenton. Copies of the application will also be filed with the local governing body and the county planning board.

(f) The Department shall produce a stenographic record of the proceedings of any public hearing held pursuant to this Section, and shall maintain a copy in the Offices of the Division of Marine Services.

7:7B-1.5 Local ordinances

Local standards more restrictive than those contained herein shall not be superceded.

7:7B-1.6 Activities in process

(a) The provisions of these rules shall not apply to facilities for which on-site construction, including site preparation, was lawfully in process on or prior to the effective date of the Act.

(b) Review procedures are:

1. Any person who believes a facility he proposes is exempt from the Act by virtue of on-site construction including site preparation, being in process as of the effective date of the Act, may request a determination from the Commissioner regarding the application, or possible application, of the Act and this rule to his project.

2. Such person may request in writing the Commissioner's determination by submitting the following information:

i. A plan or photograph of the site together with a certification that it accurately represents the site on the effective date of the Act;

ii. A statement identifying the date of the work shown in the illustration described in 4.2.1.1 was begun, and whether it was accomplished by or at the direction of the applicant;

iii. Information sufficient for the Commissioner to determine that physical work was actually performed on the site of the proposed facility by or at the direction of the applicant prior to the effective date of the Act, and that such work was performed as part of an unbroken continuum which began with the conception of the idea for the proposed facility and will end with the completion of construction;

iv. Information sufficient for the Commissioner to determine if the work was done lawfully, and that all the required permits for the work so far accomplished were in the applicant's possession at the time the work was done;

v. Any other facts the applicant desires to bring to the Commissioner's attention.

3. The Commissioner shall make his determination within 15 working days of receipt of the request. If no determination is received in the required time, the project will be deemed to be exempt from the requirements of the Act and this regulation.

4. If the Commissioner determines that the work described does not constitute "on-site construction including site preparation" the applicant may request a hearing by written notice to the Department, within 15 days of the decision.

APPENDIX A

A. ENVIRONMENTAL IMPACT STATEMENT

Section 1. An environmental impact statement shall be prepared by the applicant or such consultant or consultants as may be deemed qualified by virtue of their systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in accordance with the criteria and guidelines here-in-after set forth. The impacted area to be studied in detail shall be of sufficient width to encompass all of the alternatives considered.

Section 2. Criteria and guidelines: The following are to be covered in the content of the environmental impact statement:

a. A description of the proposed project including information and technical data adequate to permit a careful assessment of environmental impact including:

- (1) Reason for the project;
- (2) The recommended or favored alternative mapped and/or described;
- (3) Parks, recreational sites, wildlife, refuges and historic sites mapped and described;
- (4) Existing land use, zoning and master plan delineation of project area mapped and described;
- (5) Ambient environmental assets mapped and described.

b. The probable impact of the proposed project on the environment including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis including, but not limited to:

(1) Implications of the proposed action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water and public services of the area are impacted.

c. Any probable adverse environmental effects which cannot be avoided including:

- (1) Water quality;
- (2) Air quality;
- (3) Noise, during and after construction;
- (4) Undesirable land use patterns;
- (5) Damage or destruction of significant plant or wildlife systems;
- (6) Aesthetic values;
- (7) Destruction of natural resources;
- (8) Displacement of people and business;
- (9) Displacement of viable farms;
- (10) Employment and property taxes;
- (11) Destruction of man-made resources;
- (12) Disruption of desirable community and regional growth;
- (13) Health, safety and well-being of the public.

d. A thorough discussion of the steps to be taken, before, during and after construction of the project, to minimize the adverse environmental affects as described in Section 2.c including:

- (1) The effect on the rules, regulations and standards promulgated under State and/or Federal environmental statutes.

e. Alternatives to the proposed project including:

- (1) That of no project;
- (2) Description of alternatives with an objective evaluation of alternatives which might avoid some or all of the adverse environmental effects with the rationale for acceptability or nonacceptability of each alternative;
- (3) An analysis of the costs and social impact of the alternatives including construction problems and benefit to the public which would be provided by the alternatives.

f. The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity assessing the project for cumulative long-term effects from the perspective that each generation is a trustee of the environment for future generations.

g. A quantifiable identification of any irreversible and irretrievable commitments of resources which would be involved in the implementation of the project. This should include energy resources, and an assessment of methods to minimize the project's energy consumption.

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

Phillip J. Boscarell Jr.
Bureau of Marine Lands Management
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 these rules substantially as proposed without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Emergency Rules On Importation of Solid And Liquid Waste from Outside New Jersey

On January 16, 1974, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of Chapter 363 of Public Laws of 1973 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted, in the form of Administrative Order No. 40, emergency rules concerning importation of solid and liquid waste from outside New Jersey.

Full text of the adopted rules follows:

SUBCHAPTER 4. IMPORTATION OF SOLID AND LIQUID WASTE FROM OUTSIDE NEW JERSEY

7:1-4.1 Definitions

"Bulk liquid" or "bulk semi-liquid" means liquid or semi-liquid in the quantity of fifty-five gallons or more.

"Chemical waste" means discarded material resulting from any manufacturing process or other procedure which is or can become chemically active.

"Department" means the Department of Environmental Protection.

"Hazardous waste" means any waste or combination of wastes which pose a substantial present or potential hazard to human health or living organisms, because they can be biologically magnified, or because they can be lethal, or because they may otherwise cause detrimental cumulative effects. They shall include waste materials that are:

1. Toxic or poisonous;
2. Corrosive;
3. Irritating or sensitizing;
4. Radioactive;
5. Biologically infectious;
6. Explosive;
7. Flammable; and
8. Present a significant hazard to human health and/or the environment.

They include, but are not limited to, those materials and concentrations of materials that are determined to be toxic by the Federal Secretary of Health, Education and Welfare pursuant to section 20 (6) of the Occupational Safety and Health Act of 1970 (Public Law 91-596) and

those listed in Part 172, Title 49 of the Code of Federal Regulations issued by the Federal Department of Transportation.

"Liquid waste" means any waste which exists in the liquid state at standard conditions (70 F. and 29.92 in Hg.)

"Pesticide" means any substance or mixture of substances labeled, designed, intended for or capable of use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. The term "pesticide" shall also include any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator.

"Recycling or reclamation facility" means any place, equipment, or plant designed and operated to collect, store, or process and to redistribute separated materials so as to return the material to the raw materials market.

"Resource recovery facility" means any place, equipment, or plant designed and operated to separate or process municipal solid waste into usable secondary materials, including fuel and heat.

"Secondary material" means previously used raw material.

"Semi-liquid" means solid matter in a liquid media (that is, a slurry).

"Solid waste" means garbage refuse, sludge, and other discarded solid materials resulting from industrial, commercial, and agriculture operations and from community activities, and all other waste materials including liquids disposed of incident thereto except solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare, and feed such wastes to swine on their own farms.

7:1-4.2 Out-of-State Waste

(a) No person shall bring into this State, or accept for disposal in this State, any solid or liquid waste which originated or was collected outside the territorial limits of this State. This section shall not apply to:

1. Garbage to be fed to swine in the State of New Jersey;
2. Any separated waste material, including newsprint, paper, glass and metals, that is free from putrescible materials and not mixed with other solid or liquid waste and that is intended for a recycling or reclamation facility;
3. Municipal solid waste to be separated or processed into usable secondary materials, including fuel and heat, at a resource recovery facility provided that not less than 70 per cent of the thru-put of any such facility is to be separated or processed into usable secondary materials; and
4. Pesticides, hazardous waste, chemical waste, bulk liquid, bulk semi-liquid, which is to be treated, processed or recovered in a solid waste disposal facility which is registered with the Department for such treatment, processing or recovery, other than by disposal on or in the lands of this State.

7:1-4.3 Effective date

These rules shall take effect on February 1, 1974.

An order adopting these rules was filed January 18, 1974, as R.1974 d.10 (Exempt, Emergency Rule) to become effective February 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Rules for Pesticides Control

On January 16, 1974, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1F-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning pesticides controls, substantially as proposed in the Notice published September 6, 1973, at 5 N.J.R. 300(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such rules may be cited as N.J.A.C. 7:30-1.1 et seq.

A summary of the substantive changes which were adopted follows:

1. Toxaphene, sodium fluoroacetate and certain phenyl mercury compounds were removed from the prohibit list and added to the specially restricted list.
2. Dichloropropene was combined with dichloropropane on the restricted list and metasystox was removed from the restricted list.
3. If necessary, listed pesticide names were made to conform to the latest listing of the Federal E.P.A. for ingredient statement on pesticide labels.
4. Control programs were more clearly defined and specific guidelines are mentioned.
5. The specific language of "Spanish" was deleted for posting on enclosures containing restricted or specially restricted pesticides.
6. The part of the regulations that prevented direct contact of pesticides to persons was directed to the specific protection of persons in agricultural fields and requirements for properly maintained equipment.
7. The effective dates of the proposed regulations were changed to the date of adoption for all sections except Section 8 — Dealers in Restricted Pesticides and Section 9 — Applicators of Restricted Pesticides, which become effective July 1, 1974.
8. Section numbers were changed slightly.

An order adopting these rules was filed and effective January 18, 1974, as R.1974 d.11.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION DIVISION OF ENVIRONMENTAL QUALITY

Noise Control Regulations

On January 16, 1974, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1G-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new regulations concerning noise control, substantially as proposed in the Notice published October 4, 1973, at 5 N.J.R. 334(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such rules may be cited as N.J.A.C. 7:29-1.1 et seq.

A summary of the substantive changes which were adopted involve the following:

1. Some of the definitions in N.J.A.C. 7:29-1.1 were reworked with the aid of an acoustical consultant and additional inputs from testimony.

2. In N.J.A.C. 7:29-1.2, octave band sound pressure levels were converted to levels approved by the International Standards Organization. Also, impulsive sound was maintained at 80 dBA both day and night as recommended by the consultant.

3. In N.J.A.C. 7:29-1.3, testing was expanded to define testing of sirens as electromechanical devices and as a complete system. Also, it focuses on the use of stationary emergency signaling devices only during actual emergencies and does not make a blanket banning of their use during nighttime hours.

4. A new Section 4 was adopted to indicate that specific methods of measurement and testing will either be defined by or approved by the Department.

An order adopting these rules was filed and effective January 18, 1974, as R.1974 d.12.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions Concerning Lands, Waters and Facilities Under Jurisdiction of the Bureau of Parks

On January 16, 1974, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:8-20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning lands, waters and facilities under the jurisdiction of the Bureau of Parks, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 405(a).

Such revisions will be included in various Sections of Chapter 2 in Title 7 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective January 18, 1974, as R.1974 d.13.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF MARINE SERVICES

BOAT REGULATION COMMISSION

Revisions In Reporting Of Boat Accidents

On December 26, 1973, Thomas M. O'Neill, Director of the Division of Marine Services in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 12:7-34 through 12:7-46 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 7:6-1.8 concerning the reporting of boating accidents, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 407(a).

An order adopting these revisions was filed December 26, 1973, as R.1973 d.367 to become effective January 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Notice of Variances Regarding Sulfur Content of Fuels

During the period of December 13, 1973 through January 15, 1974 the Bureau of Air Pollution Control, Division of Environmental Quality in the Department of Environmental Protection, pursuant to 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 various 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

U. S. Metals Refining Company
American Metals Climax, Inc.
400 Middlesex Avenue, Carteret Boro
Washington Greenhouses
282 East Washington Avenue, Washington Township
Hy-Pro Feed, Incorporated
305 Doremus Avenue, Newark City
J. T. Baker Chemical Company
222 Red School Lane, Phillipsburg Town
Brewster Finishing Co., Inc.
4th Avenue and McLean Blvd., Paterson City
Allied Textile Printers Corp.
1 Van Houten Street, Paterson City
Ethyl Corporation, VisQueen Division
River Road, Flemington Boro
Peter J. Schweitzer Division
Kimberly-Clark Corporation
Main Street, Spotswood Boro
Hercules Incorporated
Neck Road, Burlington Township
Peter J. Schweitzer Division
Kimberly-Clark Corporation
Newark Avenue, Elizabeth City
M & M/Mars
High Street, Hackettstown Town
Shell Chemical Company
A Division of Shell Oil Company
Woodbury City
Hercules Incorporated
Parlin, Sayreville Boro
Metro Containers
An Operation of Kraftco Corporation
West Side Avenue, Jersey City
Metro Containers
An Operation of Kraftco Corporation
Minue Street, Carteret Boro

United States Gypsum Company
 1255 Raritan Road, Clark Township
 United States Gypsum Company
 193 Henderson Street, Jersey City
 Potlatch Corporation
 Shipping Container Operations
 River Road, Holland Township
 Anchor Hocking Corporation
 Griffith Street, Salem City
 Yeast Products, Inc.
 455 Fifth Avenue, Paterson City
 Giant Mills, Inc.
 93 Montgomery Street, Paterson City
 Garden State Paper Company
 950 River Drive, Garfield City
 American Cyanamid Company
 East Main Street, Bridgewater Township
 Poughkeepsie Finishing Corp.
 East Fifth Street, Paterson City
 Whippany Paper Board Co., Inc.
 Eden Mill, Parsippany Road, Hanover Township
 Singer/Kearfott Division
 McBride Avenue, Little Falls Township
 Singer/Kearfott Division
 Totowa Road, Wayne Township
 Kentile Floors, Inc.
 Kentile Road, South Plainfield Boro
 E. I. DuPont de Nemours & Co., Inc.
 Grasselli Works, Linden City
 Georgia-Pacific Corporation
 Foot of Derosse Avenue, Pennsauken Township
 Worthington Standard Pump Corp.
 14 Fourth Avenue, East Orange City
 Castle Creek Fabrics, Inc.
 Northern Dyeing Company
 Brass Castle Road, Washington Boro
 Glidden Durkee
 Division of SCM Corporation
 Route 571, Jackson Township

1.3 per cent sulfur

General Foods Corporation
 Maxwell House Division
 1125 Hudson Street, Hoboken City

1.5 per cent sulfur

Atlantic City Electric Company
 B. L. England Station (No. 2) Upper Township
 Tenneco Chemicals, Inc.
 290 River Road, Garfield City
 Public Service Electric & Gas Company
 Essex Station, Newark City
 Department of the Army, Headquarters
 Military Ocean Terminal, Bayonne City
 Blair Academy
 Blairstown Township
 Merck & Co., Inc.
 126 East Lincoln Avenue, Rahway City
 Anheuser-Busch, Inc.
 200 U. S. Highway #1, Newark City

3 per cent sulfur

Bridgeton Dyeing and Finishing Corp.
 330 East Commerce Street, Bridgeton City
 Tenneco Chemicals, Inc.
 River Road, Raritan Township
 City of Vineland Municipal Utilities
 Vineland City
 Seabrook Farms Co., Inc.
 Seabrook, Upper Deerfield Township

On December 21, 1973 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 provision of N.J.A.C. 7:1-3.3 of administrative order Number 39 issued variances to Public Service Electric and Gas Company to use bituminous coal having a sulfur content not to exceed 3 per cent sulfur by weight in boilers No. 1 and 2 located at Bergen generating station, Ridgefield Borough, Bergen County and boilers No. 5, 6 and 7 located at Burlington generating station, Burlington City, Burlington County for a period not extending beyond March 15, 1974. All authorizations are conditioned upon the implementation of approved standby plans in the event an air pollution alert, warning or emergency is declared.

On January 7, 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 a variance to Atlantic City Electric Company authorizing the use of bituminous coal having a sulfur content not in excess of 3 per cent sulfur by weight in boiler 6/8 located at Deepwater Station, Penns Grove Borough, Salem County for a period not extending beyond March 15, 1974. The variance is conditioned upon the implementation of approved standby plans in the event an air pollution alert, warning or emergency is declared.

On January 9, 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 provision of N.J.A.C. 7:1-3.3 of administrative order Number 39 authorized Public Service Electric and Gas Company to use bituminous coal having a sulfur content not to exceed 1.5 per cent sulfur by weight in Boiler No. 8 at Kearny generating station, Kearny Town, Hudson County and boiler No. 3 at Sewaren generating station, Woodbridge Township, Middlesex County, for a period of 30 days not exceeding beyond February 9, 1974. All authorizations are conditioned upon the implementation of approved standby plans in the event an air pollution alert, warning or emergency is declared.

This Notice was filed January 18, 1974, as R.1974 d.9 (Exempt, Procedure Rule). Take notice that the above text is not subject to codification in the New Jersey Administrative Code and thus will not appear in Title 7 therein.

This Notice is published as a matter of public information.

John K. Rafferty
 Director of Administrative Procedure
 Department of State

(a)

HEALTH

HEALTH CARE ADMINISTRATION BOARD

Proposed Revisions to Manual Of Standards for Nursing Homes

The Department of Health, pursuant to authority of N.J. S.A. 26:H-1 et seq. and with the approval of the Health

Care Administration Board, proposes to revise a portion of the manual of standards for nursing homes concerning nursing services.

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

8:30-5.1(a) 1. There shall be a sufficient number of nursing personnel to provide a minimum of [2½] **two and three-quarter** hours of care for each patient during a 24-hour period (effective March 1, 1974).

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

Arthur Brown
Assistant Commissioner for Health Facilities
State Department of Health
John Fitch Plaza
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)

HEALTH

THE COMMISSIONER

Notice of Changes in Standards for Licensure of Intermediate Dialysis Facilities

Take Notice that the Department of Health adopted rules on standards for licensure of intermediate dialysis facilities and such adoption was filed December 18, 1973, as R.1973 d.363 to become effective January 1, 1974. The Notice of Adoption for these standards was published January 10, 1974, at 6 N.J.R. 11(b) and indicated that the standards were adopted substantially as proposed with only inconsequential structural or language changes.

In order to clarify any confusion regarding these changes, the full text of the revised, adopted Sections affected by these changes follows:

8:36-1.1 "Intermediate dialysis facility" means a profit or nonprofit, official or voluntary health care agency established to serve the people of a specific community or geographic area with organized medical staffs and permanent facilities to provide dialysis services only. The intermediate dialysis facility shall have a written patient transfer agreement with at least one hospital having a chronic renal dialysis center approved by the New Jersey State Department of Health.

8:36-1.18(e) 7. Trash and garbage from the kitchen area shall be separate from that of a renal dialysis area. All renal dialysis material shall be disposed of daily.

This Notice is published as a matter of public information.
John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Notice of Rescheduling of Hearing

Take notice that the Department of Health published a Notice proposing new rules concerning the production, handling, storage, transporting, display and sale of frozen foods in the December 6, 1973, issue of the New Jersey Register at 5 N.J.R. 409(a). In that Notice and in an additional Notice published January 10, 1974, at 6 N.J.R. 10(a), it was indicated that a public hearing on the proposed action would be held on January 22, 1974.

Please note that the public hearing respecting this proposed action has been rescheduled and will be held Tuesday, March 5, 1974, at 10:00 A.M. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

This Notice is published as a matter of public information.
John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Publication of Full Text Of Adopted Rules Concerning Standards for Boarding Homes for Sheltered Care

Take notice that, in the Notice of adoption published January 10, 1974, at 6 N.J.R. 10(e) concerning standards for boarding homes for sheltered care, it was indicated therein that the Department of Health had adopted such rules with only inconsequential structural or language changes. However, the Department now feels that some of those changes might be substantive in nature.

In order to clarify any possible confusion, the full text of the adopted rules follows:

SUBCHAPTER 7. MANUAL OF STANDARDS FOR BOARDING HOMES FOR SHELTERED CARE

8:31-7.1 General provisions

(a) The following amendments relate only to existing licensed facilities with resident occupancy above the second floor level in nonfire-resistant buildings.

1. A comprehensive automatic sprinkler system is to be provided.

2. All floors above the first level are to be subdivided into two sections by a one-hour fire-resistant wall and doors equipped with magnetic hold-open devices, connected to smoke detectors. A means of egress that leads directly to an outside place of refuge must be provided from each subdivision. An outside place of refuge is defined in Section 5-1221 and A-5-1221 of the Life Safety Code 101 of the National Fire Protection Association. The yards, courts or other open spaces to which exits discharge shall be of such size as to provide a minimum of three square feet per person and such area shall be at least 35 feet from the building.

3. Facilities with occupancy above the third floor are to provide two means of egress of Class "B" construction from each subdivision that leads directly to an outside place of refuge. Class "B" construction is defined in Section 5-3111 through Section 5-3:76, inclusive of the Life Safety Code 101 of the National Fire Protection Association. All interior stairways, determined not to be an acceptable means of egress to the outside, are to be protected on all floor levels with Class "B" construction. Doors in this construction are to be equipped with magnetic hold-open devices connected to smoke detectors.

4. All exposed wood construction in the basement is to be protected with one-hour fire-resistant materials. All exposed wood construction shall mean the basement ceiling and all structural members.

5. Illuminated signs are to be provided at all approved exits in the building. Approved exits shall be those in accordance with the requirements of Chapter III, Section IV, of the Manual of Standards for Boarding Homes for Sheltered Care.

6. Emergency lighting is to be available at all times, in hallways, corridors and stairways, to enable residents to make their way out of the facility in the event of an emergency. An automatic standby generator is preferred, but self-charging battery type emergency lights are acceptable.

(b) All licensed facilities with resident occupancy above the second floor level in nonfire-resistant buildings must comply with the recommended regulations by July 1, 1974.

This Notice is published as a matter of public information.
John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Controlled Dangerous Substances Schedules

On January 2, 1974, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-3d and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new controlled dangerous substances schedules.

These schedules list the various items considered by the State Department of Health, to be controlled dangerous substances, as well as their CDS Code numbers, manufacturer, product name, form of product and other related data.

Copies of the full text of 42 pages of such schedules may be obtained from:

Donald J. Foley
Chief, Drug Control
Division of Narcotic and Drug Abuse Control
113 West State Street
Trenton, New Jersey 08625

These schedules will be included in N.J.A.C. 8:65-10.1.

An order adopting these schedules was filed and effective January 2, 1974, as R.1974 d.2 (Exempt, Mandatory Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Revisions Concerning Policy on Skilled Nursing And Intermediate Care Beds

On January 23, 1974, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 8:33-1.11 concerning policy on skilled nursing and intermediate care beds, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 408(c).

An order adopting these revisions was filed and effective January 23, 1974, as R.1974 d.20.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Revised Manual of Standards For Intermediate Care Facilities

On January 23, 1974, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revised manual of standards for intermediate care facilities, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 413(a).

The revised manual may be cited as N.J.A.C. 8:37-1.1 et seq.

An order adopting the revised manual was filed January 23, 1974, as R.1974 d.21 to become effective February 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

HIGHER EDUCATION

HIGHER EDUCATION ASSISTANCE AUTHORITY

Proposed Revisions In Student Loans Policies and Procedures

The New Jersey Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10, proposes to revise a portion of N.J.A.C. 9:9-1.12(a)3. concerning student loans policies and procedures by deleting some of the text therein.

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

9:9-1.12(a)3. The lender should indicate in the appropriate section the recommended amount of the loan and the adjusted family income per proper form. The application should then be signed by the designated official and forwarded [together] with the insurance premium [and letter of character reference] to the Authority; and

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

February 27, 1974, to the Higher Education Assistance Authority, Post Office Box 1293, Trenton, New Jersey 08625.

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

William C. Nester
Director and Secretary of the
Higher Education Assistance Authority
Department of Higher Education

(a)

INSTITUTIONS AND AGENCIES

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Proposed Interim State Plan Supplement For Vocational Rehabilitation Services

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, proposes to adopt an interim State plan supplement for vocational rehabilitation services under Public Law 93-112, the Rehabilitation Act of 1973.

Full text of the proposed supplement follows:

CHAPTER 3. COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

SUBCHAPTER 1. INTERIM STATE PLAN SUPPLEMENT FOR VOCATIONAL REHABILITATION SERVICES UNDER PUBLIC LAW 93-112

10:3-1.1 Basic commitment to Public Law 93-112

The Department of Institutions and Agencies, Commission for the Blind and Visually Impaired, which has been designated to administer the State's vocational rehabilitation program for the type(s) of vocational rehabilitation clients checked above, agrees, effective December 25, 1973, to administer this program pursuant to Public Law 93-112 and the regulations of the Secretary of Health, Education and Welfare and other policy interpretations implementing this law. The State agency recognizes this as an interim plan supplement to be replaced with a State vocational rehabilitation plan submitted in preprint form, pursuant to instructions to be issued by the Rehabilitation Services Administration.

10:3-1.2 Specific commitments

(a) The State agency will expand and improve services to the most severely handicapped, based on the study of a broad variety of means of so doing. (The Program and Financial Plan already submitted, on Form SRS-RSA-1, for fiscal year 1974 describes for this year the methods used to expand and improve such services.)

(b) The Statewide studies of the needs of handicapped individuals and how these needs may be most effectively met will be continued with a view toward showing the relative needs of significant segments of the population of handicapped individuals and the need for expansion of services to the most severely handicapped.

(c) The continuing Statewide studies and the annual evaluation of the effectiveness of the program in meeting the goals and priorities established in the State plan will form, in part, the basis for submitting appropriate plan amendments from time to time.

(d) The State agency, and any sole local agency, will consider in connection with matters of general policy the

views of recipients and providers of vocational rehabilitation services and of others working in that field and of groups thereof.

(e) As a minimum, all vocational rehabilitation services to individuals authorized in Section 103(a) of P.L. 93-112 will be provided, if needed by the individual, in accordance with all requirements of Sections 101(a)(8) and 103(a) of P.L. 93-112.

(f) In the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply, the State agency will show the order of selection of those to whom vocational rehabilitation services will be provided, the outcomes and service goals and the time within which they may be achieved for the individuals selected for services. (Information on the two items above has been furnished for fiscal year 1974 in the program and financial plan on Form SRS-RSA-1, submitted for this year.) The order of selection will be premised upon serving first the most severely handicapped and will be consistent with the principles relating to priorities and outcomes and service goals prescribed in regulations by the Secretary.

(g) The State agency will give special consideration to the rehabilitation of a handicapped individual whose handicap arises from a disability sustained in line of duty as a public safety officer as required in Section 101(a)(13)(B) of P.L. 93-112.

(h) An individualized written rehabilitation program in conformity with Section 102 of P.L. 93-112 will be developed for each individual eligible for services under the act or eligible for services in extended evaluation; services provided under the State plan will be in accordance with such program.

(i) Certain services to individuals will be provided, as required by Section 101(a)(8) of P.L. 93-112, after full consideration of eligibility for similar benefits under any other program.

(j) In providing vocational rehabilitation services, the State will make maximum use of public or other vocational or technical training facilities or other appropriate resources in the community.

(k) The State agency will not pay for training services in institutions of higher education with funds under Title I of the act unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training.

(l) The State agency will periodically reevaluate handicapped individuals placed in extended employment in rehabilitation facilities to determine the feasibility of their employment, or training for employment, in the competitive labor market. The State agency will make maximum efforts to place such individuals in competitive employment or in training for such employment whenever it is determined feasible.

(m) The State agency will furnish such reports as are required by Section 101(a)(10) of the act.

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

Office of the Commission for the
Blind and Visually Impaired
1100 Raymond Boulevard
Newark, New Jersey

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

Maurice G. Kott
Acting Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments In Criteria for Recertification In Class B Special Hospitals

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt amendments to the Manual for Special Hospital Services concerning the criteria for recertification in Class B special hospitals.

Full text of the proposed amendments follows:

10:53-1.4(a)4. iii. The following criteria expressly delineate broad-based parameters directed toward continuing care in all Class B special hospitals. (Please note that all six criteria are interrelated and should not be used singly in forming judgmental decisions for recertification requests but should be used in their entirety. The parameters incorporated in these criteria appear to offer flexibility without rigidity and pragmatism, and suggest a substantial degree of fairness and objectivity to all concerned, particularly the patient.) Criteria for recertification in Class B special hospitals include, as an aggregate, the following parameters:

(1) Special procedure(s): A procedure(s), which is part of an overall program or plan of treatment and which requires the service(s) of a physician specially trained in that procedure, which might be expected, over a period of time, to produce significant beneficial alterations in the patient's current clinical status should be approved for continuing care.

Example: Intrathecal hydrocortisone; alcohol nerve block.

(2) Time factor, initial: If, in the best medical judgment of the Division medical consultant, the initial recertification request, with the necessary data for review, substantiates the need for an additional 30-day period in which to complete a plan of treatment for the patient, certification for that patient shall be approved (this would provide a maximum of 51 days in which to complete all studies and a plan of care).

NOTE: Since the goal, at this point, is to bring the patient to a stage where the overall plan of treatment can be functionally oriented, it is conceivable that a patient may be improving clinically but not increasing his ability to function.

Example: A patient may be admitted in the fetal position with marked spasticity of all four extremities and multiple decubiti. Clinical improvement occurs, as the result of effective treatment, to the point where the decubiti are healing, spasticity has been reduced or eliminated and the patient can be "cleaned up" so that a plan of care may now be completed based on the clinical improvement. The proposed 51 days (the admission period of 21 days plus the initial 30-day certification) should accomplish this purpose and allow the treatment plan to be instituted.

(3) Patients who show continuing functional improvement: Recertification should be approved when functional activity has been demonstrated to show improvement and expectations of continued improvement may be anticipated when related to the overall plan of treatment.

Example: Severe flexion deformities and contractures of the hand have improved to the point where the patient

may extend and flex the fingers with a substantial degree of mobility. Functional improvement, however, is not considered to have occurred until the patient, with continuing therapy, has reached a level of manual dexterity which enables him to grasp and pick up a knife, fork, pencil or other object in a quasi-coordinated manner which could be expected to further improve to the point of useful function.

(4) Plateauing of the patient: When the patient has reached his best functional level and demonstrates no significant further improvement in function, recertification should be denied except for unusual and/or extenuating circumstances.

(5) The patient requiring a level or type of care the facility is unable to provide: Recertification should be denied.

Example: A patient who, in addition to his primary disease or illness, sustains an acute myocardial infarction, exsanguinating hemorrhagic diathesis, perforated peptic ulcer or the like, necessitating a type of care in excess of that which can be adequately provided by the facility. This criterion is not intended to preclude a lesser type or lower level of care if the patient, in accordance with the remaining listed criteria, requires that lower level.

(6) Remissions and exacerbations: Recertification should be denied if the disease entity is characterized by remissions and exacerbations and it is felt that a maximum functional level cannot be attained and/or maintained following one year of active implementation of the plan of treatment unless extenuating circumstances prevail.

Example: Certain disease states, notably those of neurologic etiology, may characteristically show remissions from time to time but during such periods of remission the functional level attained by the patient may never quite equal that of the preceding remission. This criterion is established to prevent prolonged unnecessary stay in specialized facilities based solely on remission and exacerbation.

(7) Patient discharge: In those cases where the patient has reached the condition described in (4) above, up to 30 days will be allowed for alternative placement.

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

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

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

Maurice G. Kott
Acting Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Vision Care Manual

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1

et seq., proposes to adopt revisions to the Vision Care Manual.

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

10:62-1.5(a) Note 2: Exception: Screening examinations performed more frequently than once every two years for persons [16] 19 years of age or over or more frequently than once a year for persons less than [16] 19 years of age or 60 years of age or over require prior authorization.

10:61-1.5(b) Note: Exception: Comprehensive eye examination performed more frequently than once every two years for persons [16] 19 years of age or more frequently than once a year for persons less than [16] 19 years of age or 60 years of age or over require prior authorization.

10:62-1.6(a)3. Screening and/or comprehensive eye examination performed more frequently than once every two years for persons [16] 19 years of age or over or more than annually for persons less than [16] 19 years of age or 60 years of age or over.

10:62-2.3(a) [Case hardened lenses may be prescribed for any person as determined by the attending ophthalmologist or optometrist. These are required for all persons requiring minus cylinder or minus lenses, for persons under 21, for persons with monocular vision, for elderly ambulatory persons, for epileptics, and for persons with markedly impaired vision. Minimum thickness of all case hardened lenses is to be 2.0mm.]

10:62-3(a) Safety lenses must meet impact resistant standards as set forth in United States Food and Drug Administration regulations.

[(b) Justification of need must be documented prior to dispensing of plastic lenses.]

[(c) (b) Bifocals and/or multifocal lenses, unless otherwise substantiated (See N.J.A.C. 10:63-2.2(a)2.), shall be dispensed for the appropriate condition.

[(d) (c) For pricing purposes, all prescriptions shall be written in minus cylinder form.

10:62-2.3(e) The total correction must be at least [0.05] 0.50 diopter in spherical or cylindrical power.

10:62-2.3(f) The total change in the correction must be at least [0.05] 0.50 diopter in spherical or cylinder power, or a change of five degrees or more in cylinder axis.

10:62-2.3(i) The policy for duplication or reproduction of the same correction is:

1. A reexamination and new prescription is required if more than one year (or two years in the case of an individual [16 years of age or over] between 19 years of age and 59 years of age) has elapsed since the date of the original prescription.

10:62-4.2(a) 5. Glass [Nusite - Bifocals] Bifocals - Nusite - Ultex A

10:62-4.2(a) 10. Glass Bifocals - Flattop - Executive - Full-Vue [Ultex A]

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

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

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

Maurice G. Kott
Acting Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Physicians Manual

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the rules regarding specialist recognition as outlined in the Physicians Manual, to include diplomates of the American Board of Family Practice.

Such revisions, if adopted, will be included in Chapter 54 of Title 10 in the New Jersey Administrative Code.

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

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

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

Maurice G. Kott
Acting Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MENTAL HEALTH AND HOSPITALS

BUREAU OF COMMUNITY MENTAL HEALTH SERVICES

Proposed Revisions to Rules Governing State Aid Under Community Mental Health Services Act

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 39:9A-10, proposes to revise a portion of the rules governing State aid under the Community Mental Health Services Act as adopted July 1, 1970. The proposed revisions shall be applicable to all existing and new facilities approved to participate in the matching moneys program under the Act's provisions.

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

Note: Delete in its entirety the current text in paragraph 2 of the definition of "precare and after-care" in N.J.A.C. 10:37-6.3 and insert the following proposed text in place thereof.

2. Aftercare is defined as a service specifically to meet the needs of patients previously hospitalized in any psychiatric hospital or a psychiatric unit of a general hospital. It involves as a very minimum a psychiatrist, social worker and mental health aides. It may include psychiatric nurses, psychologist and rehabilitation counselors. The service must insure that the patient has access to medication resources.

10:37-7.2(a) 1. Projects which have developed a comprehensive community mental health center program and have received an approved center grant under the provisions of Title II, Public Law 91-211.

10:37-7.2(a)[1.] 2. Projects which affiliate with community and psychiatric hospitals in preparation for developing a comprehensive community mental health center program.

10:37-7.2(a)[2.] 3. Projects which expand their services in preparation for contracting with other elements to form community mental health center programs.

Note: The current text of 10:37-7.3(a) is to be deleted and replaced with the following text.

10:37-7.3(a) The increased per capita of \$0.50 which would be made possible by passage of S-1262 is to be allocated in the following categories:

1. Ten cents of the increased per capita, or any part thereof, is to be made available for use of community outpatient projects currently participating in Community Mental Health Services Act funds as recommended by the county mental health board. The project must clearly demonstrate that this increased per capita is utilized to cover only reasonable operating costs. The increased moneys may not be used to pay extraordinary salary increases.

2. Fifteen cents of the increased per capita is to be utilized to develop, or expand, aftercare services in outpatient or partial hospitalization projects as recommended by the county mental health board.

3. In counties wherein aftercare services are already operating in each service area within existing outpatient or partial hospitalization projects, the 15 cent increase per capita may be utilized to develop or expand emergency service, partial hospitalization or consultation and education elements as recommended by the county mental health board.

4. Ten cents of the increased per capita is to be utilized to develop, or expand, emergency service projects in each service area as recommended by the county mental health board.

5. In counties wherein emergency service projects are already operating in each service area, the 10 cent per capita increase may be utilized to develop or expand partial hospitalization or consultation and education elements as recommended by the county mental health board.

6. Fifteen cents of the increased per capita is to be utilized to develop or expand emergency service, partial hospitalization or consultation and education elements of service as recommended by the county mental health board.

7. The increased per capita may be matched with existing local moneys to the extent that such moneys exceed the 40 per cent share of the total allowable budget of the sponsoring project to allow for 60 per cent State—40 per cent local division of costs as provided in the statute.

10:37-10.6(a) [5. Drugs or medications;]

[6]5. Supplementing the salary of Federal government employees assigned to the State;

[7]6. Dues for membership of an individual in any society or organization;

[8]7. Fund-raising campaign expenses;

[9]8. Moving expenses of individuals or expenses involved in relocation of the project.

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

Bureau of Community Mental Health Services
Department of Institutions and Agencies
167 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 these revisions substantially as proposed without further notice.

Maurice G. Kott
Acting Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES DIVISION OF PUBLIC WELFARE

Revisions Concerning Deprivation of Parental Support or Care and Child Born Out of Wedlock

On January 22, 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 portions of the Manual of Administration concerning deprivation of parental support or care and child born out of wedlock to comply with the recent decision in *Shirley v. Lavine*, 365F. Supp. 818 (D.N.Y. 1973).

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

10:81-26.9(a) 3. [If the deserted applicant parent (or the parent person for the deserted child) is unwilling or refuses to give information which might lead to establishing desertion and the securing of financial resources through a support order, the needs of such person shall be deleted from the grant. (FAM 201).]

There shall be no denial of assistance because a parent or parent person does not cooperate in naming the reputed father of a child born out of wedlock or in seeking support from a person with legal responsibility to support the child.

10:81-26.52(d) [If in an action brought by CWB the mother fails or refuses to provide information leading to the identification of the reputed father to the extent that the court upon examination finds her to be in contempt, the needs of the mother shall be deleted from the grant. (Financial Assistance Manual 201. e.(2)(a)).]

There shall be no denial of assistance because the mother fails or refuses to provide information leading to the identification of the reputed father.

An order adopting these revisions was filed and effective January 23, 1974, as R.1974 d.22 (Exempt, Mandatory Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Manual for Psychological Services

On December 28, 1973, Maurice G. Kott, Acting 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 Manual for Psychological Services, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 415(a).

Such manual may be cited as N.J.A.C. 10:67-1.1 et seq.

An order adopting this manual was filed December 28, 1973, as R.1973 d.368 to become effective January 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Manual for Chiropractic Services

On December 28, 1973, Maurice G. Kott, Acting 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 Manual for Chiropractic Services, as proposed in the Notice published December 6, 1973, at 5 N.J.R. 414(b).

The manual may be cited as N.J.A.C. 10:68-1.1 et seq. Take notice that, in the proposal Notice it was erroneously indicated that this manual would constitute Chapter 66 in Title 10.

An order adopting this manual was filed December 28, 1973, as R.1973 d.369 to become effective January 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions In Payment Guidelines

On January 15, 1974, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Pharmacy Manual concerning payment guidelines, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 266(b).

Such revised rule may be cited as N.J.A.C. 10:51-1.11.

An order adopting these revisions was filed January 22, 1974, as R.1974 d.19 to become effective March 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

INSURANCE

NEW JERSEY REAL ESTATE COMMISSION

Proposed Amendment to Rule Concerning Sales

Frederick A. Organ, Secretary Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-16.1 et seq., proposes to adopt a new amendment to the rule concerning promotional sales.

Full text of the proposed new amendment follows:

11:5-1.25(b)14. The Commission at its discretion may consider the report of the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, as compliance with N.J.S.A. 45:15-16.1 and paragraphs 1 through 13 of this subsection (N.J.A.C. 11:5-1.25 (b)). The acceptance of the O.I.L.S.R. report shall be conditioned upon an acceptable site inspection by this Commission or its designee. No sales activity will be permitted until proper authorization has been received by the broker from this Commission or its designee.

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

Frederick A. Organ
Secretary Director
New Jersey Real Estate Commission
201 East State Street
Trenton, New Jersey 08625

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

Frederick A. Organ
Secretary Director
New Jersey Real Estate Commission
Department of Insurance

(e)

LABOR AND INDUSTRY

THE COMMISSIONER

Proposed Revisions On Extent of Coverage

Ronald M. Heymann, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-25, proposes to adopt revisions to the rule concerning medical evaluations and maximum fees under the State Plan for temporary disability benefits.

The revisions propose to delete the current text of N.J. A.C. 12:18-3.1(f) and (g) and adopt new text therein.

Full text of the proposed new text follows:

12:18-3.1(f) If a claimant shall refuse to submit to a physical examination by a physician, dentist, chiropodist or chiropractor designated by the Commissioner of Labor and Industry or his designee, the claimant shall be disqualified from receiving all benefits for the period of disability in question, except as to benefits already paid.

(Continued on Page 31)

NEW JERSEY REGISTER

1973 CUMULATIVE INDEX

For Vol. 5—Cited 5 N.J.R. 1-432

(Index for Vol. 4 is in Jan., 1973 Register)

THE YEAR'S RULE-MAKING ACTIVITIES OF STATE AGENCIES

Adopted Rules and those Not Yet Adopted as of publication of
Notice through Dec. 6, 1973 issue of the New Jersey Register

AGRICULTURE

	Notice of Adoption
Hog Cholera Quarantine in Counties	5 N.J.R. 2(a)
Cholera Quarantine for Entire State	5 N.J.R. 2(b)
Emergency Rule on Hog Cholera	5 N.J.R. 3(a)
Quarantine on Movement in State	5 N.J.R. 3(b)
Revision on Supplying Equipment	5 N.J.R. 3(c)
Revisions on Brucellosis Reactors	5 N.J.R. 3(d)
Continue Hog Cholera Quarantine	5 N.J.R. 30(b)
Adopt Codified Rules	5 N.J.R. 31(a)
Partial Lifting of Quarantine	5 N.J.R. 31(b)
Egg Harbor Township Quarantine	5 N.J.R. 31(c)
Burlington Quarantine Released	5 N.J.R. 32(a)
Adopt Rules for Dairy License Applicants	5 N.J.R. 75(a)
Hog Cholera Release, Egg Harbor	5 N.J.R. 76(a)
Hog Cholera Release, Gloucester County	5 N.J.R. 76(b)
Adopt Rule for Anemia Fees	5 N.J.R. 102(a)
Adopt Rule on Brucellosis	5 N.J.R. 102(b)
Adopt Tuberculosis Control Rule	5 N.J.R. 102(c)
Revise Dairy Equipment Supply Rules	5 N.J.R. 134(b)
Revise Official Egg State Seal	5 N.J.R. 134(c)
Adopt Rule on Florida Tomato Plants	5 N.J.R. 135(a)
Correction for Egg Seal Notice	5 N.J.R. 182(a)
Adopt Rules for Sire Stakes	5 N.J.R. 214(b)
Adopt Commercial Values Changes	5 N.J.R. 255(c)
Adopt Horse Quarantine Rules	5 N.J.R. 327(a)
Suspend Some Milk Handling Provisions	5 N.J.R. 327(b)
Revise Brucellosis Test Times	5 N.J.R. 327(c)
Revise Tuberculin Test Times	5 N.J.R. 327(d)
Adopt Egg Labeling Rule	5 N.J.R. 328(a)
Adopt Appraisal Method Revisions	5 N.J.R. 363(b)

	Not Yet Adopted
Proposed Change in Horse Importation	5 N.J.R. 326(a)
Proposed Egg Labeling Rule	5 N.J.R. 362(a)
Proposed Contract Settlement Rule	5 N.J.R. 363(a)
Proposed Tomato Plant Revision	5 N.J.R. 402(a)

BANKING

	Notice of Adoption
Rules on Legal Fees	5 N.J.R. 33(a)
Adopt Rules on Bank Liability	5 N.J.R. 103(b)
Revise Ten Per Cent Limitation	5 N.J.R. 136(b)
Adopt Rules on Credit Advertising	5 N.J.R. 183(a)
Adopt Repair Loan Revisions	5 N.J.R. 183(b)
Adopt Mortgage Loan Limitation Rules	5 N.J.R. 258(a)
Revise Interest Rate Rule	5 N.J.R. 258(b)
Adopt Out-of-State Mortgage Rules	5 N.J.R. 258(c)
Adopt Bank Protection Rule	5 N.J.R. 258(d)
Adopt Bank Incorporator Report Rule	5 N.J.R. 258(e)
Revise Procedural Rules	5 N.J.R. 298(a)
Amend Population Estimate Source	5 N.J.R. 328(b)
Adopt Student Loan Rule	5 N.J.R. 328(c)
Revise Savings Bank Reserve Rule	5 N.J.R. 328(d)
Revise Reserve Required by Banks	5 N.J.R. 328(e)
Adopt Business Solicitation Rules	5 N.J.R. 364(c)
Amend Bank Incorporator Reports	5 N.J.R. 364(d)
Adopt Rule on Mortgage Loan Ads	5 N.J.R. 365(a)

	Not Yet Adopted
Proposed Attorney Selection Rule	5 N.J.R. 215(b)
Proposed Mortgage Revisions	5 N.J.R. 363(c)
Proposed Bank Office Protection	5 N.J.R. 364(a)
Proposed Financial Report Repeal	5 N.J.R. 364(b)
Proposed Pawnbroker Fee Changes	5 N.J.R. 403(a)

These five index pages, while numbered, may be removed without affecting contents of rules in this issue.

CIVIL SERVICE

Notice of Adoption

Revise Commission Rules	5 N.J.R. 33(b)
Adopt Local Personnel Manual	5 N.J.R. 136(c)
Adopt State Personnel Manual	5 N.J.R. 137(a)
Adopt Rule on CS-31B Forms	5 N.J.R. 184(a)
Adopt Personnel Manual Revisions	5 N.J.R. 184(b)
Revise State Personnel Manual	5 N.J.R. 216(c)
Revise Local Personnel Manual	5 N.J.R. 216(d)
Revise State Personnel Manual	5 N.J.R. 259(a)
Revise Local Personnel Manual	5 N.J.R. 259(b)
Revise Local, State Personnel Manuals	5 N.J.R. 365(b)

COMMUNITY AFFAIRS

Notice of Adoption

Adopt Rules on Mobile Homes	5 N.J.R. 7(a)
Editorial Changes for Safety Glass	5 N.J.R. 78(a)
Revise Building Definitions	5 N.J.R. 369(a)

Not Yet Adopted

Proposed Hotel Construction Revisions	5 N.J.R. 217(a)
Proposed Local Activities Changes	5 N.J.R. 366(a)
Proposed Fiscal Assistance Changes	5 N.J.R. 368(a)

EDUCATION

Notice of Adoption

Adopt Small Vehicle Rules	5 N.J.R. 36(a)
Repeal Junior High Certification	5 N.J.R. 36(b)
Adopt Rule on Reading Specialist	5 N.J.R. 36(c)
Waive Student Teaching Requirement	5 N.J.R. 79(c)
Adopt Vocational School Revisions	5 N.J.R. 104(a)
Revise Statewide Assessment Rules	5 N.J.R. 104(b)
Adopt School Bus Emergency Changes	5 N.J.R. 104(c)
Adopt School Bus Rail Crossing Rules	5 N.J.R. 139(a)
Revise Library Incentive Grants	5 N.J.R. 139(b)
Adopt Bus Body Color Changes	5 N.J.R. 185(a)
Adopt School Bus Driver Revisions	5 N.J.R. 220(a)
Revise Small Vehicle Requirements	5 N.J.R. 260(a)
Revise Athletics Personnel Rule	5 N.J.R. 298(b)
Adopt Revision on Written Decisions	5 N.J.R. 332(a)
Emergency Rule on Written Decisions	5 N.J.R. 332(b)
Revise Pupil Transportation Rules	5 N.J.R. 333(a)
Revise Graduation Credit Rules	5 N.J.R. 333(b)
Revise Vocational Coordinator Rule	5 N.J.R. 333(c)
Revise School Planning Guide	5 N.J.R. 403(b)
Revise High School Equivalency	5 N.J.R. 403(c)
Adopt Adult High School Rules	5 N.J.R. 403(d)

Not Yet Adopted

Proposed Community Services Rule	5 N.J.R. 79(a)
Proposed Social Worker Certification	5 N.J.R. 137(b)

ENVIRONMENTAL PROTECTION

Notice of Adoption

Adopt Wetlands Extension in Three Areas	5 N.J.R. 8(a)
Revise Air Pollution Rules	5 N.J.R. 38(a)
Revise Air Quality Standards	5 N.J.R. 38(b)

Adopt Fish and Game Schedules	5 N.J.R. 38(c)
Close Certain Shellfish Beds	5 N.J.R. 39(a)
Extend Ice Fishing Season	5 N.J.R. 39(b)
Revise Dog Field Trial Rules	5 N.J.R. 105(c)
Extend Wetlands Order to Cape May	5 N.J.R. 106(a)
Adopt Oyster Bed Closing	5 N.J.R. 140(b)
Open Certain Oyster Beds	5 N.J.R. 141(a)
Open Certain Shellfish Beds	5 N.J.R. 141(b)
Adopt Mullica River Oyster Bed Order	5 N.J.R. 141(c)
Extend Wetlands Order to Atlantic	5 N.J.R. 186(a)
Extend Wetlands Order to Burlington	5 N.J.R. 186(b)
Adopt Hull I.D. Numbers Rules	5 N.J.R. 186(c)
Adopt Island Beach Park Rules	5 N.J.R. 187(a)
Adopt 1973-1974 Game Code	5 N.J.R. 221(b)
Adopt Air Pollution Practice Rules	5 N.J.R. 221(c)
Extend Wetlands Order in Mercer County	5 N.J.R. 222(a)
Extend Wetlands Order in Camden County	5 N.J.R. 222(b)
Extend Wetlands Order to Gloucester	5 N.J.R. 261(c)
Amend 1973-74 Game Code	5 N.J.R. 304(b)
Adopt Out-of-State Waste Rule	5 N.J.R. 336(a)
Adopt Manasquan River Trap Rules	5 N.J.R. 336(b)
Amend 1973 Fish Code	5 N.J.R. 336(c)
Adopt 1974 Fish Code	5 N.J.R. 337(a)
Revise Life-Saving Devices Rule	5 N.J.R. 337(b)
Adopt Controlled Hunting Rules	5 N.J.R. 370(a)
Adopt Well Sealing Rules	5 N.J.R. 370(b)
Adopt Solid Waste Practice Rules	5 N.J.R. 370(c)
Open Certain Oyster Beds	5 N.J.R. 370(d)
Adopt Fishing Sieve Change	5 N.J.R. 371(a)
Amend Shellfish Resolution	5 N.J.R. 371(b)
Adopt Emergency Sulfur Rules	5 N.J.R. 404(a)
Extend Wetlands Order to Cape May	5 N.J.R. 408(b)

Not Yet Adopted

Proposed Shellfish Waters Revisions	5 N.J.R. 80(a)
Proposed Water Quality Standards	5 N.J.R. 220(b)
Proposed Noise Control Rules	5 N.J.R. 298(c)
Proposed Pesticides Control Rules	5 N.J.R. 300(a)
Proposed Wetlands Extension	5 N.J.R. 333(d)
Proposed Rules on Noise Control	5 N.J.R. 334(a)
Proposed Solid Waste Revisions	5 N.J.R. 369(b)
Proposed Fish Code Amendment	5 N.J.R. 369(c)
Proposed Changes in Parks Rules	5 N.J.R. 405(a)
Proposed Boating Accident Changes	5 N.J.R. 407(a)

HEALTH

Notice of Adoption

Adopt Nursing Home License Changes	5 N.J.R. 8(b)
Adopt Administrative Manual Changes	5 N.J.R. 8(c)
Adopt Drug Manufacturing Rules	5 N.J.R. 41(a)
Adopt Locomotion Control Rule	5 N.J.R. 41(b)
Adopt Fluid Milk Rules	5 N.J.R. 42(a)
Adopt Drug Control Schedules	5 N.J.R. 42(b)
Adopt Drug Registration Rules	5 N.J.R. 42(c)
Adopt Certificate Transfer Guidelines	5 N.J.R. 107(a)
Revise Frozen Dessert Definitions	5 N.J.R. 107(b)
Revise Food, Cosmetic Licensing	5 N.J.R. 143(a)
Amend Financial Feasibility Studies	5 N.J.R. 143(b)
Adopt Filing Fee Schedule	5 N.J.R. 188(a)
Revise Financial Aid Guidelines	5 N.J.R. 188(b)

Change Status of Methaqualone	5 N.J.R. 222(d)
Adopt Health Care License Fees	5 N.J.R. 222(e)
Adopt State Plan for Hospitals	5 N.J.R. 223(a)
Revise Hospital Obstetric Rules	5 N.J.R. 223(b)
Revise Ownership Transfer Guidelines	5 N.J.R. 263(a)
Adopt Skilled Nursing Policy Rule	5 N.J.R. 337(d)
Revise Certified Health Rules	5 N.J.R. 375(c)
Revise Certified Health Manual	5 N.J.R. 375(d)
Adopt Mecloqualone Emergency Rule	5 N.J.R. 413(b)

Not Yet Adopted

Proposed Intermediate Care Provisions	5 N.J.R. 187(b)
Proposed Food Preparation Rule	5 N.J.R. 262(a)
Proposed Bacterial Standards	5 N.J.R. 262(b)
Proposed Hospital Report Rules	5 N.J.R. 337(c)
Proposed Dialysis Licensing Rules	5 N.J.R. 372(b)
Proposed Hospital Service Criteria	5 N.J.R. 372(c)
Proposed Security Control Changes	5 N.J.R. 373(a)
Proposed Boarding Home Revisions	5 N.J.R. 374(a)
Proposed Need Certification Criteria	5 N.J.R. 374(b)
Proposed Methaqualone Revisions	5 N.J.R. 375(a)
Proposed Hospital Reporting Rules	5 N.J.R. 375(b)
Proposed Skilled Nursing Changes	5 N.J.R. 408(c)
Proposed Rules For Frozen Foods	5 N.J.R. 409(a)
Proposed Intermediate Care Changes	5 N.J.R. 413(a)

HIGHER EDUCATION

Notice of Adoption

Adopt Tenure Policies Rules	5 N.J.R. 8(e)
Adopt Community College Tenure Rules	5 N.J.R. 9(a)
Adopt Student Loan Policies	5 N.J.R. 107(d)
Adopt Student Health Rule	5 N.J.R. 108(a)
Adopt College Accounting Rules	5 N.J.R. 109(a)
Adopt County College Manual Changes	5 N.J.R. 223(d)
Revise Alternate Benefit Program	5 N.J.R. 263(c)
Adopt Rules on Outside Employment	5 N.J.R. 264(a)
Readopt State College Rules	5 N.J.R. 265(a)
Readopt Community College Rules	5 N.J.R. 265(b)
Adopt Department Code of Ethics	5 N.J.R. 265(c)
Adopt College Standards	5 N.J.R. 376(a)
Revise Community College Rules	5 N.J.R. 376(b)

INSTITUTIONS AND AGENCIES

Notice of Adoption

Adopt Resources Rule Changes	5 N.J.R. 13(a)
Revise Maximum Assistance Schedules	5 N.J.R. 47(b)
Revise Hospital Manual	5 N.J.R. 47(c)
Revise Financial Assistance Manual	5 N.J.R. 83(b)
Revise Administration Manual	5 N.J.R. 84(a)
Revise Financial Assistance Manual	5 N.J.R. 85(a)
Revise Employment Training Manual	5 N.J.R. 85(b)
Adopt Rules for Adoption Agencies	5 N.J.R. 86(a)
Adopt Service Payment Revisions	5 N.J.R. 112(a)
Adopt Medical Assistance Revisions	5 N.J.R. 112(b)
Adopt Legal Settlement Revisions	5 N.J.R. 112(c)
Revise Financial Assistance Manual	5 N.J.R. 147(b)
Financial Assistance Manual Changes	5 N.J.R. 147(c)
Adopt Rules on Use of Form GA-19	5 N.J.R. 147(d)

Revise Incapacity Rules	5 N.J.R. 148(a)
Revise Manual of Administration	5 N.J.R. 148(b)
Revise Financial Assistance Manual	5 N.J.R. 148(c)
Adopt Procedure Participation Rules	5 N.J.R. 149(a)
Revise Transportation Rules	5 N.J.R. 149(b)
Adopt Rules on Outstanding Checks	5 N.J.R. 149(c)
Revise Health Service Manual	5 N.J.R. 149(d)
Adopt Child Care Certificate Rule	5 N.J.R. 149(e)
Adopt Intermediate Care Standards	5 N.J.R. 190(a)
Revise Military Service Manual	5 N.J.R. 228(a)
Revise Hearing Aid Battery Rules	5 N.J.R. 228(b)
Revise Orthodontic Services Rules	5 N.J.R. 228(c)
Adopt Working Poor Revisions	5 N.J.R. 281(a)
Adopt Optical Service Rules	5 N.J.R. 281(b)
Adopt Funeral Expense Revisions	5 N.J.R. 281(c)
Adopt Subsidized Adoptions Rules	5 N.J.R. 308(a)
Adopt Fair Hearings Rules	5 N.J.R. 308(b)
Revise Manual of Administration	5 N.J.R. 308(c)
Adopt Independent Clinics Manual	5 N.J.R. 339(b)
Amend Financial Assistance Manual	5 N.J.R. 340(a)
Revise Child Care Manual	5 N.J.R. 340(b)
Revise Adult Care Rules	5 N.J.R. 340(c)
Revise Assistance Need Manual	5 N.J.R. 340(d)
Revise AFWP Program	5 N.J.R. 340(e)
Revise Stepparents Rules	5 N.J.R. 340(f)
Delete ADC Income Rules	5 N.J.R. 341(a)
Revise ADC Program	5 N.J.R. 341(b)
Revise Working Poor Budget Rules	5 N.J.R. 341(c)
Revise Support Rules	5 N.J.R. 341(d)
Adopt Non-Legend Drugs Rule	5 N.J.R. 341(e)
Revise Dental Manual	5 N.J.R. 341(f)
Revise Hospital Manuals	5 N.J.R. 342(a)
Revise Compensation Plan	5 N.J.R. 342(b)
Revise Family Service Rules	5 N.J.R. 379(a)
Revise Child Care Rules	5 N.J.R. 379(b)
Revise Pharmaceutical Manual	5 N.J.R. 384(a)
Adopt Factoring Rule	5 N.J.R. 415(b)
Revise Medical Care Standards	5 N.J.R. 415(c)
1974 State Plan Revision	5 N.J.R. 415(d)
Amend Hospital Manuals	5 N.J.R. 420(a)
Adopt Multi-location Provider Rule	5 N.J.R. 420(b)

Not Yet Adopted

Proposed Stolen Check Rules	5 N.J.R. 46(b)
Proposed Past Referral Obstetrics Rule	5 N.J.R. 144(b)
Proposed Medical Supplies Manual	5 N.J.R. 226(a)
Proposed Administration Manual Changes	5 N.J.R. 227(b)
Proposed Pharmacy Manual Changes	5 N.J.R. 266(b)
Proposed Youth and Family Changes	5 N.J.R. 279(a)
Proposed Administration Manual Changes	5 N.J.R. 305(c)
Proposed Intermediate Care Changes	5 N.J.R. 376(c)
Proposed Dental Provider Rule	5 N.J.R. 377(a)
Proposed Administration Manual Changes	5 N.J.R. 377(b)
Proposed Fair Hearing Changes	5 N.J.R. 377(c)
Proposed Public Assistance Changes	5 N.J.R. 378(a)
Proposed Welfare Grant Revisions	5 N.J.R. 378(b)
Proposed Interim Services Plan	5 N.J.R. 414(a)
Proposed Chiropractic Manual	5 N.J.R. 414(b)
Proposed New Abortion Rules	5 N.J.R. 414(c)
Proposed Psychological Manual	5 N.J.R. 415(a)

INSURANCE

Notice of Adoption

Adopt Rules on Automobile Repair	5 N.J.R. 13(c)
Amend Insurance Identification Rule	5 N.J.R. 47(d)
Adopt Liability Renewal Rules	5 N.J.R. 48(a)
Revise Insurance Identification Cards	5 N.J.R. 48(b)
Amend Examination Rules	5 N.J.R. 86(b)
Adopt Rules on Higher Rate Filings	5 N.J.R. 113(b)
Adopt Format Filing Rules	5 N.J.R. 190(b)
Adopt Insurance Card I.D. Changes	5 N.J.R. 229(b)
Revise Educational Requirements	5 N.J.R. 229(c)
Revise Salesman's Age Rule	5 N.J.R. 316(a)
Adopt Insurance I.D. Card Revisions	5 N.J.R. 350(b)
Revise Examination Rules	5 N.J.R. 388(a)

Not Yet Adopted

Proposed Fire Policy Cancellation Rule	5 N.J.R. 228(e)
Proposed School Requirements Revisions	5 N.J.R. 229(a)
Proposed Mass Marketing Rules	5 N.J.R. 309(a)
Proposed Group Coverage Rules	5 N.J.R. 342(c)
Proposed Insurance Advertising Rules	5 N.J.R. 384(b)

LABOR AND INDUSTRY

Notice of Adoption

Adopt Group Account Payment Changes	5 N.J.R. 86(c)
Adopt Prevailing Wage Rate Listing	5 N.J.R. 114(b)
Set Maximum Compensation Rate	5 N.J.R. 316(b)
Set Maximum Weekly Rate	5 N.J.R. 316(c)

LAW AND PUBLIC SAFETY

Notice of Adoption

Adopt Rules on Truck Counterpart Fees	5 N.J.R. 18(a)
Adopt Nonconventional Vehicle Rule	5 N.J.R. 18(b)
Adopt Alcohol Countermeasure Rules	5 N.J.R. 18(c)
Adopt Crime Board Practice Rules	5 N.J.R. 53(a)
Legislative Agents Listed	5 N.J.R. 53(b)
Adopt Mileage Reading Rule	5 N.J.R. 53(c)
Adopt Auto Transfer Rule	5 N.J.R. 53(d)
Revise General Practice Rules	5 N.J.R. 54(a)
Adopt Administrative Rules	5 N.J.R. 54(b)
Revise Legislative Report Form	5 N.J.R. 54(c)
Revise Financial Responsibility Rule	5 N.J.R. 119(b)
Revise Rules on Prescriptions	5 N.J.R. 120(a)
Adopt Rule on Insurance Notification	5 N.J.R. 120(b)
Adopt Special Road Closing Rules	5 N.J.R. 166(a)
Adopt Prescription Department Rule	5 N.J.R. 166(b)
Adopt Foreign Dental Graduate Rules	5 N.J.R. 166(c)
Adopt Funeral Expense Rules	5 N.J.R. 195(a)
Revise Auto Race Track Rules	5 N.J.R. 195(b)
Adopt Crime Compensation Rules	5 N.J.R. 195(c)
Adopt Comprehension Exam Changes	5 N.J.R. 239(a)
Adopt Rules on Retail Meat Sales	5 N.J.R. 239(b)
Adopt Plumber Bond Revisions	5 N.J.R. 239(c)
Emergency Services Act Rules	5 N.J.R. 284(a)
Adopt Mail Order Practice Rules	5 N.J.R. 290(a)
Revise Nursing Requirements	5 N.J.R. 290(b)
Revise Funeral Training Rules	5 N.J.R. 290(c)
Adopt Auto Advertising Rules	5 N.J.R. 290(d)
Adopt Bus Excise Tax Rules	5 N.J.R. 290(e)
Repeal Medical Examiner Rules	5 N.J.R. 291(a)

Revise Dental Hygiene Exam Rules	5 N.J.R. 291(b)
Revise Dentistry Licensing Rules	5 N.J.R. 291(c)
Revise Consumer Hearing Rules	5 N.J.R. 291(d)
Adopt Motor Fuel Compliance Rules	5 N.J.R. 317(b)
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Revise Pharmacist-in-Charge Rule	5 N.J.R. 356(c)
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Adopt Automobile Repair Rules	5 N.J.R. 390(d)
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Proposed Medical Internship Standards	5 N.J.R. 17(a)
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Adopt Aircraft Operation Rules 5 N.J.R. 58(a)
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Adopt Local Government Aid Changes 5 N.J.R. 94(a)
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Adopt Employees' Pension Changes 5 N.J.R. 23(a)
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Hackensack Meadowlands Development Commission

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New Jersey Mortgage Finance Agency

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New Jersey Expressway Authority

Adopt Atlantic City Expressway Rules 5 N.J.R. 96(b)

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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>
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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)
2:32-1.1	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)
2:69-1.11	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.88	5 N.J.R. 134(c)
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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)
3:6-7.1	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)
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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)
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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)
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3:31-2.1	Minimum requirements	R.1973 d.124	5 N.J.R. 183(b)
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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)
5:30-13.2	Form of resolution; State and Local Fiscal Assistance Act of 1972	R.1973 d.352	6 N.J.R. 5(a)
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6:11-12.3	Vocational-technical coordinator; co-op industrial education	R.1973 d.269	5 N.J.R. 333(c)
6:21-5.11	Color; school bus	R.1973 d.123	5 N.J.R. 185(a)
6:21-6.9	Color; school bus body	R.1973 d.123	5 N.J.R. 185(a)
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6:21-7.1	Limit of apportionment of State aid	R.1973 d.267	5 N.J.R. 333(a)
6:21-11.1	Requirements for drivers of school buses	R.1973 d.161	5 N.J.R. 220(a)
6:21-11.2	Requirements for drivers of small vehicles	R.1973 d.180	5 N.J.R. 260(a)
6:21-11.6	Procedures at railroad grade crossings	R.1973 d.98	5 N.J.R. 139(a)
6:21-18.25	Stanchions and guard rails	R.1973 d.267	5 N.J.R. 333(a)
6:22-8.4 et seq.	Revised guide for schoolhouse planning and construction	R.1973 d.316	5 N.J.R. 403(b)
6:24-1.16	Additional revisions concerning written decisions	R.1973 d.266	5 N.J.R. 332(b)
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7:7A-1.1(a)7	Wetlands order; Atlantic County	R.1973 d.134	5 N.J.R. 186(a)
7:7A-1.1(a)8	Wetlands order; Burlington County	R.1973 d.135	5 N.J.R. 186(b)
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7:7A-1.1(a)13	Extension of wetlands order to Atlantic County	R.1973 d.364	6 N.J.R. 6(c)
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7:25-7.6	Conservation order; reef bed	R.1973 d.301	5 N.J.R. 370(d)
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7:25-9.1(h)	Rescind portions of prior resolution	R.1973 d.303	5 N.J.R. 371(b)
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9:4-3.70 et seq.	Cost distribution to programs	R.1973 d.79	5 N.J.R. 109(a)
9:4-6.1 et seq.	Tenure policies for Community Colleges	R.1973 d.209	5 N.J.R. 265(b)
9:2-10.1	Student loans	R.1973 d.77	5 N.J.R. 107(d)
9:2-10.2 et seq.	Code of Ethics; Department of Higher Education	R.1973 d.190	5 N.J.R. 265(c)
9:9-1.1 et seq.	Guidelines on outside employment	R.1973 d.189	5 N.J.R. 264(a)
9:11-1.1 et seq.	Financial aid guidelines	R.1973 d.121	5 N.J.R. 188(b)
9:14-3.8	Contract performance standards	R.1973 d.346	6 N.J.R. 11(c)

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11:3-6.2(b)	Identification insurance cards	R.1973 d.140	5 N.J.R. 229(b)
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11:3-9.1	Rating information on automobile insurance for private cars	R.1973 d.206	5 N.J.R. 282(b)
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11:5-1.2	Salesman's age regarding licenses	R.1973 d.214	5 N.J.R. 316(a)
11:5-1.5	Examination rules	R.1973 d.306	5 N.J.R. 388(a)
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13:2-6.3(c)	Repeal portion of ABC liquor transfer rule	R.1974 d.4	6 N.J.R. 82(a)
13:2-34.2(j)	Cash discounts to retailers	R.1973 d.312	5 N.J.R. 426(a)

13:13-10.1	Repeal rule on notification of interstate securities offerings	R.1973 d.230	5 N.J.R. 356(b)
13:18-1.5(c)	Revised fees for overdimensional or overweight vehicles	R.1973 d.261	5 N.J.R. 357(a)
13:18-1.16	Permits for overdimensional or overweight vehicles	R.1972 d.210	4 N.J.R. 277(b)
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13:19-10.9	Delete rule on financial responsibility	R.1973 d.63	5 N.J.R. 119(b)
13:21-14.8 et seq.	Bus driver licensing regulations	R.1973 d.328	6 N.J.R. 21(b)
13:21-17.1 et seq.	Special road crossing permits	R.1973 d.103	5 N.J.R. 166(a)
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13:22-8.1 et seq.	Snowmobile events	R.1973 d.131	5 N.J.R. 195(b)
13:22-9.1 et seq.	Reports	R.1973 d.131	5 N.J.R. 195(b)
13:22-10.1 et seq.	Special age provisions	R.1973 d.131	5 N.J.R. 195(b)
13:30-1.1 et seq.	Examinations for licensure	R.1973 d.194	5 N.J.R. 291(c)
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13:32-1.4(b)	Interest protected by plumber bond	R.1973 d.170	5 N.J.R. 239(c)
13:35-1.1 et seq.	Repeal of certain rules	R.1973 d.192	5 N.J.R. 291(a)
13:36-1.8 et seq.	Record-keeping and itemizing funeral expenses	R.1973 d.119	5 N.J.R. 195(a)
13:36-2.1 et seq.	Revisions concerning trainees and mortuaries	R.1973 d.181	5 N.J.R. 290(c)
13:37-9.2(c)	Education requirements for practical nursing	R.1973 d.177	5 N.J.R. 290(b)
13:37-10.5	Language comprehension examinations	R.1973 d.143	5 N.J.R. 239(a)
13:39-6.3 et seq.	Prescriptions and pharmacies	R.1973 d.59	5 N.J.R. 120(a)
13:39-6.7	Copies of prescriptions	R.1973 d.255	5 N.J.R. 356(e)
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13:39-7.20	Guidelines for use of drug-dispensing devices	R.1973 d.255	5 N.J.R. 356(e)
13:39-8.4	Change of ownership	R.1973 d.253	5 N.J.R. 356(c)
13:39-8.14	Pharmacist-in-charge	R.1973 d.253	5 N.J.R. 356(c)
13:39-9.14	Permits for prescription departments	R.1973 d.115	5 N.J.R. 166(b)
13:45-4.3(b)	Time and place of Consumer Affairs hearing	R.1973 d.207	5 N.J.R. 291(d)
13:45-5.1(b)	Hearing examiner's decision	R.1973 d.207	5 N.J.R. 291(d)
13:45A-1.1 et seq.	Deceptive mail order practices	R.1973 d.176	5 N.J.R. 290(a)
13:45A-2.1 et seq.	Motor vehicle advertising practices	R.1973 d.183	5 N.J.R. 290(d)
13:45A-3.1 et seq.	Retail sales of meat	R.1973 d.169	5 N.J.R. 239(b)
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13:45A-7.1 et seq.	Automobile repair work and advertising practices	R.1973 d.307	5 N.J.R. 390(d)
13:45A-8.1 et seq.	Deceptive practices by tire distributors or dealers	R.1973 d.309	5 N.J.R. 390(e)
13:45A-9.1 et seq.	Rules for advertising and marketing practices	R.1974 d.15	6 N.J.R. 82(b)
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13:51-3.5	Revise chemical breath testing rules	R.1973 d.354	6 N.J.R. 21(c)
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16:25-1.1 et seq.	Utility accommodation policy	R.1973 d.205	5 N.J.R. 292(c)
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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)
18:24-4.4	Repeal of rule on purchase of machinery	R.1973 d.139	5 N.J.R. 246(b)
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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)

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12:18-3.1(g) If a physical examination of a claimant is required, the Commissioner of Labor and Industry or his designee shall authorize such examination to be made by a legally-licensed physician, dentist, chiropodist or chiropractor. Upon submission of a written report of the examination to the Department of Labor and Industry, a fee not exceeding \$25.00 for each such examination shall be paid to the examining physician, dentist, chiropodist or chiropractor, which fee shall be charged to the administration account. In cases requiring the services of a specialist or a diplomate, or in cases requiring clinical tests supporting a diagnosis, the Commissioner of Labor and Industry or his designee shall, in his discretion, authorize such services or tests, the fees to be fixed in advance, not to exceed the fees professionally established for such services or tests by the appropriate State or county organization, whichever is the lesser.

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

Commissioner of Labor and Industry
John Fitch Plaza
Trenton, New Jersey 08625

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

Ronald M. Heymann
Commissioner
Department of Labor and Industry

(a)

LAW AND PUBLIC SAFETY

DIVISION ON CIVIL RIGHTS

Proposed Rules Governing Admission Procedures Of Volunteer Fire Departments, First Aid Squads

Gilbert H. Francis, Director of the Division on Civil Rights in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 10:5-4, 10:5-6, 10:5-8(d) and (g) and 10:5-12, proposes to adopt new rules governing admission procedures of volunteer fire companies and first aid squads.

Purpose of these rules is to assure that opportunity for membership in volunteer fire companies and first aid squads is made available to all qualified persons in a non-discriminatory manner.

Full text of the proposed new rules follows:

CHAPTER 12. VOLUNTEER FIRE COMPANIES AND FIRST AID SQUADS

SUBCHAPTER 1. MEMBERSHIP PROCEDURES

13:12-1.1 Membership procedures of volunteer fire companies and first aid squads

(a) Membership in volunteer fire companies and first aid squads shall be open to all persons who are able to perform the duties of volunteer firemen or first aid squad member, respectively, without discrimination on the basis of an applicant's race, creed, color, sex, age, national origin, ancestry, marital status or physical handicap. In order to effectuate this requirement of nondiscrimination, volunteer fire companies and first aid squads (hereinafter called "companies") shall adhere to the following admissions procedures:

1. Each company shall establish objective qualifications for membership, which shall relate directly and solely to the physical and technical ability and character fitness of an applicant to perform the vocational duties of a volunteer fireman or first aid squad member.

2. Each company shall submit a notice to the clerk of each municipality in which it operates which shall include the company's name, address, the names of its officers and members and the dates of its regular organization meetings. Said notice shall be posted by the clerk forthwith.

3. Each company shall supply the clerk of each municipality it serves with application forms and the clerk shall distribute them on written request or on personal request made during normal business hours. Said forms shall state that applications may be filed either by personal delivery or by sending them by mail to the secretary or other designated officer of the company, whose mailing address shall either appear on the application form or be available from the municipal clerk.

4. The secretary or other officer designated to receive applications shall date each application with the time of receipt and shall number the application according to its order of receipt relative to other applications. He shall promptly send a letter or post card to each applicant stating the number of his application and the date and time it was received.

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—but 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.

5. Each company shall establish a membership committee consisting of not more than 15 members which shall be solely responsible for evaluating and ruling upon applications for membership. It shall, within 60 days of receipt of an application by the company, make a report to the company as to whether or not the applicant qualifies for membership. Its decision shall be binding on the company, and no vote of the membership shall be conducted on the issue of whether an applicant shall be admitted to membership.

6. Applicants reported by the investigating committee to be qualified for membership shall be admitted in the order in which their applications were received as set forth in paragraph 4. above, as soon as vacancies exist. If at any time the number of applicants found to be qualified exceeds the number of current vacancies, a waiting list shall be established according to the order in which the applications were received, and appointments shall be made therefrom in that same order.

7. If the membership committee determines that an applicant does not meet the minimum requirements for membership, the company's secretary shall promptly advise the applicant in writing of the rejection and the qualifications, described with particularity, which he has not substantially met.

8. Any company may require newly accepted applicants to serve a probationary period of reasonable duration, not to exceed one year. During such period, and at the conclusion thereof, each probationary member shall be evaluated solely by the officers of the company who supervise him in the performance of his duties. They may cause the dismissal of any member during his probationary period only for failure to perform the established duties of a probationary member in a reasonably satisfactory manner, or other good cause, and may do so by notifying the probationary member in writing of his rejection and the particular reasons therefor.

At the end of the probationary period, the said supervising officers shall determine whether or not the applicant has satisfactorily performed the duties of probationary member. If he has, they shall promptly recommend to the membership that he be admitted to full membership, and their recommendation shall be binding on the company and he shall be so admitted forthwith. If he has not, they shall promptly notify the probationary member in writing of his rejection and the particular reasons therefor. No vote of the membership shall be conducted on the issue of whether any probationary member shall continue as a probationary member or shall be admitted to full membership.

9. Nothing contained in this Subchapter shall be construed to prevent any company, in its discretion, from providing intra-company means for appealing rejections from applications for membership or dismissals from membership.

10. Any person who is rejected or dismissed from membership by any company shall have the right to challenge such action in accordance with the procedures set forth in the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

11. All nouns and pronouns in the masculine gender utilized in this Chapter shall be construed to include the female gender.

Interested persons may present statements or comments concerning the proposed rules at a public hearing to be held on Thursday, February 28, 1974, at 10:00 A.M. in room 401 of the State Office Building, 1100 Raymond Boulevard, Newark. Persons wishing to present statements or comments at the public hearing are requested to notify Vernon N. Potter, Deputy Director of the Division on Civil Rights,

by Monday, February 25, 1974. He may be contacted for this purpose by telephone at (201) 648-2700 or by writing:

Vernon N. Potter
Deputy Director
Division on Civil Rights
1100 Raymond Boulevard
Newark, New Jersey 07102

Written statements concerning the proposed rule may be submitted to him at the above address any time prior to Friday, March 8, 1974.

The Director of the Division on Civil Rights, upon his own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as proposed without further notice.

Gilbert H. Francis
Director
Division on Civil Rights
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Proposed Rule On Countersigning of Orders And Prescriptions of Unlicensed Physicians

Dr. I. Edward Ornaf, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to adopt a new rule concerning the countersigning of orders and prescriptions of unlicensed physicians.

Full text of the proposed rule follows:

13:35-6.10 Countersigning of orders and prescriptions of unlicensed physicians

(a) The following words and terms when used herein shall have the following meanings unless the context clearly indicates otherwise.

1. "Unlicensed physician" shall mean any unlicensed graduate of a medical school, such as but not limited to an intern or resident, who is engaged in an approved program or a person possessing an exemption pursuant to N.J.S.A. 45:9-21(n).

2. "Intern" shall mean an unlicensed graduate of a medical school who is engaged in a program which has been approved by the Board and which consists of the supervised practice in the science and art of medicine among patients in a hospital with continued instruction by the staff of the facility.

3. "Resident" shall mean a licensed or unlicensed graduate who is engaged in an approved program for advanced training in a clinical division of medicine, surgery or other special field in preparation for the practice of a specialty, which training shall be continuously supervised by the staff of the facility. Such approved program must be properly accredited for residency training in the specialty program or programs offered.

(b) Doctor's orders written for patient's care by unlicensed persons engaged in intern or residency training programs in a hospital or institution approved by the Board, or doctor's orders written by a person exempted from the prohibitory provisions of the Medical Practice Act, pursuant to N.J.S.A. 45:9-21(n), shall be countersigned within 24 hours by a physician possessing a current un-

restricted license to practice medicine and surgery in this State.

(c) Prescriptions written by unlicensed physicians, which are to be filled by a pharmacy outside of the hospital or institution where such unlicensed physician is engaged, must be countersigned by a physician possessing a current, unrestricted license to practice medicine and surgery in this State.

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

Dr. I. Edward Ornaf, Secretary
New Jersey Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4843

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

Dr. I. Edward Ornaf, Secretary
New Jersey Board of Medical Examiners
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF NURSING

Proposed Revisions Concerning Examinations and Foreign Nurses

Richard E. David, Executive Director of the State Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-26 and 45:11-27, proposes to revise the rules concerning examinations and foreign nurses.

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

13:37-2.7 [Examination failures

(a) A failure subject or subjects may be repeated at the next scheduled examination.

(b) A person who has failed the examination twice may not be employed in nursing until she/he has taken and passed the licensing examination. Failure to take the next scheduled examination prohibits employment unless an extension of time is granted by the Board of Nursing.

(c) A third examination will be permitted only if additional theoretical instruction by a qualified instructor is secured, and evidence filed with the Board on forms provided at least six weeks preceding the date of the examination. A card of admission will not be issued unless this requirement is met.

(d) A fourth examination will be permitted only if additional satisfactory and adequate theoretical instruction and clinical experience in each necessary clinical service in an approved school are obtained, and evidence filed with the Board on forms provided at least six weeks preceding the date of the examination. The amount of instruction and practice will be left to the discretion of the instructor.

(e) After four failures, the Board may determine that the student will be required to repeat the entire theoretical and clinical course or courses failed before she/he may again become eligible for examination.]

13:37-2.7 Examinations

(a) An individual who has met all of the qualifications of a registered nurse shall be required to apply for the first scheduled examination after successfully completing their nursing program. An extension of an applicant to the next succeeding examination may be granted by the Board upon a showing of good cause, such as illness or extreme emergency.

b. If a candidate is unsuccessful in passing two consecutive examinations, that individual may not be employed in the capacity of a registered nurse or graduate nurse until she or he has taken and passed the licensing examination. Individuals may not be denied the right to continue to take any subsequent examination for licensure for which they qualify.

13:37-3.7 [Puerto Rican nurses] Reserved

[Puerto Rican nurses shall be considered "foreign nurses" for the purposes of this Subchapter.]

13:37-9.5 [Examination failures

(a) A failure subject or subjects may be repeated at the next scheduled examination.

(b) A person who has failed the examination twice may not be employed in nursing until she/he has taken and passed the licensing examination. Failure to write the next scheduled examination prohibits employment unless an extension of time is granted by the Board of Nursing.

(c) A third examination will be permitted only if additional theoretical instruction by a qualified instructor is secured, and evidence filed with the Board, on forms provided, at least six weeks preceding the date of the examination. A card of admission will not be issued unless this requirement is met.

(d) A fourth examination will be permitted only if additional satisfactory and adequate theoretical instruction and clinical experience in each necessary clinical service in an approved school are obtained, and evidence filed with the Board, on forms provided, at least six weeks preceding the date of the examination. The amount of instruction and practice will be left to the discretion of the instructor.

(e) After four failures the Board may determine that the student will be required to repeat the entire theoretical and clinical course or courses failed before she/he may again become eligible for examination.]

13:37-9.5 Examinations

(a) An individual who has met all of the qualifications of a licensed practical nurse shall be required to apply for the first scheduled examination after successfully completing their nursing program. An extension of an applicant to the next succeeding examination may be granted by the Board upon a showing of good cause, such as illness or extreme emergency.

b. If a candidate is unsuccessful in passing two consecutive examinations, that individual may not be employed in the capacity of a licensed practical nurse or a graduate nurse until she or he has taken and passed the licensing examination. Individuals may not be denied the right to continue to take any subsequent examination for licensure for which they qualify.

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

New Jersey Board of Nursing
1100 Raymond Boulevard
Newark, New Jersey 07102

The State Board of Nursing, upon its own motion or at the instance of any interested party, may thereafter adopt

these revisions substantially as proposed without further notice.

Richard E. David
Executive Director, State Board of Nursing
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Repeal of Portion of Rule Concerning Transfers of State and Municipal Licenses

On December 20, 1973, 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. 33:1-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed N.J.A.C. 13:2-6.3(c) concerning transfers of State and municipal licenses.

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

13:2-6.3 [(c) Prior to the effective date of any such license transfer and the endorsement for transfer of the license certificate, there shall be filed with the issuing authority a certificate from the Division of Taxation, Department of the Treasury, Beverage Tax Bureau, certifying that the transferring licensee is not delinquent in the payment of any tax or in the filing of any report required by the provisions of the Alcoholic Beverage Tax Act.]

An order repealing this rule was filed and effective January 4, 1974, as R.1974 d.4 (Exempt, Mandatory Rule).

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Rules for Advertising and Marketing Practices

On January 14, 1974, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning advertising and marketing practices, substantially as proposed in the Notice published December 6, 1973, at 5 N.J.R. 422(a), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

The changes include the renumbering of Sections and the insertion of the words "currently being" between the words "merchandise" and "advertised" in the last line of the Section concerning substantiation of advertising claims. The other change includes the adoption of a new Section entitled "Exception" which reads in full as follows:

The provisions of this rule shall not apply to any advertising or marketing practices which are subject to the provisions of N.J.A.C. 13:45A-2.1 and 2.2 (Rules concerning motor vehicle advertising practices).

Such rules may be cited as N.J.A.C. 13:45A-9.1 et seq.

An order adopting these rules was filed January 21, 1974, as R.1974 d.15 to become effective March 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Rules for Servicing and Repairing Home Appliances

On January 14, 1974, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the servicing and repairing of home appliances, substantially as proposed in the Notice published December 6, 1973, at 5 N.J.R. 421(a), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

Such rules may be cited as N.J.A.C. 13:45A-10.1 et seq.

In addition to the renumbering of N.J.A.C. 13:45A-10.3 as a new subsection (b) of N.J.A.C. 13:45A-10.2, which also required the renumbering of the proposed Sections 4, 5 and 6 to now read Sections 3, 4 and 5 respectively, the following is a summary of the other changes made in the adopted rules:

13:45A-10.1 The words "electrical, mechanical or thermal" inserted after "any" and before "article" in the first line of the definition "home appliance"

13:45A-10.2 The words "agreed upon" substituted for "available" in (a) (3);

The words "any additional" substituted for "the total" in (a) (3) ii;

The phrase "or the dealer from whom the appliance was purchased if there was no service contract agreed upon at the time of purchase", inserted after "purchased", in (b); and the phrase "before the consumer becomes committed to any expense". deleted from the last line of (b) and inserted after the words "must disclose" and a period inserted after "parts" in (b) (2).

13:45A-10.3(a) 5. The words "offer to" inserted after "failure to" and before "return".

13:45A-10.4 The phrase "Section 13:45A-10.2 and 10.3" substituted for "Section 3 and 4".

An order adopting these rules was filed January 21, 1974, as R.1974 d.16 to become effective March 1, 1974.

John K. Rafferty
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

Notice of Typographical Error in Notice of Adoption Concerning Revisions of Chemical Breath Testing Rules

Take notice that in the Notice of Adoption by the Division of State Police of revisions to the Chemical Breath Testing

Rules, in the January 10, 1974, issue of the New Jersey Register at 6 N.J.R. 21(c), the statutory authority cited for allowing such revisions to be adopted was incorrectly listed as N.J.S.A. 30:4-50.3. The correct citation should have read N.J.S.A. 39:4-50.3.

The remaining portion of the Notice was correct as printed.

John K. Rafferty
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions to Rule on Rates of Speed on State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to revise N.J.A.C. 16:27-1.3 concerning rates of speed on State highways. This rule was originally adopted as an emergency rule on November 13, 1973, as R.1973 d.319, and on November 14, 1973, as R.1973 d.320. See: N.J.R. 426(c).

Full text of the proposed revised rule follows:

16:27-1.3 Rates of speed on State highways

(a) In order to comply with the Federal Emergency Highway Energy Conservation Act, P.L. 93-39, 87 Stat. 1046, all regulations and/or sections thereof heretofore adopted pursuant to N.J.S.A. 39:4-98 designating maximum speed limits on State highways in excess of 55 miles an hour are hereby repealed.

(b) In order to comply with the aforesaid Federal legislation, the following maximum speed limits are hereby established:

1. On all State highways or any sections thereof having four or more traffic lanes, the opposing lanes of which are physically separated by means other than striping, the maximum speed limit shall be 55 miles an hour; except as provided in paragraph 2. of this subsection.

2. Paragraph 1. of this subsection shall not apply to a State highway or any section thereof the maximum speed limit on which was 50 miles an hour or less on November 1, 1973.

(c) Approval of any ordinance or resolution of any municipality or county designating on any highway under jurisdiction of such municipality or county a rate of speed inconsistent with the provisions of this regulation is hereby rescinded.

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

Robert R. Reed
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules Concerning Spilled Cargo on State Highways

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-11, proposes to adopt new rules concerning spilled cargo on State highways.

The principal objective of these proposed new rules is to describe the actions required when cargo, as a result of an accident or mishap, is spilled on the roadway, and the Department's liability for such cargo.

Full text of the proposed rules follows:

SUBCHAPTER 3. SPILLED CARGO ON STATE HIGHWAYS

16:39-3.1 Removal of spilled cargo from State highways

(a) If maintenance supervisory personnel of the Department of Transportation are notified by the State or local police or by units within the Department, or if maintenance supervisory personnel are aware of spilled cargo on the roadway as a result of an accident or mishap, maintenance forces shall as soon as conditions permit remove the material from the traveled roadway in the interest of preventing future accidents.

(b) The district superintendent, Maintenance and Operations of the Department of Transportation shall immediately notify the owner or carrier of the whereabouts of the cargo which had been spilled, except in those cases where the Department of Transportation has no responsibility for the cargo because of its being considered extremely dangerous. This notification relieves the Department of Transportation of any liability as by this action the Department has not disregarded the rights of the owner.

(c) Under no circumstances will the carrier or owner of the spilled cargo be billed for services rendered. However, the Department can be reimbursed for expenses incurred in repairing damage to State property.

16:39-3.2 Conditions for storage of spilled cargo

(a) Material which is of a bulk nature may be stored off the traveled roadway providing there is sufficient space and it will not present a hazard to the public.

(b) When material cannot be stored adjacent to the roadway, it shall be taken to a Department of Transportation maintenance yard facility and covered with tarpaulin, if available.

(c) For material which is of a viscous nature, the appropriate action shall be taken to make the roadway safe for travel.

16:39-3.3 Responsibility for removal of cargo considered to be extremely dangerous

(a) For material that is considered to be extremely dangerous, personnel of the Department of Transportation are not allowed to touch it. The responsibility for notifying the proper authorities rests with the State or local police.

(b) Maintenance forces of the Department of Transportation shall cooperate with authorities and police to provide the type of safety precautions required to insure normal traffic flow until proper removal is affected.

16:39-3.4 Refusal by carrier or owner to remove his property within 72 hours

(a) The district superintendent, Maintenance and Operations, as deemed necessary, shall contact the section chief, Legal Services, requesting that he prepare for seeking a mandatory injunction should a carrier or owner refuse to remove his property within 72 hours.

(b) If a carrier or owner refuses to remove his property, the Attorney General will seek a mandatory injunction to force the removal of objects that only the carrier or owner is equipped to relocate.

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

Robert R. Reed Jr.
Administrative Practice Officer
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

John C. Kohl
Commissioner
Department of Transportation

(a)

TREASURY

DIVISION OF PENSIONS

Proposed Revisions to Administration Rules of the Division of Pensions

Florence S. Schieber, Acting Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and on behalf of the Division of Pensions in the Department of the Treasury, proposes to revise a portion of the rules of the Division of Pensions concerning general administration.

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

17:1-1.7 Disbursements schedules

(a) All disbursements, other than the regular pension payrolls, including the payment of loans, withdrawals and rebates should be made once a week.

(b) The pension payrolls are disbursed [as of the last day] by the cash control section of the Treasury Department at the end of each calendar month.

17:1-1.8 Disbursement; limitations

(a) Pension checks will not be released to those retirants or beneficiaries who fail to return completed signature cards after a second notice has been forwarded to them by registered mail.

(b) No interest shall accrue on such moneys.

(c) All disbursements returned by the Federal post office as "Undelivered" shall be redeposited promptly, and in no event shall any disbursement be made except by check delivered by the post office.

17:1-1.9 Adjustment statements

(a) Adjustment statements are mailed [quarterly and annually] as audits are completed.

(b) Ten days after an overpayment notice is mailed a check is issued unless the employing agency offers an explanation for the variance.

(c) Overpayments are returned to the source from which they were received; however, for those overpayments covering State employees reported on a bi-weekly basis [and dual], multiple members, and on post audit overpayments, the member is made the payee.

(d) One month after shortage statements are mailed, a second notice is sent.

(e) One month after the second notice, a letter is sent advising the reporting agency that the shortage will be certified with interest as a back deduction or as an arrears obligation if payment is not received within 30 days.

(f) If the member is off the payroll so that such extra deduction cannot be certified, the shortage will be established in the member's account and will be subject to an interest charge of six per cent per annum calculated from the date of the first notice forwarded to the member.

17:1-1.11 Mail distribution

(a) All mail sent to the Division of Pensions will be received, opened and sorted by the mail section, with the exception of registered or certified mail which will be sent directly to the [address] addressee.

(b) The mail section will send all correspondence to the appropriate administrative bureau in the Division, where the correspondence should be acknowledged or answered within three working days of its receipt in the administrative bureau.

17:1-1.19 Retired employees; health insurance premiums

(a) If possible, whenever any beneficiary of the Consolidated Police and Firemen's Pension Fund, Prison Officers' Pension Fund, or Central Pension Fund, shall, in writing, request the Division of Pensions to make deductions from his pension for the payment of premiums for the Pensioners' Group Health Insurance Plan or the State Health Benefits Program, the Division may make such deductions and transmit the sum so deducted to the companies carrying the policies.

(b) Any such written authorization may be withdrawn by any beneficiary upon filing notice of such withdrawal with the Division.

17:1-1.20 State employees; bi-weekly salaries

(a) Retirement and death benefits as well as service credit will be determined on the basis of bi-weekly pay periods for State employees paid by centralized payroll.

(b) In the event a member is reported on a combination of monthly and bi-weekly pay periods, his last year's salary or final compensation as well as his service credit will be computed on a proportional basis.

17:1-2.27 Military leave

If a participant is granted a military leave of absence to enter active military service, military leave contributions remitted by an employer on [his] behalf of the employee, and employer contributions for the period of the military leave shall be based on the employee's salary at the time he entered military service and [shall be] retained by the employer or the Division of Pensions as required by the statute, until the participant has resumed active employment and has contributed to [an] the Alternate Benefit Program for a period of at least 90 days after termination of the military leave.

17:1-4.16 Retirement quotations

(a) A member who applies for retirement without having received a preliminary quotation of retirement benefits, will be sent a statement of the benefits he can receive

under both maximum allowance and option 1, where applicable; if such an individual has elected a particular option, all options will be quoted to him for which he has submitted the information necessary for the quotation regardless of the selection he may have made on his retirement application.

(b) If no response is received from the member prior to the date his retirement application must be submitted to the Board for approval, the maximum allowance or option selected by the member on his original retirement application will be submitted to the Board for its approval.

17:1-4.17 Retroactive salary increases

In no event will individual retroactive salary adjustments that have been authorized after the member's effective date of retirement or date of death be used as creditable salary for pension or insurance purposes even if the period covered by the salary adjustments extends to a period before the member's effective date of retirement or date of death.

17:1-4.19 [State bi-weekly salary conversion

(a) In computing final average salary or final compensation at retirement on State bi-weekly cases, the bi-weekly salaries are converted to annual and monthly salaries. The service credit is also converted to months.

(b) In computing the salary received in the last year of service prior to death on State bi-weekly cases, the bi-weekly salaries are converted to annual and monthly salaries. When an employee's wages cover more than a 15-day period in the month prior to death, a full month's credit will be given for insurance computation purposes.]

17:1-4.19 Bi-weekly salary computation; retirement and death benefits (final compensation or last year's salary)

(a) In computing the salary upon which pension contributions were based during a member's last year of service, in the case of a 12-month State employee reported on a bi-weekly basis, a total of 26 bi-weekly pays will be used, including any retroactive salary payments made within the prescribed period.

(b) In computing final compensation upon which pension contributions were based, in the case of a 12-month State employee reported on a bi-weekly basis, a total of 78 bi-weekly pays will be used, including any retroactive salary payments made within the prescribed period.

(c) In computing items "a" and "b" the total salary will be adjusted by multiplying the total salary by 1.003831; such adjustments compensate for State bi-weekly payroll schedules.

(d) In computing items "a" and "b" in the case of State employees reported on a 10-month basis, the total bi-weekly pays will include those pay periods in the third quarter of each year in which the member does not receive salary. The adjustment as specified in item "c" shall not be made.

(e) If a member was reported on a bi-weekly basis on any combination of 10-and 12-month contract years in such one or three-year period, the final average compensation or last year's salary prior to death or retirement shall be determined on a proportional basis.

(f) The bi-weekly pay periods for which no contributions were made shall be counted as zero.

17:1-4.26 Medical examinations; out-of-state

(a) The retirement system may arrange medical examinations for members who live out-of-state with physicians located in the vicinity of the member's place of residence.

(b) In the event the Board or Commission contemplates

the denial of a disability claim based on an out-of-state physician's medical report, the employee will be required to be examined by a New Jersey physician who is a member of the Board of Medical Examiners for the Division of Pensions.

(c) The New Jersey medical examiner's report and all related data will be reviewed by the Board or Commission to determine whether the member's application for disability benefits will be approved.

17:1-4.27 Final compensation; salaries to be used for period of purchased service

(a) If a period of purchased New Jersey service may be included in the period for the calculation of final compensation, actual base salaries paid during such period will be certified and used in the computation.

(b) The period of a purchased leave of absence will not be included in the calculation of final compensation.

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

Florence S. Schieber
Acting Deputy State Treasurer
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules for Sales By Floor Covering Dealers

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to adopt new rules concerning sales made by floor covering dealers.

Full text of the proposed rules follows:

SUBCHAPTER 22 SALES MADE BY FLOOR COVERING DEALERS

18:24-22.1 Scope of Subchapter

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

18:24-22.2 Floor covering dealer transactions

(a) Wherever an installation service is rendered in conjunction with the sale of floor coverings, the agreement for such service is treated as a transaction separate and distinct from the sale of the floor covering. Sales of floor coverings are, therefore, subject to the New Jersey Sales and Use Tax regardless of any incidental agreement to install the floor covering. The vendor must collect the sales tax from his customer on the cost of the floor covering whether or not the installation results in a capital improvement to the real estate, unless the customer furnishes the vendor with a properly executed exemption certificate, or unless the vendor delivers the floor covering to a point outside of New Jersey.

of the Administrative Procedure Act of 1968, adopted revisions to its zoning regulations, as proposed in the Notice published November 8, 1973, at 5 N.J.R. 394(b).

Such revisions will be included in various Sections of Chapter 4 in Title 19 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective January 2, 1974, as R.1974 d.1.

John K. Rafferty
 Director of Administrative Procedure
 Department of State

(a)

NEW JERSEY HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Revised Toll Schedule

On December 27, 1973, John P. Gallagher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule which revised a portion of the toll schedule for the Garden State Parkway.

Such revisions will be included in N.J.A.C. 19:8-3.1(b).

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

Toll Area* and Type	Passenger Vehicles Two axles	Passenger Vehicles w/semi-trailer Three axles	Passenger Vehicles w/full trailer Four axles	Omnibus	Light trucks less than two tons	Trucks Two to Five Tons, two axles, four wheels	Trucks over five tons, Two axles, six wheels	Truck or tractor and Semi-trailer, three axles	Truck or tractor and Full tractor, four of more axles
(1) (117 Keyport R	\$.15	\$.20	\$.30	\$.40	—	—	—	—	—
(117A Matawan R	\$.15	\$.20	\$.30	\$.40	—	—	—	—	—
114 Holmdel R	\$.15	\$.20	\$.30	\$.40	—	—	—	—	—
	[\$.10]	[\$.15]	[\$.20]	[\$.25]	—	—	—	—	—
109 Red Bank R	\$.20	\$.30	\$.40	\$.50	—	—	—	—	—
	[\$.15]	[\$.20]	[\$.30]	[\$.40]	—	—	—	—	—
(2) (98 Belmar R	\$.15	\$.20	\$.30	\$.40	—	—	—	—	—
(91 Lakewood R	\$.15	\$.20	\$.30	\$.40	\$.15	\$.20	\$.30	\$.45	\$.60
88 Lakehurst R	\$.15	\$.20	\$.30	\$.40	\$.15	\$.20	\$.30	\$.45	\$.60
	[\$.10]	[\$.15]	[\$.20]	[\$.25]	[\$.10]	[\$.15]	[\$.20]	[\$.30]	[\$.40]

Note: (1) Insert between Raritan South and Holmdel.

Note: (2) Insert between Asbury Park and Lakehurst.

Trucks are prohibited north of Interchange 97A in Monmouth County.

*Vehicles traveling length of Parkway pay only at Across-Parkway toll areas. Total fare for passenger vehicles for full 173-mile trip is \$2.75. Toll areas on ramps affect only vehicles either entering or leaving Parkway at those specified interchanges. There are eleven (11) Across-Parkway (B) toll areas and [Fourteen (14)] eighteen (18) Ramp (R) toll areas.

An order adopting these revisions was filed and effective January 14, 1974, as R.1974 d.8 (Exempt, Procedure Rule).

John K. Rafferty
 Director of Administrative Procedure
 Department of State

(b)

NEW JERSEY HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Revised Speed Limits

On January 2, 1974, John P. Gallagher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a mandatory rule concerning speed limits on the Garden State Parkway.

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

19:8-1.2 Speed limits

(a) The maximum speed at which any motor vehicle may be operated on the Parkway for its entire length shall be [fifty (50)] **fifty-five (55)** miles per hour except where otherwise posted and except when such maximum speed is unsafe.

An order adopting these revisions was filed and effective January 9, 1974, as R.1974 d.6 (Exempt, Mandatory Rule).

John K. Rafferty
 Director of Administrative Procedure
 Department of State

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revision to Schedule of Charges At Newark International Airport

On November 28, 1973, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges at the Newark International Airport.

Full text of the resolution adopting these revisions follows:

Resolved, that the schedule of charges for the use of the public landing area, public passenger ramp area, public cargo ramp and apron area and public aircraft parking and storage areas at Newark International Airport adopted by the Committee by resolution of October 5, 1959 (appearing at page 45 et seq. of the committee minutes of that date) as amended, be and the same is hereby amended, effective January 1, 1974, by deleting the figure "\$.65" and substituting the figure "\$1.00" in the portion entitled "Public Landing Charges".

An order adopting these revisions was filed January 8, 1974, as R.1974 d.5 (Exempt, Exempt Agency).

John K. Rafferty
Director of Administrative Procedure
Department of State

(b)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Proposed Rule Concerning Definition of Supervisor

The Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to adopt a new rule concerning the definition of the term "supervisor".

Full text of the proposed new rule follows:

19:10-1.1 Definitions

"Supervisor" means any employee having authority in the interest of the employer to take significant personnel action including the authority to hire, discharge, discipline, transfer or assign other employees, or to effectively recommend such action; or to evaluate subordinate employees; or to adjust their grievances, provided that in connection with the foregoing the exercise of such authority is not merely of a routine or clerical nature but requires the use of independent judgment.

A public hearing with respect to the proposed new rule will be held Monday, March 4, 1974, at 10:00 A.M. in Room 1308 (13th floor), Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey. Interested persons may present oral statements or arguments relevant to the proposed action at the formal hearing and/or may submit written statements or arguments at the hearing or prior thereto.

Persons intending to attend the public hearing are requested to notify the Public Employment Relations

Commission, Labor and Industry Building, P.O. Box 2209, Trenton, New Jersey 08625, 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 this rule substantially as proposed without further notice.

John F. Lanson
Chairman

Public Employment Relations Commission

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

FEDERAL ROAD AID "ACTION PLAN" MADE AVAILABLE FOR PUBLIC COMMENT

The State Department of Transportation reports that a draft of the "Action Plan" for developing Federal-aid highway projects in New Jersey is available for public review and comment.

The "Action Plan" describes the procedures and processes the Department plans to utilize to insure that adequate consideration will be given to environmental, economic and social effects in the planning and designing of all Federal-aid highways.

Keith Rosser, Director of Transportation Planning and Research, said the Department wants to insure "that the decisions on such projects are made in the best overall public interest".

Approximately 400 copies of the draft have already been distributed to county planning boards, county boards of freeholders, groups and organizations with Statewide environmental, highway, transit and civically-oriented concerns, and Federal and State agencies.

The plan draft was developed after meetings early last year with representatives of 40 environmental, transportation and business organizations and Federal, regional and other State agencies.

Rosser emphasized that public participation at this draft stage will assist the Department in preparing a subsequent draft revision which also will be circulated for public review and comment. The "Action Plan" will then be prepared in final form for approval by the new Governor and the Federal Highway Administration.

Each state has been provided by the FHWA with guidelines for preparing an "Action Plan" which must show that the State can satisfy these four fundamentals: competency to identify social, economic, and environmental effects of highway projects; development of an interdisciplinary approach in planning and designing highway projects; involvement of the public and other agencies in various stages of the project; and development of alternative choices and evaluation of the pros and cons of each.

Copies of the "Action Plan" are available for public review at the offices of county planning boards, county boards of freeholders and many city clerks, as well as in the Department of Transportation Library, 1035 Parkway Avenue, Trenton, and the Federal Highway Administration Division Office, 25 Scotch Road, Trenton.

Written comments should be sent immediately to Jack F. Andrews, Director, Division of Economic and Environmental Analysis, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton 08625.





RULES ADOPTIONS JUMPED 37 PER CENT LAST YEAR

Administrative rules designed primarily to assist and protect the public are being adopted by New Jersey State agencies at a rapidly growing rate, according to John K. Rafferty, Director of the Division of Administrative Procedure in the Department of State.

Total number of such new rules, which have the same effect as law, jumped to 366 last year, up a big 37 per cent over the 267 administrative rules going into effect in 1972, he reported last month.

"The average monthly rate of rules adoptions in 1973 was at about 30, compared to 22 per month the previous year," Rafferty said.

Rules adopted last year, plus those pending at year-end, are listed in the 1973 Register index in this issue.

Greatest number of new rules last year were the 39 promulgated in January, with the same number again in July, the highest months to date.

The increase in rules from 1971 to 1972 came to 11 per cent, compared to last year's jump of 37 per cent, the administrative director pointed out. Rules adoptions over the past four years have gone in number from 160 to 241, to 267 and to the 366 of last year.

He noted that this shows a constant increase in new rules since 1970, the first full year following adoption of a law which requires State Departments and some other agencies to publicize all proposed rules before adoption,

(Continued on previous page)

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