

# NEW JERSEY REGISTER



The State of New Jersey Rules Publication

N. J. DEPT. OF TRANSPORTATION  
TRENTON, NEW JERSEY

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(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Revisions on Breeding Swine and Feeder Swine Imported into the State

On March 27, 1975, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-106.2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:3-2.11 and 2:3-3.6, concerning breeding swine and feeder swine into the State, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 90(b).

An order adopting these revisions was filed March 27, 1975, as R.1975 d. 80 to become effective April 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Revisions on Marking Open and Closed Packages of Potatoes

On March 27, 1975, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:10-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:71-5.1 et seq., concerning the marking of open and closed packages of potatoes, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 91(a).

An order adopting these revisions was filed March 27, 1975, as R.1975 d. 81 to become effective April 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Rule on Sales of Milk in Three Quart Containers

On March 27, 1975, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:12A-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule cited as N.J.A.C. 2:48-6.3, concerning sales of milk in three quart containers, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 90(a).

An order adopting this rule was filed March 27, 1975, as R.1975 d. 82 to become effective April 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Revisions on Requirements on Equidae Entering New Jersey

On March 27, 1975, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:3-2.5, concerning the requirements on equidae entering New Jersey, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 92(a).

An order adopting these revisions was filed March 27, 1975, as R.1975 d. 83 to become effective April 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

## NEW JERSEY REGISTER

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

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(a)

## BANKING

### DIVISION OF ADMINISTRATION

#### Proposed Rule on Judicially Recognized Data Sources

Clifford F. Blaze, Acting Deputy Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to adopt a new rule on judicially recognized data sources.

**Full text** of the proposed new rule follows:

3:1-2.27 Judicially recognized data sources

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

1. U.S. Department of Commerce. Bureau of the Census. Census of Housing. (published decennially);
2. U.S. Department of Commerce. Bureau of the Census. Census of Population. (published decennially);
3. U.S. Department of Commerce. Bureau of the Census. Census of Business. (published quintennially);
4. U.S. Department of Commerce. Bureau of the Census. Census of Manufacturers. (published quintennially);
5. Population Estimates for New Jersey — Official State Estimates. New Jersey Department of Labor and Industry. (published annually);
6. U.S. Department of Commerce. Bureau of the Census. Construction Review. (published monthly);
7. New Jersey Department of Community Affairs. Division of Local Government Services. Annual Report. (published annually);
8. New Jersey Department of Labor and Industry. Division of Planning and Research. The State of New Jersey — Residential Construction Authorized by Building Permits. (published annually and available also on a monthly basis);
9. U.S. Department of Commerce. Bureau of the Census. Current Population Reports. (published monthly);
10. U.S. Internal Revenue Service. Statistics of Income. (published annually);
11. New Jersey Department of Community Affairs. Division of Local Services. U.S. Census Data for New Jersey Townships. (provides tables of statistical information from the 1970 U.S. Census paralleling those available for non-townships in the printed census reports);
12. New Jersey Industrial Directory. (published annually);
13. Local zoning ordinances and master plans;
14. Federal Deposit Insurance Corporation. Operating Banking Offices. (published annually);
15. Federal Deposit Insurance Corporation. Bank Operating Statistics. (published annually);
16. Federal Deposit Insurance Corporation. Changes Among Operating Banks and Branches. (published annually);
17. R.L. Polk & Co. Polk's World Bank Directory (published semi-annually);
18. Department of Agriculture Soil Conservation Series Studies and Reports;

19. New Jersey Department of Labor and Industry. Division of Employment Security, Covered Employment Trends. (published annually and available on a monthly basis);

20. Various County Planning Board Reports, for example, population studies and projections, employment trends, industrial-commercial development studies, and so forth;

21. New Jersey Department of Banking, Division of Banking, Annual Report;

22. New Jersey Department of Banking, Division of Savings and Loan Associations, Annual Report.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

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

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

Clifford F. Blaze  
Acting Deputy Commissioner  
Department of Banking

(b)

## BANKING

### CONSUMER CREDIT BUREAU

#### Proposed Rule on License Number

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to adopt a new rule concerning license number regarding the home repair financing act regulations.

**Full text** of the proposed new rule follows:

3:19-1.6 License number

Home repair contractors having multiple offices may utilize their main office license number for the purpose of compliance with N.J.S.A. 45:1-9.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

R. Bruce Firman  
Chief, Consumer Credit Bureau  
Department of Banking  
36 West State St.  
Trenton, N.J. 08625

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

Richard F. Schaub  
Commissioner  
Department of Banking

(a)

## BANKING

### CONSUMER CREDIT BUREAU

#### Proposed Revisions on Small Loan Law Regulations

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:10-14, proposes to revise some of the rules concerning the small loan law regulations.

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

#### 3:17-6.1 Maximum term of loan

[No loans shall be made for a greater period than 36 months and 15 days.]

(a) **No loan in an amount of \$1,000 or less shall be made for a greater period of time than 36 months and 15 days.**

(b) **No loan in an amount in excess of \$1,000 shall be made for a greater period of time than 48 months and 15 days.**

#### 3:17-6.4 Husband and wife as one borrower

A man and wife shall be considered as one borrower, and the aggregate of their principal indebtedness may not exceed \$[1,000] **2,500** and their combined payments shall be no greater than if the total amount of both loans had been loaned to one borrower. Where a husband and wife have been living separate and apart for a period of at least five months prior to the making of a loan, this Section shall not apply.

#### 3:17-6.6 Reduction of interest to usury rate

When a licensee knows or has reason to know that the proceeds of loan of \$[1,000] **2,500** or less are to be delivered by the borrower to an individual already indebted to such licensee on a loan of \$[1,000] **2,500** or less, then such loans shall be construed as a single loan to such individual for the purpose of interest computations, and if the aggregate of such loans ever exceeds \$[1,000] **2,500**, interest on such accounts shall be restricted to the rate authorized by Title 31, the Interest and Usury Law, and the rules and regulations promulgated by the Commissioner pursuant thereto, on unpaid principal balances from the date such excess occurred.

#### 3:17-6.10 Payment on installment loans

(a) By reason of the provision of Section 14 of the Small Loan Law which requires all loans of \$[1,000] **2,500** or less be paid in installments and interest to be computed at the annual rate on unpaid principal balances, the following interpretations shall be given:

3:17-6.10(a) 2. Interest for one month or calendar month shall not exceed 1/12 of 24 per cent per annum on that part of the unpaid principal not exceeding \$500.00, [and] 1/12 of 22 per cent per annum **on that part of the unpaid principal balance exceeding \$500.00 but not exceeding \$1,500 and 1/12 of 18 per cent per annum** on any remainder of such unpaid principal balance.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before May 28, 1975, to:

Roger F. Wagner  
Deputy Commissioner  
Department of Banking  
36 West State St.  
Trenton, N.J. 08625

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

Richard F. Schaub  
Commissioner  
Department of Banking

(b)

## BANKING

### NEW JERSEY CEMETERY BOARD

#### Proposed Procedural Rules

William L. Ingling, Executive Director of the New Jersey Cemetery Board in the Department of Banking, pursuant to authority of N.J.S.A. 8A:2-2, proposes to adopt new procedural rules.

**Full text** of the proposed new rules follows:

#### SUBTITLE E. NEW JERSEY CEMETERY BOARD CHAPTER 40. PROCEDURAL RULES

#### SUBCHAPTER 1. GENERAL RULES AND DEFINITIONS

##### 3:40-1.1 Scope of rules

These rules shall govern the practice and procedure before the New Jersey Cemetery Board within the Department of Banking of the State of New Jersey.

##### 3:40-1.2 Construction and amendment

These rules shall be liberally construed to permit the Board to effectively carry out its statutory functions and to secure just and expeditious determination of issues properly presented to the Board. In special cases and for cause shown, the Board may relax and permit deviations from these rules. The rules may be amended in accordance with the provisions of the Administrative Procedure Act.

##### 3:40-1.3 Definitions

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

"Act" means the New Jersey Cemetery Act, P.L. 1971, C. 333 (N.J.S.A. 8A:1-1 et seq.) as amended and supplemented.

"Board" means the New Jersey Cemetery Board, or when specially designated by the Board, any member of the Board, or the executive director of the board.

"Presiding officer" means and shall include any duly designated member of the Board, executive director or hearing examiner duly designated as such who may conduct any hearing and who can issue reports and recommendations to the Board.

"Person" means and includes, but shall not be limited to, cemetery, cemetery company, individual, partnership, limited partnership, corporation, business association, trustee, county and municipality.

#### 3:40-1.4 Offices

Office of the New Jersey Cemetery Board is located at 36 West State Street, Trenton, New Jersey 08625.

#### 3:40-1.5 Hours

The office is open on weekdays from 8:30 A.M. to 4:30 P.M. unless otherwise authorized by the Board. The office is closed on legal holidays, Saturdays and Sundays.

#### 3:40-1.6 Communications

All formal papers and correspondence should be addressed to the office of the New Jersey Cemetery Board, 36 West State Street, Trenton, New Jersey 08625, and not to individual members of the Board unless otherwise specifically authorized or directed by the New Jersey Cemetery Board. All such papers and correspondence shall be deemed to be officially received when delivered or received at the office at the aforementioned address.

#### 3:40-1.7 Official records

Copies of rules and regulations and orders and decisions of the Board will be furnished by the Board upon payment of appropriate fees. The executive director of the New Jersey Cemetery Board shall have custody of the Cemetery Board's official records including the minutes of all meetings held.

#### 3:40-1.8 Proceedings of the Board

(a) Proceedings before the Board shall be conducted with fitting dignity and decorum.

(b) The taking of photographs or the making of sketches of the hearing room or any person in it or the broadcasting of proceedings by radio or television shall not be permitted.

(c) There shall be free access to all public hearings by members of the press, who shall be provided suitable facilities for the performance of their duties in reporting the proceeding.

(d) The use of sound recording devices for the purpose of making the official transcripts of the proceeding before the Board by the reporter so designated for that purpose shall be permitted.

### SUBCHAPTER 2. APPEARANCE AND PRACTICE BEFORE THE BOARD OR OFFICE

#### 3:40-2.1 Rights of parties

(a) At any hearing the parties named in N.J.A.C. 3:40-3.1 who are affected by the proceeding shall be entitled to enter an appearance personally as provided in N.J.A.C. 3:40-2.2; to introduce evidence, examine and cross-examine witnesses, make arguments and generally participate in the conduct of the proceedings.

(b) In all instances where a person other than a respondent has received individual notice of a proceeding, and he intends to enter an appearance, he shall file with the Board and serve on the petitioner, at least 15 days before a hearing, a written notice of his intention to appear and he shall include in the written notice a brief statement of the reason for the appearance.

#### 3:40-2.2 Appearances

(a) No person, except an individual appearing in his own behalf, shall be permitted to participate in any proceeding before the Board unless such person is represented by an attorney of this State in good standing.

(b) Any attorney or counsellor from any other jurisdiction, of good standing there, may, at the discretion of the Board be admitted, pro haec vice, to participate in a proceeding in the same manner as an attorney of this State, provided however, that all pleadings, briefs and other papers filed with the Board in such matters shall be signed by an attorney authorized to practice in this State who shall be held responsible for them and who shall be present at all times during the proceeding unless excused by the presiding officer.

(c) Any person appearing before or transacting business with the Board in a representative capacity may be required by the Board or the presiding officer to file evidence of his authority to act in such capacity.

### SUBCHAPTER 3. PARTIES

#### 3:40-3.1 Classification of parties

(a) Parties to proceedings before the Board shall be designated according to relationship of the parties thereto as follows:

1. Petitioners: Parties applying to invoke the jurisdiction of the Board;

2. Respondents: Parties against whom any petition is filed or investigation is started;

3. Intervenors: Parties to the proceeding other than the above who are permitted by the Board to intervene.

### SUBCHAPTER 4. PLEADINGS NOT INVOLVING VIOLATIONS

#### 3:40-4.1 Pleadings enumerated and defined

(a) Pleadings before the Board shall be petitions, answers, replies and motions which for purposes of these rules are defined as follows:

1. Petition: The pleading filed to initiate a proceeding invoking the jurisdiction of the Board;

2. Answer: The pleading filed by a respondent or other party against whom a petition is directed or who is affected by the filing of a petition;

3. Reply: The pleading filed by the petitioner or others in response to an answer;

4. Motion: The pleading filed, incidental to an action before the Board, for the purpose of obtaining a rule or order directing that some action be taken in favor of the movement.

#### 3:40-4.2 Formal requirements for pleadings

(a) Pleadings and other papers filed under these rules shall be prepared on letter-size paper.

(b) All pleadings must be signed in ink by the attorneys of record, if any. When a party is authorized to act in his own behalf under these sections, signature shall be by the party.

#### 3:40-4.3 Number of copies

Unless otherwise required by the Board, there shall be filed with the Board through the office for its own use an original and three conformed copies of each pleading or other paper and amendment thereof.

#### 3:40-4.4 Valid service

(a) Unless otherwise directed by the Board service of pleadings, notices, decisions, orders and other papers shall be deemed valid if made by delivering one copy to each party or his attorney of record in person or depositing it in the United States mail, first class, postage prepaid, directed to the party or his attorney of record at his post office address.

Unless otherwise provided, when any party has appeared by attorney, service upon such attorney shall be deemed valid service upon the party of all future pleadings until notice of dismissal of such attorney is received in writing by the chairman of the Board through the office and served on all parties of record to the proceeding.

(b) Whenever a party has a right or is required to do some act or take some action within a prescribed period after the serving of a notice or other paper upon him, then if the notice is served by mail, three days shall be added from the date of mailing to the prescribed period.

#### 3:40-4.5 Withdrawal of a petition or dismissal of a proceeding

(a) A petition may be withdrawn without order of the Board by filing a notice of withdrawal at any stage of the proceeding prior to the filing of the report and recommendations of the hearing examiner or prior to the entry of the Board's decision or other final disposition of the proceeding. A proceeding may also be terminated by filing a stipulation signed by all parties who have appeared in the proceedings prior to the entry of the Board's decision. However, if the Board finds that public interest so requires, the Board by its order may continue each proceeding.

(b) The Board may without request from or consent of the party instituting the proceeding dismiss the same for good cause shown upon recommendation of the director or its own motion or motion of any party.

(c) Unless otherwise specified or ordered, a withdrawal or dismissal pursuant to this rule shall be without prejudice.

#### 3:40-4.6 Verification

All pleadings initiating a proceeding or otherwise seeking affirmative relief shall be verified except for those matters brought upon the Board's own motion or the motion of the Attorney General of the State of New Jersey.

#### 3:40-4.7 Changes in facts or circumstances

Whenever, subsequent to the date of the pleading, there is any significant change in respect to the information required by these Sections to be included or shown in the pleading or with respect to any other relevant matter, the party who filed the pleading shall promptly file an amendment showing or explaining the changed facts or circumstances.

### SUBCHAPTER 5. PETITION

#### 3:40-5.1 Form and content

(a) The form and content of petitions shall be as set forth below:

1. All petitions shall comply with the provisions of Subchapter 4 of this Chapter to the extent applicable;

2. Shall clearly and concisely state the facts and relief sought;

3. Shall cite by appropriate reference the statutory provision or other authority under which the Board's action is sought; and,

4. In addition, shall contain such information or statements as required by provisions of the statute and the applicable provisions of these Sections or such other Sections adopted by the Board, or as may be required by the Board in a particular proceeding.

#### 3:40-5.2 Ex parte or emergency relief

If a petition seeks ex parte action or the granting of

emergency relief pending full hearing, it shall set forth the necessity or emergency for such requested action and must be supported by affidavits sufficient to make a prima facie case.

### SUBCHAPTER 6. FORMAT OF APPLICATIONS REQUIRED TO BE FILED

#### 3:40-6.1 Application for certificate of authority

(a) The Cemetery Board shall establish a register of applications for certificates of authority for all cemeteries organized after December 1, 1971.

(b) All applications shall, upon their receipt at the offices of the Board, be recorded in this register. In addition there shall be paid along with each such application a nonrefundable fee of \$100.00 payable to the Board.

(c) The register of applications heretofore mentioned shall be open to the inspection of any member of the public during the normal business hours at the office of the Board.

(d) If, any member of the public files a written objection to the grant of such an application for a new cemetery company at the office of the Board, and upon receipt of such an objection, the Board shall notify this objecting member and the applicant of the time and the place for public hearing which it shall conduct for the purpose of receiving evidence from the objecting member of the public and from the applicant.

(e) After the hearing has been held the grant or denial of the certificate of authority applied for is filed in the register of applications.

#### 3:40-6.2 Petition for dissolution of a cemetery company

A petition for dissolution must be filed with the Board for its approval and must set forth the reasons for dissolution.

#### 3:40-6.3 Merger or consolidation of cemeteries

The approval of the Board is required for any merger or consolidation of two or more cemetery companies. Adequate proofs shall be set forth in any consolidation or merger.

#### 3:40-6.4 Litigation involving a cemetery company

Whenever a cemetery company is involved in any litigation a copy of the complaint, and so forth must be forwarded to the Board and the Attorney General since they are necessary parties to all litigation involving a cemetery company.

#### 3:40-6.5 Annual report

(a) A cemetery company shall file an annual report acknowledged in the presence of a notary public. This report shall be filed with the Board on a form established by the Board. This report shall include:

1. The extent of and sources of augmentation of the maintenance and preservation fund;

2. The manner of employment by said cemetery company of the income of the maintenance and preservation fund during the preceding year;

3. A list of the securities in which said trust funds are invested;

4. The proper fee as provided for in the statute in order to defray the expense of the examination and administration;

5. The annual report required under this Section shall be filed by the cemetery company no later than 120 days after the close of the cemetery company's fiscal year.

#### 3:40-6.6 Request for sale of cemetery lands

(a) A petition for sale of any land dedicated for cemetery purposes shall be filed with the Board and shall include:

1. Statement that the land is not in the judgment of the cemetery company necessary or suitable for interment purposes;

2. Proof that no interment has ever been made within the lands requested to be sold;

3. A statement that when a deed is made for this land it will include a prohibition of the use of such land for any purpose or uses in which a cemetery company is by the terms of N.J.S.A. 8A:5-3 specifically prohibited from engaging in;

4. A statement that a minimum 15 per cent of the proceeds of the sale of this land will be paid into the maintenance and preservation fund of the cemetery;

5. Such other information as may be required by the Board or as may be considered necessary.

### 3:40-6.7 Rules and regulations of a cemetery company

The rules and regulations of a cemetery company may be amended and/or supplemented by the cemetery company by filing with the Board such proposed amendments and/or supplements. This filing shall be accompanied by a filing fee payable to the Board.

### 3:40-6.8 Petition for removal of unsightly monumentation

(a) When a cemetery company desires the removal of an unsightly monument, railing, box or other form of monumentation from an interment space or lot and when the cemetery company has not been able to notify the interment space owner, owners or other interested parties, then an application shall be made to the Board and shall include the following:

1. The reasons for removal of the monument, railing and so forth;

2. A statement that no written permission could be obtained from the owner or owners of the interment space or lot;

3. A photograph of the monument sought to be removed.

### 3:40-6.9 Request for enlargement of cemetery area by purchase

(a) Before any land is added to an existing cemetery, a request must be made of the Board for approval. This request should include the following:

1. A statement that the total area of the cemetery will not exceed the statutory limit when this new area is added to the existing cemetery, except in the case of a merger between two or more existing cemeteries;

2. The purchase price;

3. A copy of the resolution of consent by the municipality where the cemetery company is located.

### 3:40-6.10 Request by a cemetery company to acquire new lands

Any request by a cemetery company to acquire lands for cemetery purposes must include the method of payment for these lands, the interest rate being paid, and the amount of land involved.

### 3:40-6.11 Application for approval to lease or license unused cemetery lands

(a) Any request to lease or license unused cemetery lands shall include the following:

1. A statement that the lands to be leased will not be plotted for burial lots or burial lots therein sold for burial purposes or otherwise used for cemetery purposes within two years following the date of the request;

2. A showing that the land in question abuts a public street or highway;

3. A showing that the prospective lessee is a nonprofit, religious, educational or charitable organization;

4. A statement as to the expected use by the prospective lessee emphasizing that this use would not be distasteful to those who may come upon that portion of the cemetery presently used for burial purposes which abut the land in question;

5. A showing that there is an access from the abutting public highway or street.

### 3:40-6.12 Request for license as a cemetery salesman

All requests for licensing as a cemetery salesman should be made to the Board at its Trenton office in accordance with the provisions of the New Jersey Cemetery Act.

## SUBCHAPTER 7. VIOLATION OF THE CEMETERIES ACT

### 3:40-7.1 Charge

(a) A charge that any person has violated any provision of this Act, other than a charge filed by the Board, may be filed by any person within three months of the date the person filing the complaint became aware of the alleged violation.

(b) All charges shall be sworn to and in writing.

(c) Three copies of the charge shall be filed with the Cemetery Board and a copy shall be served simultaneously on each named party. Proof of service shall then be filed with the Board. If one desires to withdraw a charge, the procedures outlined earlier are to be followed.

### 3:40-7.2 Contents of a charge

(a) A charge shall contain the following and forms for filing such charges may be supplied by the executive director of the Board on request:

1. The name, address and telephone number of the person making the charge, hereinafter called the petitioner;

2. The name, address and telephone number of the person against whom the charge is made (hereinafter respondent);

3. A clear and concise statement of the facts constituting the alleged violations of the Act, or any rules and regulations of the Board including, but not limited to, the time and place of occurrence of the particular acts and a statement of the portion or portions of the Act and/or rules and regulations alleged to be violated.

### 3:40-7.3 Answers

The respondent shall have a right to file an original and two copies of the answer to the charge with the Board within ten days after the service of the charge. Upon application, the Board may extend the time, for good cause shown, within which the answer shall be filed. One copy of the answer shall be served on each party with proof of service furnished to the Board.

### 3:40-7.4 Contents of the answer

(a) The answer shall contain:

1. A specific admission, denial or explanation of each allegation in the charge, or if the respondent is without knowledge, he shall so state to that effect, such statement operating as a denial; admissions or denials may be to all or part of an allegation but shall fairly meet the substance of an allegation;

2. A specific detailed statement of any affirmative defense;

3. A clear and concise statement of the facts and matters of law relied upon constituting the grounds of the defense. Any allegation of the charge not denied in the answer shall be deemed admitted and may be so found by the Board.

#### 3:40-7.5 Responses of the Board to a charge

After a charge has been filed, if it appears to the Board based upon the allegations in the investigation in the materials submitted by the petitioner and the respondent, or any other investigation it deems appropriate, that a formal proceeding should be instituted, it will cause to be issued and served upon the parties a notice of hearing. At any time, the Board may appoint a hearing officer to hold a hearing and issue a report containing findings of fact, conclusions of law and recommendations, including where appropriate, remedial action to be taken and notices to be posted.

#### 3:40-7.6 Format of a notice of hearing

(a) The notice of hearing shall include:

1. A copy of the charge;
2. A statement of the time of the hearing which shall be not less than ten days after service of the notice of hearing, except in extraordinary circumstances;
3. A statement of the place and nature of the hearing;
4. A statement of the legal authority in jurisdiction under which the hearing is to be held;
5. A reference to the particular Sections of the Act and rules and regulations involved;
6. The respective positions of the parties, in order to frame, simplify and clarify the issue involved; however, any such material shall not be deemed a part of the record and any party wishing to rely upon them as exhibits shall make an appropriate submission at the hearing.

#### 3:40-7.7 Service of the notice of hearing

A notice of hearing shall be served on all parties in interest by certified mail.

### SUBCHAPTER 8. HEARINGS

#### 3:40-8.1 Presiding officer

The hearing for the purpose of taking evidence pursuant to these rules and regulations shall be conducted by a hearing officer designated by the Board or the Commissioner of Banking unless the Board or any member thereof presides. Such hearings shall be public unless otherwise ordered, for good cause, by the Board or the hearing officer.

#### 3:40-8.2 Recording of the hearing

An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided by the Board. Copies of the official transcript may be purchased by arrangement with the official reporter or if transcribed for the Board may be examined in the Board's office in Trenton during normal working hours.

#### 3:40-8.3 Hearing officer's powers

(a) It shall be the duty of the hearing officer to inquire fully into the facts as they relate to the matter before him. With respect to cases assigned to him, between the time he is designated and the transfer of the case to the Board, the hearing officer shall have the authority, subject to these rules and regulations and the Act, to:

1. Administer oaths and affirmations;

2. Grant applications for subpoenas;
3. Rule upon offers of proof and receive relevant evidence;
4. Take or cause dispositions to be taken whenever the ends of justice would be served thereby;
5. Limit lines of questioning or testimony which are repetitive, cumulative or irrelevant;
6. Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper question;
7. Hold conferences for the settlement or simplification of the issues by consent of the parties;
8. Dispose of procedural requests, motions or similar matters which shall be made part of the record of the proceeding, including motions referred to the hearing officer by the executive director and motions to amend pleadings, also to recommend dismissal of cases or portions thereof, and to order hearings reopened prior to issuance of the hearing officer's report and recommendations;
9. Call, examine and cross-examine witnesses and to introduce into the record documentary or other evidence;
10. Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;
11. Take any other action necessary under the foregoing and authorized by the rules and regulations of the Board.

#### 3:40-8.4 Unavailability of hearing officer

In the event the hearing officer designated to conduct the hearing becomes unavailable, the Board or the Commissioner of Banking upon the agreement of all of the parties involved, may designate another hearing officer for the purpose of further hearing or issuance of a report and recommendations on the record as made, or both.

#### 3:40-8.5 Procedure

Any party shall have the right to appear at such hearing on his own behalf or by counsel, to call, examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent permitted by the hearing officer; and provided further, that five copies of documentary evidence shall be submitted. The hearing officer at his discretion may permit a reduced number of copies of documentary evidence for good cause shown.

#### 3:40-8.6 Admissibility of evidence

The parties shall not be bound by rules of evidence whether statutory, common law or adopted by the rules of court. All relevant evidence is admissible, except as otherwise provided. The Board or hearing officer may, on its or his discretion, exclude any evidence or offer of proof if it or he finds that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion. The Board or hearing officer shall give effect to the rules of privilege recognized by law. Every party shall have a right to present his cause by oral and documentary evidence and to submit rebuttal evidence. Every party and the hearing officer shall have the right to examine and cross-examine as may be required for a full and true disclosure of the facts.

#### 3:40-8.7 Proofs required

A charging party in asserting a violation of the Act and

these rules and regulations shall have the burden of proving the allegations of the charge by a preponderance of the evidence.

#### 3:40-8.8 Statement of facts

In any proceeding an agreed statement of facts may be introduced into the record with respect to any issue. An agreed statement of facts may be accepted by the Board or hearing officer for a decision without a hearing. The acceptance of an agreed statement of facts by the Board or hearing officer may be deemed a waiver of a right to hearing.

#### 3:40-8.9 Objections

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

(b) Automatic exceptions will be allowed to all adverse rulings. The Board shall, in its discretion, have the authority, for good cause shown, to review any objection to the rulings of a hearing officer or the conduct of a hearing. The aforementioned review by the Board shall not stay the conduct of the hearing unless otherwise ordered by the Board. An objection not duly urged before a hearing officer shall be deemed waived unless the failure to urge such objection shall be excused by the Board because of extraordinary circumstances.

#### 3:40-8.10 Privileges of parties

(a) Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

(b) Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the hearing officer who may fix a reasonable time for such filing, but not in excess of 21 days from the close of the hearing. Requests for further extensions of time for good cause shown shall be made to the Board.

(c) No request will be considered unless received at least three days prior to the expiration of the time fixed for the filing of briefs or proposed findings and conclusions, unless expressly authorized by the Board.

(d) Notice of the request for any extension shall be served simultaneously on all other parties, and proof of service shall be furnished.

(e) Five copies of any brief or proposed findings and conclusions shall be filed with the hearing officer, and copies shall be served simultaneously on the other parties, and a statement of such service shall be furnished.

#### 3:40-8.11 Adjournments

At the discretion of the hearing officer, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the hearing officer, or by other appropriate notice.

#### 3:40-8.12 Report of hearing officer

(a) After completion of the hearing, or upon the consent of the parties prior to the conclusion of the hearing, the hearing officer shall transfer the case to the Board including the hearing officer's report and recommended finding of fact and con-

clusions of law, and the record.

(b) The hearing officer's report and recommendations, where appropriate, should include the remedial action to be taken and notices to be posted.

(c) The record shall include the petition or charge, notice of hearing, motions, rulings, orders, official transcript of the hearing, stipulations, exceptions, documentary evidence and any briefs or other documents submitted by the parties.

(d) The Board shall cause the report and recommendations of the hearing officer to be served promptly on all parties to the proceeding.

(e) Five copies of any exceptions to the hearing officer's report and recommendations may be filed by any party with the Board within seven days after service of the report and recommendations, provided, however, that the executive director may for good cause shown extend the time for filing such exceptions. Copies of such exceptions and any supporting briefs shall be served simultaneously on all parties, and a statement of such service shall be furnished to the Board.

#### 3:40-8.13 Objection to report

(a) Exceptions to a hearing officer's report shall:

1. Set forth specifically the questions of procedure, fact, law or policy to which exceptions are taken;

2. Identify that part of the hearing officer's report to which objection is made;

3. Designate by precise citation of page the portions of the record relied on, state the grounds for the exceptions, and include the citation of authorities unless set forth in a supporting brief. Any exception to a ruling, finding, conclusion or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

(b) Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions and shall contain, in the order indicated, the following:

1. A concise statement of the case containing all that is material to the consideration of the questions presented;

2. A specification of the questions involved and to be argued;

3. The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(c) Answering briefs to the exceptions, and cross-exceptions and supporting briefs, may be filed upon application at the discretion of the Board.

#### 3:40-8.14 Decision of the Board

(a) After considering the hearing officer's report and recommendations, the record and any exceptions filed, the Board shall issue its decision.

(b) Parties shall be notified either personally or by mail of any decision or order.

(c) Upon request, a copy of the decision or order shall be delivered or mailed forthwith by registered or certified mail to each party and to his attorney of record.

(d) In cases alleging a violation of the Act and these rules and regulations and upon finding such violation, the Board shall order the respondent to cease and desist from conduct violative of the Act and these rules and regulations and may require the respondent to take such affirmative corrective action as he deems appropriate to effectuate the policies of the Act and these rules and regulations.

(e) The Board shall also assess whatever statutory fines it deems appropriate.

3:40-8.15 Compliance

Where remedial action is ordered, compliance with decisions and orders of the Board shall be achieved by the respondent reporting to the Board, within a specified period, that the required remedial action has been taken.

SUBCHAPTER 9. HEARING CONDUCTED BY BOARD

3:40-9.1 Hearing conducted by Board

When the hearing is conducted by the Board, all of the rules and regulations governing the conduct of the hearing shall apply with the exception of N.J.A.C. 3:40-8.12 and 3:40-8.13.

SUBCHAPTER 10. ADMINISTRATIVE PROCEDURE ACT

3:40-10.1 Administrative Procedure Act

Except as otherwise provided in the New Jersey Cemetery Act and in these regulations, the procedures followed by the Board shall be in conformity with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.)

SUBCHAPTER 11. FORMS

3:40-11.1 Penalty letter

(a) The following is the form of the penalty letter and attachment thereto:

Dear \_\_\_\_\_

Our investigation indicates that you violated the provisions of N.J.S.A. \_\_\_\_\_ in that you \_\_\_\_\_. You may be liable to a penalty of up to \$\_\_\_\_\_ for such violation under N.J.S.A.

If you wish a hearing in this matter, you may request the same within 15 days of the date of this letter. At the time of hearing you may appear with counsel of your choice and with witnesses and documentary evidence. If no request for a hearing is received within the period stated above, the Board will make its determination on the evidence in its possession, and will take such action as it deems appropriate. If a penalty is indicated, the matter will be referred to the Attorney General for the institution of a suit in the County District Court to collect the penalty.

You are hereby afforded the opportunity of disposing of this matter without a hearing and without recourse to litigation by executing the attached form and returning it to the Board within 15 days, together with your remittance made payable to the New Jersey Cemetery Board in the amount of \$\_\_\_\_\_.

Very truly yours,  
New Jersey Cemetery Board  
By: \_\_\_\_\_  
Executive Director

ATTACHMENT

We hereby admit to the violation of N.J.S.A. \_\_\_\_\_ and remit herewith (check or moneyorder) in the amount of \$\_\_\_\_\_.

\_\_\_\_\_

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

William L. Ingling  
Executive Director  
New Jersey Cemetery Board

36 West State Street  
Trenton, N. J. 08625

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

Clifford F. Blaze  
Acting Deputy Commissioner  
Department of Banking

(a)

**BANKING**

**DIVISION OF SAVINGS AND LOAN ASSOCIATIONS**

**Revisions on Limitations  
And Excludable Loans**

On April 23, 1975, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-168 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:27-5.1 and 3:27-5.3, concerning limitations and excludable loans, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 94(a).

An order adopting these revisions was filed and effective April 23, 1975, as R.1975 d.106.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

**CIVIL SERVICE**

**CIVIL SERVICE COMMISSION**

**Revise State Service Personnel  
Manual on Prohibition Against  
Political Activity**

On March 26, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 21-3.101 of the Civil Service Personnel Manual (State Service) concerning the prohibition against political activity.

Full text of the revised rules follows:

Subpart 21-3.101 Prohibition Against Political Activity  
21-3.101a Subject

This subpart deals with the restrictions on political activities of State officers subject to the provisions of the Hatch Act as modified by Section 401(a) of the Federal Elections Campaign Act Amendments of 1974.

21-3.101b Authority

The following was sent out by the Attorney General's Office and is provided for your information:

"The Office of the Attorney General has often indicated to officials in the State government that in instances where a principal executive department, division or agency administers activities and programs which are financed in whole or in part by loans or grants made by the United States govern-

ment to the State of New Jersey, the executive or administrative head and employees of such department, division or agency fall within the purview of the limitations on political activity spelled out in the Hatch Act. 5 U.S.C. 1501 et seq. The restrictions on political activities of State officers and employees subject to the provisions of the Act are set forth in Section 1502(a) as follows:

(a) A State or local officer or employee may not:

(1) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, commend, or advise a State or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

(3) Take an active part in political management or in political campaigns."

"Please be advised that Section 401(a) of the recently enacted Federal Elections Campaign Act Amendments of 1974 (P.L. 93-443) has significantly modified the restrictions imposed on the political activities of State officers and employees insofar as it eliminates any ban on active participation in political management and campaigns as of January 1, 1975. The restriction to be imposed by Section 1502(a) (3) of the Hatch Act as of January 1, 1975 will simply foreclose a covered official or employee from being a candidate for partisan elective office. Therefore, State officers and employees subject to the political limitations imposed by the Hatch Act may take an active part in political management and in political campaigns as of January 1, 1975 except that they may not be candidates for partisan elective office. However, the limitations on political activities set forth in Section 1502(a) (1) and (2) of the Act relating to the use of official influence on elections and coercion of employees to contribute for political purposes remain in force and effect."

An order adopting these revised rules was filed March 31, 1975, as R.1975 d.88 (Exempt, Procedure Rule). Take notice that these rules are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State.

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to State Service Personnel Manual Subpart 20-5.109

On March 13, 1975, the New Jersey Civil Service Commission, pursuant to 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 (State Service) Subpart 20-5.109, concerning the administration of the Comprehensive Employment and Training Act Program (CETA VI).

Full text of the revised rules follows:

Subpart 20-5.109 Administration Of The Comprehensive Employment And Training Act Program — (CETA VI)

#### 20-5.109a Subject

This subpart on CETA VI is identical\* to the subpart on CETA II issued December 12, 1974. It describes the interim policy and procedures of the Department of Civil Service with regard to the administration of the Comprehensive Employment and Training Act Program — CETA VI which are exactly the same as those for CETA II and are spelled out below for your information.

#### 20-5.109b Policy And Procedures

The Department of Civil Service is presently engaged in discussions with both the United States Department of Labor and New Jersey Department of Labor and Industry for the purpose of establishing a policy with regard to the status of employees hired under the Comprehensive Employment and Training Act (CETA). Pending the promulgation of this policy, the following interim procedures have been established:

(1) Appointing authorities operating under the provisions of Title II, the Civil Service Statute, may continue to make appointments under the CETA VI program.

(2) Each jurisdiction shall submit Personnel Action Forms (CS-21) for all appointments to CETA VI funded positions to the Department of Civil Service. For purposes of identification, the abbreviation CETA VI shall be included in box 36 of the CS-21 form.

#### 20-5.109c \*Exception

This subpart does not apply to Supplemental Unemployment Assistance (SUA) jobs.

An order adopting these revisions was filed March 21, 1975, as R.1975 d.78 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to Local Jurisdiction Personnel Manual Subpart 20-5.105

On March 13, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedure rules, concerning the administration of the Comprehensive Employment and Training Act Program (CETA VI) in Subpart 20-5.105 of the Civil Service Personnel Manual (Local Jurisdictions).

Full text of the revised text follows:

Subpart 20-5.105 Administration Of The Comprehensive Employment And Training Act Program — (CETA VI)

#### 20-5.105a Subject

This subpart on CETA VI is identical\* to the subpart on CETA II issued December 12, 1974. It describes the interim

policy and procedures of the Department of Civil Service with regard to the administration of the Comprehensive Employment and Training Act Program — CETA VI which are exactly the same as those for CETA II and are spelled out below for your information.

#### 20-5.105b Policy And Procedures

The Department of Civil Service is presently engaged in discussions with both the United States Department of Labor and New Jersey Department of Labor and Industry for the purpose of establishing a policy with regard to the status of employees hired under the Comprehensive Employment and Training Act (CETA). Pending the promulgation of this policy, the following interim procedures have been established:

(1) Appointing authorities operating under the provisions of Title II, the Civil Service Statute, may continue to make appointments under the CETA VI program.

(2) Each jurisdiction shall submit Personnel Action Forms (CS-6) for all appointments to CETA VI funded positions to the Department of Civil Service. For purposes of identification, the abbreviation CETA VI shall be included following the desired title in box 9 of the CS-6 form.

#### 20-5.105c \*Exception

This subpart does not apply to Supplemental Unemployment Assistance (SUA) jobs.

An order adopting these revisions was filed March 21, 1975, as R.1975 d.79 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Proposed Revisions in Uniform Standards Code of Mobile Homes

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:2D-25.1 et seq., proposes to revise some of the rules concerning the Uniform Standards Code for Mobile Homes.

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

#### 5:21-3.3 Period of initial approval

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

#### 5:21-3.4 Annual reapproval

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

(b) **The testing facility seeking reapproval shall furnish the Department all information necessary to make current the information previously submitted as part of its original application for approval and all subsequent applications for reapproval.**

#### 5:21-3.5 Fees

(a) **Fees are:**

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

#### 5:21-3.6 Suspension and revocation

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

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

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

- Manufacturer's name and address;
- [Serial number of the separate label of the approved testing facility.] **Manufacturer's serial number, manufacture date, and weather zone designation (hurricane zone only)** for the unit;
- [Manufacturer's serial number for the unit.] **Serial number of the separate label of the approved testing facility;**
- [Name of manufacturer and model designation of major factory installed appliances.] **State of New Jersey seal or equivalent seal from state of reciprocity list; (See Section 7 of this Subchapter.)**
- [Where applicable, identification of permissible type of gas for appliances, designation of electrical ratings for single and multiple cord entrance, directions for water and drain connections.] **Name of manufacturer and model designation of major factory installed appliances;**
- [Details relative to pier spacing and location on which the home design is based.] **Where applicable, identification of permissible type of gas for appliances, designation of electrical ratings for single and multiple cord entrance, directions for water and drain connections;**
- [State of New Jersey seal or equivalent seal from state on reciprocity list. (See Section 401.3)] **Details relative to pier spacing and location on which the home design is based.**

#### 5:21-4.6 Issue of registration seals and fees

(a) **Approved registration seals may be purchased from**

the Department in advance of use.

(b) The fee for each registration seal shall be \$5.00.

(c) Checks shall be made payable to "Treasurer, State of New Jersey".

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

Division of Housing and Urban Renewal  
Bureau of Housing Inspection  
P.O. Box 2768  
Trenton, N. J. 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.

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Approved Forms on Certificates Of Sale for Unpaid Municipal Liens

On April 21, 1975, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10, 52:27D-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted forms for original and duplicate tax sale certificates for unpaid municipal liens.

Full text of the adopted rule follows:

#### 5:30-13.3 Tax sale certificates for unpaid municipal liens

Be it resolved by the local Finance Board that the forms of the original and duplicate certificates of sale for unpaid municipal liens for use by the municipalities of the State of New Jersey, are hereby approved.

Note: Due to space limitations, the actual forms are not reproduced herein. Information concerning such forms may be obtained from the Local Finance Board, P.O. Box 1959, Trenton, N.J. 08625.

An order adopting this rule was filed and effective April 24, 1975, as R.1975 d.107 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Notice of Prior Proposed New Rules On Thorough and Efficient Education

Take notice that the State Board of Education has pro-

posed new rules concerning thorough and efficient education which, if adopted, will be cited as N.J.A.C. 6:8-1.1 et seq.

The full text of these proposed new rules was published in the April 10, 1975, issue of the New Jersey Register at 7 N.J.R. 132(a).

This Notice is published as a matter of public information.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## EDUCATION

### STATE BOARD OF EDUCATION

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

Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:33-4 and 18A:58-7.1, proposes to adopt revised policies for free and reduced-price meals and/or free milk. The proposed, revised rules will replace the current text in Chapter 79 of Title 6 in the New Jersey Administrative Code.

Full text of the proposed rules follows:

#### CHAPTER 79. OFFICE OF FOOD PROGRAM ADMINISTRATION

#### SUBCHAPTER 1. REVISED POLICIES FOR FREE AND REDUCED-PRICE MEALS AND/OR FREE MILK

##### 6:79-1.1 Definitions

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

"Application" means the notifying letter and application form issued to all parents of students enrolled in school to determine eligibility for child nutrition programs.

"Bureau" means the Bureau of Child Nutrition Programs, which supervises the national school lunch, school breakfast, special milk, nonfood assistance and special food services programs in the State of New Jersey.

"Department" means the State Department of Education.

"Policy" means the free and reduced-price policy required by 7 CFR 245.

"School" means a school operating under the supervision of a sponsor as defined herein.

"School feeding agreement" means the agreement entered into between the Department and each sponsor pursuant to 7 CFR 210.8.

"Sponsor" means the school district.

"Survey" means the procedure required of every school and sponsor to determine eligibility of every enrolled student for free and reduced-price meals.

##### 6:79-1.2 Policy

The Bureau shall develop a free and reduced-price policy pursuant to Federal regulations which shall be adopted by all sponsors. This policy shall be signed and returned to the Bureau no later than the end of the second calendar month for which any reimbursement can be claimed for meals served under the child nutrition programs. However, for sponsors starting programs in September, the deadline for

submission of the policy shall be September 30. This policy shall become a part of the sponsor's school feeding agreement with the Department of Education.

#### 6:79-1.3 Eligibility

The Bureau shall establish Statewide eligibility standards for free and reduced-price meals and/or free milk. Such standards shall be used by all sponsors participating in the child nutrition programs.

#### 6:79-1.4 Survey

(a) By no later than September 30 of each school year, each school, under the supervision of its sponsor, shall survey the families of the students it has enrolled to determine which such students are eligible to receive free or reduced-price meals and/or free milk.

(b) This survey shall be conducted according to procedures required by the Bureau, including but not limited to the distribution of an application to the family of every student enrolled in the school.

(c) The results of this survey shall be filed with the Bureau no later than October 15 of the school year in which the survey is made.

#### 6:79-1.5 Application

(a) The Bureau shall prepare an application which shall be used by all sponsors participating in the child nutrition programs. A copy of the application used by each sponsor must be filed with the Bureau together with the policy described in Section 2 of this Subchapter.

(b) Parents shall be given at least two weeks from the date of receipt of the application to complete and submit such application to the sponsor, which must provide adequate assistance to parents in completing these applications.

(c) Applications in language other than English must be provided where non-English speaking parents are possible applicants. (An application in Spanish is available upon request from the Bureau.)

(d) Upon receipt of the completed application the sponsor must determine each student's eligibility for a free or reduced-price meal and/or free milk **from the information submitted**. Each student shall be offered free or reduced-price meals and/or free milk as soon as eligibility has been determined. If the school has reason to question the information provided, the student affected must continue to receive the free or reduced-price meal and/or free milk until said information is found to be incorrect by the appeal procedure set forth in the sponsor's policy.

(e) Any school may authorize free or reduced-price meals and/or free milk on the recommendation of a teacher, nurse or other school official, based on known economic need, in cases where parents will not or cannot apply for free or reduced-price meals for their children. The school must complete applications for these students.

#### 6:79-1.6 Participation

(a) Any school in which five per cent or more of the school enrollment is found to be eligible for free or reduced-price meals shall offer lunch to all students enrolled in that school.

(b) Any school may participate in the lunch program.

#### 6:79-1.7 Nutritional standards

(a) Nutritional standards established by the Department for lunches served under the national school lunch program

or as mandated by N.J.S.A. 18A:53-1 shall be identical to those established in 7 CFR 210.10.

#### 6:79-1.8 Review and evaluation

(a) Each sponsor's implementation of its policy shall be reviewed and evaluated by the Bureau on a continuing basis.

(b) Federal and State child nutrition program funds may be withheld from sponsors found not to be in compliance with applicable Federal and State regulations.

(c) Sponsors shall not alter or amend standards set forth in their policy without prior approval by the Bureau.

#### 6:79-1.9 Maximum charge

(a) Sponsors must establish the price of milk served to students under the special milk program at a rate that does not produce an annual average operating margin that exceeds two cents per half pint.

(b) The Bureau shall annually establish the maximum per meal charge.

#### 6:79-1.10 Competitive food policy

(a) This sale of extra food items during serving periods shall be restricted to those items recognized as making a significant contribution to the nutritional needs of children.

(b) All income derived from the sale of food and beverage items within a school during the hours when child nutrition programs are in operation must accrue to the accounts of said programs.

#### 6:79-1.11 Nonfood assistance

(a) Eligible schools shall be allocated funds for food service equipment needed to initiate or upgrade child nutrition programs.

(b) All plans, layouts, equipment specifications, installation requirements and bid proposals must be approved by the Bureau before nonfood assistance is approved.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

Ms. Lorraine Colavita  
Administrative Practice Office  
Department of Education  
225 West State St.  
Trenton, N.J. 08625

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

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Amendment on Acting Administrators

On April 2, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-10, 18A:16-1.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to N.J.A.C. 6:3-1.1

concerning acting administrators as proposed in the Notice published March 6, 1975, at 7 N.J.R. 97(a).

An order adopting this amendment was filed and effective April 9, 1975, as R.1975 d.98.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### **Proposed Rules on Certification of Eligibility for Exemption from Taxation on Real Property Owned By Certain Nonprofit Corporations**

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 54:4-3.63 et seq., proposes to adopt new rules establishing qualifications for applicants for exemption from taxation on real property. Within the Department of Environmental Protection, this proposal is known as Docket No. DEP 035-75-04.

Full text of the proposed rules follows:

#### SUBTITLE G. OFFICE OF OPEN LANDS CONSERVATION

#### CHAPTER 35. REAL PROPERTY TAXATION

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 7:35-1.1 Purpose and scope

In order to help satisfy the acute need in New Jersey for natural open space areas for public recreation and conservation purposes, the Legislature has found that it is "in the public interest to encourage the dedication of privately-owned open space to public use and enjoyment . . ." (N.J.S.A. 54:4-3.36 et seq.). These rules and regulations are supplemental to and not in derogation of existing tax laws.

##### 7:35-1.2 Definitions

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

"Application" means a request for certification of tax exemption on one contiguous land holding, or several holdings intended for similar use.

"Certification of tax exemption" means establishment by the Commissioner of eligibility for exemption pursuant to the provisions of P.L. 1951, c.135 (D54:4-4.4).

"Commissioner" means the Commissioner of the New Jersey Department of Environmental Protection.

"Department" means the New Jersey Department of Environmental Protection.

"Nonprofit organization" means those organizations or corporations who have applied for and received a determination letter under Section 501(c)(3) of the Federal Internal Revenue Code.

"Pretax year" means the year in which the application is submitted.

"Public recreation and conservation purposes" means the use of lands for parks, natural and historic areas, nature education, forests, camping, fishing, water reserve, wildlife pres-

ervation, hunting, boating, recreation centers, winter sports and similar uses for public recreation and conservation of natural resources.

"Public use" means a use or right of use available to the general public or some portion thereof for conservation or recreation purposes. Such use, and any limits thereon, shall be based on the uses best suited to the land, the capacity of the facility and the public benefits or advantages to be derived therefrom.

"Roll back taxes" means taxes in the amount equal to the taxes which would have been payable on the property had it not been exempt in the current tax year (the year of sale or change in use), and in each of the two tax years immediately preceding in which the real property was exempt, with interest compounded at 8 per cent annually.

##### 7:35-1.3 Eligible organizations

Any nonprofit organization who qualifies for exemption from Federal Income Tax under Section 501 (c) (3) of the Internal Revenue Code and who owns natural open space land in the State of New Jersey is eligible to make application under this program.

##### 7:35-1.4 Eligible real property

(a) Real property must meet the following qualifications in order to gain tax exemption:

1. It must include a natural open space area which is not dominated by buildings or other structures;
2. It must be open for public use on an equal basis;
3. Tax exemption must be determined by the Commissioner to be in the public interest;
4. Fees charged for entrance onto or use of the real property must be determined by the Commissioner to be non-discriminatory fees consistent with the cost of maintenance or improvement of the property;
5. Restrictions on the use of the real property by the public must be determined by the Commissioner to be necessary for proper maintenance and improvement of the property or because significant natural features of the land may be adversely affected by unrestricted access.

##### 7:35-1.5 Application procedures

(a) In order to apply, a nonprofit organization must submit to the Department three copies of the following documents by August 1 of the pretax year.

1. The Department's application form DEP/TE101;
2. The Federal Internal Revenue Service letter of determination of tax exemption form L-178 (Revised 8-73) or form LO391 (4-73);
3. Statement by counsel or other competent declarer attesting to applicant's ownership of the specific property;
4. The property tax bill(s) for the pretax year for all property for which application is being made;
5. The tax map(s) for all property for which application is being made and a municipal map showing the location of the property;
6. The State form I.S. Rev. June, 1970 (the initial statement for Exemption of Real Property from Taxation pursuant to N.J.S.A. 54:4-4.4);
7. A copy of the applicant's certificate of incorporation, articles of association or the charter and by-laws.

(b) The Department has the right to enter upon the land for the purposes of a site inspection after application has been made.

(c) A public hearing will be held on the first Thursday after

the first Monday in September of the pretax year or at such time as designated by the Commissioner. The Commissioner will advertise the time and location of the hearing in an official advertising newspaper of the area in which the property is located.

(d) Prior to the hearing two copies of each item submitted in application will be sent to the local tax assessor. A copy of the Department of Environmental Protection letter of notification of receipt will be sent to the applicant and to the applicable county board of taxation, with original to local tax assessor.

(e) On or before September 15 of the pretax year the Commissioner will make a declaration of certification and shall notify the applicant, the local tax assessor, and the county board of taxation. The Commissioner may consult with the Natural Areas Council and others prior to making a determination.

(f) Not later than July 1 of every third-calendar year succeeding the year of certification the applicant shall submit a form DEP/TE 102, and form F.S. Rev. June 1970 "Further Statement" informing the Department of current land use.

#### 7:35-1.6 Change of status

When real property which is exempted under the provisions of this Act is applied to a use other than public recreation and conservation purposes, or is sold to an organization not qualifying for tax exemption under the Federal Internal Revenue Service Section 501(c)(3), then the applicant shall notify the Department. That property shall be subject to roll back taxes.

#### 7:35-1.7 Save harmless liability

The nonprofit organization, its servants, licensees, agents or invitees shall accept all liability arising out of the use of the certified property.

#### 7:35-1.8 Amendments

The Commissioner, in consultation with the Director of the Division of Taxation, shall have the power to adopt, amend and repeal administrative rules to effectuate the purposes of this Act.

Editor's Note: In addition to the preceding rules, forms DEPT/TE 101, Application for Certification of Tax Exemption and DEP/TE 102, Application for Recertification of Tax Exemption were filed but due to space limitations are not reproduced herein.

All relevant information will be available for inspection during normal working hours at the **Office of Open Lands Conservation** N.J.D.E.P., John Fitch Plaza, Trenton, N.J. 08625.

Interested persons are invited to submit written comment on these proposed criteria no later than May 28, 1975. Submittal should be addressed to:

Mr. Howard J. Wolf  
Special Assistant to the Commissioner  
New Jersey Department of  
Environmental Protection  
P.O. Box 1390  
Trenton, New Jersey 08625  
Telephone - 609-292-3805

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

ter adopt these rules substantially as proposed without further notice.

David J. Bardin  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

##### Proposed 1975-1976 Game Code

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority delegated in N.J.S.A. 13:1B-30 et seq., proposes to adopt the Game Code for the 1975-76 hunting seasons. Within the Department of Environmental Protection, this proposal is known as Docket No. DEP 038-75-04.

Copies of the proposed Game Code have been prepared and a summary supplied to newspapers throughout the State. The proposed Code states when, under what circumstances, in what localities, by what means and in what amounts and numbers game birds, game animals and fur-bearing animals may be pursued, taken, killed or had in possession. Such Code, if adopted, will be cited as N.J.A.C. 7:25-5.1 et seq.

Copies of the full text of the proposed Game Code may be obtained from: Division of Fish, Game and Shellfisheries, P. O. Box 1809, Trenton, New Jersey 08625.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the State Museum Cultural Center, West State Street, Trenton, N.J. on Tuesday evening, June 10, 1975 at 8:00 P.M.

Written comments regarding the proposed Code may be filed on or before June 10, 1975 with the New Jersey Fish and Game Council, Division of Fish, Game and Shellfisheries at the above address.

The New Jersey Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt the Code substantially as proposed without further notice.

Russell A. Cookingham  
Director, Division of Fish,  
Game and Shellfisheries  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Extension of Wetlands Order to Portions of Atlantic County

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1 et seq., pro-

poses to extend the Wetlands Order to parts of Atlantic County. Within the Department of Environmental Protection, this proposal is known as Docket No. DEP 037-75-04.

**Full text** of the specified area of proposed extension follows:

7:7A-1.1(a)16. Atlantic County (filed in the office of the county recording officer, Mays Landing):

- i. 189-1992;
- ii. 210-1974;
- iii. 217-2046.

A public hearing respecting the proposed action will be held on May 29, 1975, at 10:00 A.M. in the Council Chambers, Absecon City Hall, U.S. 30 (Whitehorse Pike), Absecon, New Jersey. This hearing will be held in accordance with the provisions of the Wetlands Act of 1970, Chapter 272, P.L. 1970.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 27, 1975, to:

Department of Environmental Protection  
P.O. Box 1390  
Trenton, N.J. 08625

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

David J. Bardin  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Proposed Revisions Concerning Clams

The Department of Environmental Protection, Division of Fish, Game and Shellfisheries, with the advice of the Shellfisheries Council, Atlantic Coast section and pursuant to the authority of N.J.S.A. 50:1-5, proposes to adopt certain revisions to regulations governing the transplanting of hard clams (*Mercenaria mercenaria*) from moderately condemned waters situated in the Atlantic Coast section to certain specified leased grounds in the Atlantic Coast section.

Such revisions, when adopted, will be cited as N.J.A.C. 7:25-9.2, known within the Department of Environmental Protection as Docket No. DEP-039-75-04.

Copies of the proposed revised regulations have been prepared and a summary will be supplied to newspapers throughout the State. The proposed revision states when the operations will take place. The proposed text replaces the current text of N.J.A.C. 7:25-9.2, if adopted.

**Full text** of the proposed revised rules is as follows:

(a) Hard clams may be caught and taken from moderately condemned waters situated in the Atlantic Coast section to be transplanted into certain leased areas situated in the Atlantic Coast section.

(b) Everyone who takes clams from the above-mentioned area must hold a lease to three, one-half acre plots in Great Bay. Said lease is to be in conformity with the existing rules

and regulations of Title 50 of the Revised Statutes and with the rules and regulations established by this resolution.

(c) The lessee must also obtain a special permit to take clams from certain condemned areas as provided in N.J.S.A. 24:14-3.

(d) The fee for each lease shall be determined from time to time by the Shellfisheries Council with the fee being \$50.00 for the three plots. An additional fee of \$15.60 shall be charged and prorated in the survey and stake fees.

(e) All hard clams must be transplanted from and to areas approved by the Shellfish Control unit under the supervision of the Division of Fish, Game and Shellfisheries and the Bureau of Marine Law Enforcement.

(f) Clams transplanted in any given month must remain there until the first working day of the second month following.

(g) No clams taken from any areas considered by this resolution shall be marketed from the specified leased areas until said leased areas are approved in writing by the Shellfish Control unit of the Division of Water Resources.

(h) The designated area or areas will be open for the taking of clams Monday through Friday of each week as listed below:

1. Week beginning June 2, 1975, and ending June 6, 1975;
2. Week beginning June 16, 1975, and ending June 20, 1975;
3. Week beginning June 30, 1975, and ending July 4, 1975;
4. Week beginning July 14, 1975, and ending July 18, 1975;
5. Week beginning July 28, 1975, and ending August 1, 1975;
6. Week beginning August 4, 1975, and ending August 8, 1975;
7. Week beginning August 18, 1975, and ending August 22, 1975;
8. Week beginning September 1, 1975, and ending September 5, 1975;
9. Week beginning September 15, 1975, and ending September 19, 1975;
10. Week beginning September 29, 1975, and ending October 3, 1975;
11. Week beginning October 13, 1975, and ending October 17, 1975;
12. Week beginning October 27, 1975, and ending October 31, 1975;
13. The transplanting will be done on the same day as the clams are taken.

(i) When moving to new transplant areas, notification must be given to the Atlantic City Marine Police by 5:00 P.M. two days prior to any move.

(j) The taking of clams may be done from sunrise until 2:00 P.M.

(k) Leased grounds must be kept staked properly by the lessee and must be properly marked for immediate identification.

(l) The lessee must also provide a practical, reusable tag or marker for his clam containers.

The revised exempt emergency rules adopted on June 18, 1974, as R.174 d.48 are hereby rescinded.

Written statements or arguments relevant to the proposed action may be filed on or before May 28, 1975, with Joseph A. Price, Shellfish Management Administrator, Division of Fish,

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

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

David J. Bardin  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Public Meeting on Proposed Construction of Round Valley Release Pipeline

Take notice that David J. Bardin, Commissioner of Environmental Protection, has issued the following Notice of a public meeting on the proposed construction of the Round Valley Release Pipeline:

The Division of Water Resources of the New Jersey Department of Environmental Protection will hold a public meeting on the proposed Round Valley release pipeline construction project at 8:00 P.M. on Wednesday, May 28, 1975, at the North Hunterdon Regional High School, Route 31, Clinton Township, Hunterdon County, New Jersey. Within the Department, this Notice is known as Docket No. DEP 036-75-04.

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 58:22-1 et seq. and N.J.S.A. 58:21B-1 et seq., proposes to construct and operate a 3.7-mile, 108-inch diameter release pipeline and control works from the existing outlet at the north dam of Round Valley Reservoir to the South Branch Rockaway Creek near Whitehouse Station in Clinton and Readington Townships, Hunterdon County in order to provide drought insurance from the only additional raw water source now available to meet the present and near future needs of the central and northeast areas of the State of New Jersey.

Construction drawings and specifications and the environmental assessment statement for the proposed project are available for public inspection at the Division of Water Resources Office at 1474 Prospect Street, Trenton, New Jersey, and at the Bureau of Water Facility Operations Administration Building, Route 31, Clinton, New Jersey, between 8:00 A.M. and 4:30 P.M. each work day from May 8, 1975 through June 20, 1975.

Interested persons may present statements in writing relevant to the proposed construction at the May 28, 1975, meeting or before May 28, 1975, to:

Rocco D. Ricci  
Assistant Commissioner  
Division of Water Resources  
P.O. Box 2809  
Trenton, New Jersey 08625

The record for further written public comment will remain open until June 20, 1975, after which time the Department of Environmental Protection, upon its own motion, may proceed

with the project substantially as proposed without further notice.

David J. Bardin  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Rules on Land Use Applicable To All Delineated Floodways

On April 21, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-50 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on land use applicable to all delineated floodways, substantially as proposed in the Notice published October 10, 1974, at 6 N.J.R. 391(a), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

Such rules may be cited as N.J.A.C. 7:13-1.1 et seq. Within the Department of Environmental Protection, these rules are known as Docket No. DEP 003-74-09.

An order adopting these rules were filed April 23, 1975, as R.1975 d.105 to become effective June 2, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Revisions on the Control and Prohibition Of Air Pollution from Light-Duty, Gasoline-Fueled Motor Vehicles

On April 1, 1975, David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 26:2C-8.1 et seq., and N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 7:27-15.1 et seq. concerning emission standards for light-duty gasoline-fueled motor vehicles, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 173(a). The rules adopted herein represent amendments to N.J.A.C. 7:27-15.1 et seq. which were reserved for adoption subsequent to a public hearing held June 11, 1974. These amendments to N.J.A.C. 7:27-15.4 establish inspection standards for 1975-76 model year vehicles for the second and third steps of the inspection program as indicated on Table 1 of this Subchapter and hereafter referred to as Phase II and Phase III standards.

The Department delayed adoption of these standards in order to accommodate requests by the automotive manufacturing industry made at the aforementioned public hearing, that the Department evaluate 1975 model year vehicles under actual motorist usage before developing regulations, in order to avoid placing unreasonable restrictions on the motor-

ing public. Recent analyses of the experience of the State of Oregon and the cities of Chicago and Cincinnati in testing motor vehicle emissions as well as data for 1975 cars submitted by the Ford Motor Company and the Chrysler Corporation demonstrate that not only are the Phase II and Phase III standards reasonable and attainable but that newly manufactured vehicles are in fact performing with much lower rates of emission.

This amendment establishes an allowable emission of 3.0 per cent (CO) and 300 ppm (HC) for 1975 and 1976 model year vehicles during Phase II and a 2.0 per cent (CO) and 200 ppm (HC) allowable emission for this vehicle class during Phase III. These standards will be applied to vehicles tested in the idle mode in keeping with the aforementioned notice and public hearing and will become effective on October 1, 1975, pursuant to the statutory waiting period, required by N.J.S.A. 26:2C-8.2.

The pertinent Section, N.J.A.C. 7:27-15.4(b) and Table 1 which contains all of the changes adopted April 1, 1975, follows below. This amendment has been adopted after consultation with the Director of the Division of Motor Vehicles.

Whereas, N.J.A.C. 7:27-15.1 et seq. (formerly New Jersey Air Pollution Control Code, Chapter 15), effective July 5, 1972, in accordance with N.J.S.A. 26:2C-8.1 et seq., as amended, sets forth standards for the maximum amount of carbon monoxide and hydrocarbons permitted in the exhaust from light-duty gasoline-fueled motor vehicles; and

Whereas, the Division of Motor Vehicles has proposed certain changes and reorganization in the motor vehicle inspection system including proposed legislation to that end; and

Whereas, allowing the second stage motor vehicle emission standards to become effective in the midst of such reorganization would be administratively disruptive to the Division of Motor Vehicles in the Department of Law and Public Safety; and

Whereas, the Attorney General of New Jersey has requested a delay in the effective date of said standards to allow for legislative consideration; and noting that the Attorney General has also requested a further delay to provide the Division of Motor Vehicles with a reasonable time for implementation in case of action by the Legislature; and

Whereas, the delay of said standards will account for a slowdown in the rate of motor vehicle emissions reduction predicted for 1975 but, with the implementation of the third stage motor vehicle emission standards in 1976, the original predicted emission reduction rate will be maintained after 1976.

Now, therefore, after consultation with the Director of the Division of Motor Vehicles and under the powers and duties conferred upon me by the New Jersey Administrative Procedure Act (N.J.S.A. 52:14B-4(c)) which empowers the Commissioner of the Department of Environmental Protection to adopt, amend or repeal an administrative rule whenever the Department determines that an imminent peril to the public health, safety and welfare exists, I do hereby amend N.J.A.C. 7:27-15.1 et seq. (formerly Chapter 15 of the New Jersey Air Pollution Control Code), so as to delay the effective date of the second stage motor vehicle inspection program until August 1, 1975.

The foregoing rulemaking orders necessary to comply with the Air Pollution Control Act, (N.J.S.A. 26:2C-1 et seq.) and the Administrative Procedure Act, (N.J.S.A. 52:14B-1 et seq.), have resulted in the changes to N.J.A.C. 7:27-15.4(b) which are reflected in the following text (additions indicated in boldface **thus**; deletions in brackets [thus]):

7:27-15.4(b)

Any light-duty, gasoline-fueled motor vehicle which is subject to inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. Titles 39:8-1, as a condition of compliance with said inspection, shall not emit carbon monoxide (CO) and/or hydrocarbons (HC) in the exhaust emissions in excess of standards set forth in Table 1, when measured using an approved exhaust gas analytical system and the prescribed inspection procedure.

TABLE 1

INSPECTION STANDARDS  
VEHICLES SUBJECT TO INSPECTION BY THE DIVISION  
OF MOTOR VEHICLES  
(reference N.J.S.A. Titles 39:8-1)

MODEL YEAR OF VEHICLE	EFFECTIVE July 5, 1972		EFFECTIVE [April 1, 1975] <b>August 1, 1975</b>		EFFECTIVE Feb. 1, 1976	
	CO(%)	HC(PPM)	CO(%)	HC(PPM)	CO(%)	HC(PPM)
Up to and Including 1967	10.0	1600	8.5	1400	7.5	1200
1968-1969	8.0	800	7.0	700	5.0	600
1970-1974	6.0	600	5.0	500	4.0	400
1975-1976			<b>*3.0</b>	<b>*300</b>	<b>2.0</b>	<b>200</b>
<b>1977 &amp; Later</b>						<b>**-----</b>

\* Effective date October 1, 1975

\*\* To be promulgated by amendment at a later date

Within the Department of Environmental Protection, these revisions are known as Docket No. DEP 017-75-1.

An order adopting the bulk of these revisions was filed April 1, 1975, as R.1975 d.91. An order adopting the change in the effective date of the second stage was filed and effective April 1, 1975, as R.1975 d.92 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### Criteria for Floodway and Flood Hazard Area Delineation

On April 23, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-52 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new criteria for floodway and flood hazard area delineation, which may be cited as N.J.A.C. 7:20-6.1 and is known within the Department of Environmental Protection as Docket No. DEP 023-75-02, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 100(a).

An order adopting the criteria was filed and effective April 23, 1975, as R.1975 d.104.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

# HEALTH

## THE COMMISSIONER

### Proposed Narcotic Treatment Standards

The State Department of Health, pursuant to authority of N.J.S.A. 26:2G-36, proposes to adopt new narcotic treatment standards.

Full text of the proposed rules follows:

#### SUBCHAPTER 7. NARCOTIC TREATMENT STANDARDS

##### 8:63-7.1 Applicability

These standards are applicable to all drug abuse programs and projects which provide treatment and rehabilitation services, including but not limited to, outpatient methadone, residential methadone, residential drug free, outpatient drug free and day care drug free.

##### 8:63-7.2 Definitions

"Patient" means any person who has been accepted for treatment or rehabilitation services.

"Program" means an activity which provides facilities and services for the treatment or rehabilitation of drug abuse patients.

"Program director" means the person having the ultimate responsibility for supervising and conducting a drug abuse treatment and/or rehabilitation program.

"Treatment plan" means that mode of treatment or rehabilitation that is determined appropriate by the program and the patient to meet his needs.

##### 8:63-7.3 General requirements

(a) The program shall provide the necessary facilities, materials, services and personnel for the operation of a drug abuse treatment and rehabilitation facility:

1. Provide services through such drug abuse treatment or rehabilitation facilities as may be appropriate at such site or sites as shall be approved by the Division of Narcotic and Drug Abuse Control.

2. Maintain all facilities in a clean, safe and attractive condition in accordance with applicable standards established by Federal, State and local laws.

3. Have an approved criteria which meet the requirements of this part for the admission of patients and the termination of services to them.

4. Install and maintain appropriate equipment and furnishings which are suitable for the type of treatment and rehabilitation services being conducted.

5. Establish procedures by which a complete personal, medical and drug history for each patient will be developed upon the patient's entry to the program and maintained throughout the treatment and rehabilitation process. This is essential for the purpose of identifying symptoms of illness requiring immediate psychiatric or medical care and for the development of the patient's treatment plan. The intake process must proceed expeditiously to avoid discouragement and should not exceed a period of three days.

##### 8:63-7.4 Minimum standards for physical and laboratory examinations

(a) A physical and laboratory examination should be administered by qualified personnel as soon as practicable after the patient's admission but not later than 21 days after such admission. The procedures for such examination shall be detailed in the patient's treatment plan. Residential drug free programs are required to perform physical examinations at the earliest practicable time. If the residential program has an induction phase, the physical examination should be performed during the period of such phase. This criterion is not intended to supersede FDA regulations requiring a physical examination at intake.

(b) The physical and laboratory examination of each patient shall include:

1. Diagnosis designed to reveal the existence of infectious disease, pulmonary, liver, cardiac abnormalities, dermatologic sequelae of addiction and possible concurrent surgical problems;
2. Complete blood count and differential;
3. Serological tests for syphilis;
4. Routine and microscopic urinalysis;
5. Urine screening for drugs (toxicology);
6. SMA 12/60 or equivalent;
7. Chest X-ray;
8. Sickle cell, as appropriate;
9. Australian antigen, as appropriate; and
10. EKG and biological tests for pregnancy, as appropriate.

##### 8:63-7.5 Preadmission interview

(a) Each patient seeking admission or readmission shall be interviewed by a qualified mental health professional (that is, a person who by virtue of training and experience is capable of assessing the psychological and sociological background of drug abusers to determine the optimum treatment plan). Under the supervision and guidance of the mental health professional, the staff shall take a complete personal history which should include the following information:

1. Family background;
2. Educational achievement;
3. Vocational achievement;
4. Problems of a legal nature, including history of criminal conduct;
5. History relating to the use of drugs, including types of drugs abused, the extent of abuse and prior treatment experience; and
6. Any other relevant information bearing on the patient's drug abuse problem.

(b) A primary objective of the admission interview is for the program and the patient to determine the most appropriate mode of treatment for the patient and to assure that he understands the nature of the program's available alternatives and what may be expected of him. Any program of treatment recommended should be designed to meet the needs of the patient consistent with the projected program expectations. Where a central intake unit (CIU) provides the intake screening, it is the responsibility of the program to which the patient has been referred by the CIU to develop an individually tailored treatment plan appropriate for the patient involved after a careful review of the records and an interview with the patient.

(c) For persons receiving outpatient treatment, individual treatment plans shall be reexamined and altered where necessary, by the treatment team no less than every 90 days. For all other modalities, the individual treatment plan shall be reviewed and reexamined every 30 days. A complete report

of each review shall be recorded in the patient's clinical record.

(d) Each treatment plan must include documented information relating to:

1. Short and long term goals for treatment generated by both staff and patient;
2. The assignment of a primary counselor;
3. A delineation of the type and frequency of counseling services to be provided; and
4. A delineation of those supportive services needed by the individual patient.

#### 8:63-7.6 Medical services

(a) Each program shall designate a medical director who must assume medical responsibility for the drug abuse treatment and rehabilitation program and be licensed to practice medicine in New Jersey. He must insure that the initial evaluation is properly performed and that the medical needs of each patient are periodically evaluated, and that emergency medical services, when needed, are adequately provided. It is also the responsibility of the medical director to determine what emergencies that might arise. Medical services which are not directly related to the provision of drug abuse treatment services should be provided through city, county or private medical facilities.

(b) Each program shall, for those patients receiving prescription medication through the program establish procedures under which consultation with a program physician will be provided, at a minimum, once every four weeks, or more frequently if the needs of the patient require it.

#### 8:63-7.7 Agreement for emergency services

Each program is required to formalize a written agreement with a licensed hospital or hospitals in the community for the purpose of providing emergency, inpatient and ambulatory medical services as needed.

#### 8:63-7.8 Mental health consultation

Each program shall provide a minimum of five hours per week of professional mental health consultation per 100 patients. The objective of this consultation should be to review selected cases and to provide assistance to the staff in patient management or for the referral for psychiatric services.

#### 8:63-7.9 Counseling

A variety of counseling techniques may be utilized in individual, family or group counseling sessions conducted by trained personnel under the supervision of a duly qualified professional. In outpatient methadone and outpatient drug free programs each patient shall have available, through program staff or consulting contract, a minimum of three hours per week of counseling. In residential drug free, residential methadone, and day care drug free program, a minimum of ten hours per week of formalized counseling shall be available for each patient. These counseling guidelines should be considered minimum for planning purposes; however, the actual counseling allotted should be based upon individual client needs.

#### 8:63-7.10 Provision for supportive services

- (a) The following supportive services shall be provided:
1. Educational;
  2. Vocational counseling and training;
  3. Job development and placement; and
  4. Legal services through local licensed lawyers.

(b) To the maximum extent possible programs shall utilize community resources to provide these services. Documentation of the services set forth in this Section shall be provided. Services provided to patients shall be documented in the patients records.

#### 8:63-7.11 Procedures for urine surveillance

(a) The following procedures shall be followed for urine surveillance:

1. Urine specimens from each patient must be collected in a manner that minimizes falsification and on a randomly scheduled basis. In programs dispensing methadone, urine specimens for all patients must be analyzed weekly for opiates, methadone, amphetamines, barbiturates, as well as other drugs as indicated. For all other programs, it is recommended that urine specimens from all patients be analyzed at least monthly for opiates, methadone, amphetamines, barbiturates, as well as other drugs as indicated. More frequent testing should occur when clinically indicated. Exceptions to these requirements may be authorized in particular circumstances.

2. Laboratories used for urine testing shall comply with all State and Federal proficiency testing and licensure programs that are acceptable to the secretary of DHEW laboratories covered by this requirement include any independent, clinical, government or program facility that offers to perform presumptive analysis for screening purposes as well as definitive qualitative analysis for confirmed identifications.

3. Urine testing results shall be used as one clinical tool for purposes of diagnosis, patient management, and in the determination of patient treatment plans. Patient records must reflect the manner in which test results are utilized, and shall distinguish presumptive from definitive qualitative laboratory results.

4. Clinical directors electing to rely upon presumptive urinalysis results for patient management must demonstrate adequate access to definitive qualitative laboratory analysis for use when necessary, that is, clinical justice system records, intake urine testing on all prospective methadone clients, any loss of patient privileges based on urinalysis results, and for random checks on less frequently used drugs not detectable by a screening method.

#### 8:63-7.12 Vocational rehabilitation and employment programs

All patients enrolled in outpatient treatment shall be encouraged to participate in either an educational program, a job training program or gainful employment as soon as appropriate but not later than 120 days from date of enrollment. In the case of patients enrolled in residential programs such patient shall be encouraged to enroll within 60 days after the date of admission. If, for any reason a patient is not encouraged to seek such participation, the reasons, shall be recorded in the patient's records. Although patients may refuse to participate in these programs, they should be encouraged to do so as a basic element of the treatment plan.

#### 8:63-7.13 Patient follow-up

Each program shall establish a policy which will encourage a follow-up by maintaining contact with discharged patients.

#### 8:63-7.14 Patient record system

Each program shall establish a patient record system to document and monitor patient care. This system shall comply with all Federal and State reporting requirements. All records

shall be kept confidential in accordance with part 1401 of Title 21.

#### 8:63-7.15 Program hours

A reasonable effort must be made to adjust the hours for the operation of the program to meet the needs of the patient. For outpatient treatment programs, consideration should be given to the employment hours of patients and clinic operating hours should be scheduled at such times as will not conflict with patient's working schedules. Patients who are not employed or who are not attending school or training programs are expected to arrange their schedules in order to receive services at suitable times. Where necessary to accommodate the needs of patients, the program must recognize that the usual 9:00 A.M. to 5:00 P.M. workday shall not be rigidly adopted for outpatient treatment. In many clinics with large patient admissions, a 12 hour day of operations is frequently necessary. In any event, the following minimum hours of operation shall be maintained:

1. Outpatient methadone: Seven days per week as follows: Five days per week at eight hours per day (in all cases at least two hours must be outside the regular 9:00 A.M. to 5:00 P.M. day) and two days per week at four hours per day.
2. Residential methadone and residential drug free: Seven days per week at 24 hours per day.
3. Outpatient drug free: At least six days per week: Five days at eight hours per day (in all cases at least two hours must be outside of the 9:00 A.M. to 5:00 P.M. regular schedule) and one day at five hours.
4. Day care drug free: At least six days must be provided at ten hours per day.
5. Central intake unit: At least five days per week at eight hours per day must be provided.

#### 8:63-7.16 Provision for meals

Residential methadone and residential drug free programs shall provide a minimum of three meals per day per patient. Day care drug free programs shall provide one meal per patient per day is expedient.

#### 8:63-7.17 Compliance with all Federal and State regulations

All programs which use methadone for detoxification and maintenance treatment must comply with all of the regulations of the Food and Drug Administration as well as other applicable Federal and State regulations and directives.

A public hearing respecting the proposed action will be held on Thursday, May 22, 1975, at 10:00 A.M. in Training Room B, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

Richard J. Russo  
Assistant Commissioner  
Alcohol, Narcotic and Drug Abuse Unit  
109 West State Street  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions on Birth Certificates

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1-1 et seq., proposes to revise a portion of N.J.A.C. 8:2-1.1, concerning birth certificates. The proposal concerns the deletion in their entirety of the current text of subsections (a), (b) and (c) and the adoption of new text therein.

Full text of the proposed new rules follows:

#### 8:2-1.1(a)

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

i. Contain in the confidential section of the certificate, a statement or checked block identifying such child as legitimate;

ii. Name the husband as being the child's father;

iii. Give such child the surname of the mother's husband or, at the request of both parents of the child, the maiden surname of the mother, a hyphenation of the surnames of both parents or any other surname which follows the custom of the country in which either parent was born. However, once the choice of surname has been made by the mother and her husband, such child's surname on its original certificate of birth may not be changed except by an appropriate court order or, if the original certificate was filed prior to the effective date of this policy, by filling a correction form signed under oath by both parents. In this latter instance, if one parent is dead and proof of such death is submitted and noted on the correction form, the form may be signed by the other parent. Once this option is exercised, no further correction of surname may be made except by order of an appropriate court.

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

3. Since a choice of the options for recording the surname of a child can result in such surname being different from that of its father, the agreement or difference of the two surnames is no longer an indication of legitimacy or illegitimacy. Therefore, without being in violation of N.J.S.A. 26:8-39, the State Registrar or a local registrar may issue a certified photocopy or typed copy showing parents' names to any applicant, provided the father was named and that the copy does not include any entry designating legitimacy or illegitimacy. However, the certified copy form or certification statement must have imprinted on it the notice "Any agreement of or difference between the child's surname and the surname of its father does not imply legitimacy or illegitimacy. This is merely a copy of the information supplied for preparation of the original birth certificate".

8:2-1.1(b) A child born to a mother stating, prior to the prep-

aration and signing of the original birth certificate, that she is single, divorced or widowed, may be given the surname of the natural father, whose name, age and birthplace may be indicated on the certificate, provided:

1. The legitimacy item in the confidential section of the certificate shall be marked "No".

2. The mother and father in the presence of the attending physician or a responsible employee of the hospital, make and sign such request on the reverse side of Part I (the original birth certificate) of the multicopy birth certificate form.

3. The mother and father are told by the physician or a responsible employee of the hospital before he or she signs as witness to the request, that the signed request is irrevocable and that the child's surname may not be changed back to the mother's legal surname at the time of the birth except by appropriate court order.

4. The notice required on certified copy forms and certification statements by Section 8:2-1.1(a) of this policy must also appear on copies of records filed as prescribed by this Section (N.J.A.C. 8:2-1.1(b)).

8:2-1.1(c) Additional rules are:

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

2. These procedures shall also govern the initial filing of a delayed report of birth or the correction of a previously filed delayed report of birth pursuant to N.J.S.A. 26:8-38.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

Merton F. Saybolt  
State Registrar  
Vital Statistics and Registration  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### CONSUMER HEALTH SERVICES

#### Proposed Amendment to Rule Governing Impounded Dogs

The New Jersey State Department of Health, pursuant to authority of N.J.S.A. 4:19-15.16, proposes to adopt an amendment to N.J.A.C. 8:23-3.9, concerning the identification of impounded dogs.

Full text of the proposed amendment follows:

8:23-3.9(c)

Each shelter or pound shall arrange to have each animal released from said pound or shelter to be permanently identified with a tattoo or other method approved by the New Jersey State Department of Health in the right inner flank and with the word, "impounded" clearly legible in letters no smaller than 1/2 inch in height.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

Robert F. Goldsboro, D.V.M.  
Coordinator  
Veterinary Public Health Program  
Consumer Health Services  
1911 Princeton Ave.  
Trenton, N.J.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Definition of Soap

On April 22, 1975, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, concerning the definition of soap, substantially as proposed in the Notice published November 7, 1974, at 6 N.J.R. 431(a) with only inconsequential structural or language changes in the opinion of the Department of Health. Take notice that the original Notice indicated that the proposed rule would be cited as N.J.A.C. 8:65-8.1 instead of the correct N.J.A.C. 8:64-3.1.

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

#### SUBCHAPTER 3. GENERAL PROVISIONS

8:64-3.1 Definition of soap

"Soap", as quoted in N.J.S.A. 24:1-1 h (2), shall apply only

to products that meet all of the following conditions:

1. More than 50 per cent of the nonvolatile matter in the product consists of a salt resulting from an alkali-fatty acid chemical reaction commonly known as saponification and [cleansing] **detergent** properties of the product are due to the alkali-fatty acid salt.

2. The product is labeled, sold and represented only as soap.

An order adopting this rule was filed and effective April 22, 1975, as R.1975 d.103.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Proposed Rule on Deferral of Tuition Payments by Veterans

The State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq., proposes to adopt a new rule on deferral of tuition payments by veterans.

Full text of the proposed rule follows:

#### SUBCHAPTER 2. TUITION

##### 9:5-2.1 Deferral of tuition payments by veterans

Any person, who is eligible and has applied for veterans' benefits under any of the programs administered by the Veterans Administration offering educational and training assistance allowances, may upon registration at any approved educational institution or training establishment within the State of New Jersey, which is State supported in whole or in part, apply for a deferment of payment for tuition and fees until his educational and training allowance is received from the Veterans' Administration, State institutions of higher education shall, and are hereby authorized to, defer collection of tuition and fees (but not room and board fees) until the veteran receives his allowance, but in no case longer than one academic term.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

Department of Higher Education  
225 West State Street  
Trenton, New Jersey 08625

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

Ralph A. Dungan  
Chancellor  
Department of Higher Education  
and Secretary of the Board of  
Higher Education

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rules Concerning Sterilization Procedures

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules concerning sterilization procedures within the Physicians, Hospital, Special Hospital and Independent Clinic Manuals.

Full text of the proposed rules follows:

##### 10:52-1.1 Definitions

"Informed consent" means the voluntary, knowing assent from the individual on whom any sterilization is to be performed after he has been given (as evidenced by a document executed by such individual):

1. A fair explanation of the procedures to be followed;
2. A description of the attendant discomforts and risks;
3. A description of the benefits to be expected;
4. An explanation concerning appropriate alternative methods of family planning and the effect and impact of the proposed sterilization including the fact that it must be considered to be an irreversible procedure;
5. An offer to answer any inquiries concerning the procedures; and
6. An instruction that the individual is free to withhold or withdraw his or her consent to the procedure at any time prior to the sterilization without prejudicing his or her future care and without loss of other project or program benefits to which the patient might otherwise be entitled;
7. The documentation referred to in this action shall be provided by one of the following methods:
  - i. Provision of a written consent document detailing all of the basic elements of informed consent as stated above;
  - ii. Provision of a short form written consent document indicating that the basic elements of informed consent have been presented orally to the patient. The short form document must be signed by the patient and by an auditor-witness to the oral presentation. The written summary shall be signed by the person obtaining the consent and by the auditor-witness. The auditor-witness shall be designated by the patient;
  - iii. Each consent document shall display the following legend printed prominently at the top:  
Notice: Your decision at any time not to be sterilized will not result in the withdrawal or withholding of any benefits provided by programs or projects.  
"Nontherapeutic sterilization" means any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing and which is not either a necessary part of the treatment of an existing illness or injury, or medically indicated as an accompaniment of an operation on the female genitourinary tract. For purposes of this paragraph, mental incapacity is not considered an illness or injury.

10:52-1.2(a)19. Sterilization; inpatient services: Payment will be made for sterilization services subject to the following limitations:

- i. No nonemergency sterilization may be performed unless:
  - (1) Such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed; and
  - (2) Such person is advised at the outset and prior to the solicitation or receipt of his or her consent to such sterilization, that no benefits provided by programs or projects may be withdrawn or withheld by reason of his or her decision not to be sterilized; and
  - (3) Such hospital obtains legally effective informed consent from the individual on whom the sterilization is to be performed.
- ii. The hospital shall not perform a nontherapeutic sterilization sooner than 72 hours following the giving of informed consent.
- iii. No sterilization procedures shall be performed on a person who has been judicially declared mentally incompetent, or is in fact legally incompetent under applicable State laws to give informed and binding consent to the performance of such an operation because of age or mental capacity.
- iv. No sterilization procedure may be performed on individuals under the age of 21 or legally incapable of consenting to the sterilization.

10:52-1.7(a)14. Sterilization; outpatient services: Payment will be made for sterilization services subject to the following limitations:

- i. No nonemergency sterilization may be performed unless:
  - (1) Such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed; and
  - (2) Such person is advised at the outset and prior to the solicitation or receipt of his or her consent to such sterilization, that no benefits provided by programs or projects may be withdrawn or withheld by reason of his or her decision not to be sterilized; and
  - (3) Such hospital obtains legally effective informed consent from the individual on whom the sterilization is to be performed.
- ii. The hospital shall not perform a nontherapeutic sterilization sooner than 72 hours following the giving of informed consent.
- iii. No sterilization procedures shall be performed on a person who has been judicially declared mentally incompetent under applicable State laws to give informed and binding consent to the performance of such an operation because of age or mental capacity.
- iv. No sterilization procedure may be performed on individuals under the age of 21 or legally incapable of consenting to the sterilization.

#### 10:53-1.1 Definitions

"Nontherapeutic sterilization" means any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing and which is not either a necessary part of the treatment of an existing illness or injury, or medically indicated as an accompaniment of an operation on the female genitourinary tract. For purposes of this paragraph mental incapacity is not considered an illness or injury.

"Informed consent" means the voluntary, knowing assent from the individual on whom any sterilization is to be performed after he has been given (as evidenced by a document executed by such individual):

- 1. A fair explanation of the procedures to be followed;
- 2. A description of the attendant discomforts and risks;
- 3. A description of the benefits to be expected;
- 4. An explanation concerning appropriate alternative methods of family planning and the effect and impact of the proposed sterilization including the fact that it must be considered to be an irreversible procedure;
- 5. An offer to answer any inquiries concerning the procedures; and
- 6. An instruction that the individual is free to withhold or withdraw his or her consent to the procedure at any time prior to the sterilization without prejudicing his or her future care and without loss of either project or program benefits to which the patient might otherwise be entitled;
- 7. The documentation referred to in this Section shall be provided by one of the following methods:
  - i. Provision of a written consent document detailing all of the basic elements of informed consent as stated above;
  - ii. Provision of a short form written consent document indicating that the basic elements of informed consent have been presented orally to the patient. The short form document must be supplemented by a written summary of the oral presentation. The short form document must be signed by the patient and by an auditor-witness to the oral presentation. The written summary shall be signed by the person obtaining the consent and by the auditor-witness. The auditor-witness shall be designated by the patient;
  - iii. Each consent document shall display the following legend printed prominently at the top:
 

Note: Your decision at any time not to be sterilized will not result in the withdrawal or withholding of any benefits provided by programs or projects.

10:53-1.2(a)19. Sterilization; inpatient services: Payment will be made for sterilization services subject to the following limitations:

- i. No nonemergency sterilization may be performed unless:
  - (1) Such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed; and
  - (2) Such person is advised at the outset and prior to the solicitation or receipt of his or her consent to such sterilization, that no benefits provided by programs or projects may be withdrawn or withheld by reason of his or her decision not to be sterilized;
  - (3) Such special hospital obtains legally effective informed consent from the individual on whom the sterilization is to be performed.
- ii. The special hospital shall not perform a nontherapeutic sterilization sooner than 72 hours following the giving of informed consent.
- iii. No sterilization procedures shall be performed on a person who has been judicially declared mentally incompetent, or is in fact legally incompetent under applicable State laws to give informed and binding consent to the performance of such an operation because of age or mental capacity.
- iv. No sterilization procedure may be performed on individuals under the age of 21 or legally incapable of consenting to the sterilization.

10:53-1.6(a)14. Sterilization; outpatient services: Payment will be made for sterilization services subject to the following limitations:

i. No nonemergency sterilization may be performed unless:

(1) Such sterilization is performed pursuant to a voluntary request for such services made by the person on which the sterilization is to be performed; and

(2) Such person is advised at the outset and prior to the solicitation or receipt of his or her consent to such sterilization, that no benefits provided by programs or projects may be withdrawn or withheld by reason of his or her decision not to be sterilized; and

(3) Such hospital obtains legally effective informed consent from the individual on whom the sterilization is to be performed.

ii. The hospital shall not perform a nontherapeutic sterilization sooner than 72 hours following the giving of informed consent.

iii. No sterilization procedures shall be performed on a person who has been judicially declared mentally incompetent, or is in fact legally incompetent under applicable State laws to give informed and binding consent to the performance of such an operation because of age or mental capacity.

iv. No sterilization procedure may be performed on individuals under the age of 21 or legally incapable of consenting to the sterilization.

#### 10:54-1.20 Sterilization

(a) Definitions of sterilization include the following:

1. Nontherapeutic sterilization means any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing and which is not either a necessary part of the treatment of an existing illness or injury, or medically indicated as an accompaniment of an operation on the female genitourinary tract. For purposes of this paragraph mental incapacity is not considered an illness or injury.

2. Informed consent means the voluntary, knowing assent from the individual on whom any sterilization is to be performed after he has been given (as evidenced by a document executed by such individual):

i. A fair explanation of the procedures to be followed;

ii. A description of the attendant discomforts and risks;

iii. A description of the benefits to be expected;

iv. An explanation concerning appropriate alternative methods of family planning and the effect and impact of the proposed sterilization including the fact that it must be considered to be an irreversible procedure;

v. An offer to answer any inquiries concerning the procedures; and

vi. An instruction that the individual is free to withhold or withdraw his or her consent to the procedure at any time prior to the sterilization without prejudicing his or her future care and without loss of other project or program benefits to which the patient might otherwise be entitled;

vii. The documentation referred to in this Section shall be provided by one of the following methods:

(1) Provisions of a written consent document detailing all of the basic elements of informed consent as stated above;

(2) Provision of a short form written consent document indicating that the basic elements of informed consent have been presented orally to the patient. The short form document must be supplemented by a written summary of the oral presentation. The short form document must be signed by the patient and by an auditor-witness to the oral presentation. The written summary shall be signed by the person obtaining

the consent and by the auditor-witness. The auditor-witness shall be designated by the patient;

(3) Each consent document shall display the following legend printed prominently at the top:

Notice: Your decision at any time not to be sterilized will not result in the withdrawal or withholding of any benefits provided by programs or projects.

(b) Payment will be made for sterilization services subject to the following limitations:

1. No nonemergency sterilization may be performed unless:

i. Such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed; and

ii. Such person is advised at the outset and prior to the solicitation or receipt of his or her consent to such sterilization, that no benefits provided by programs or projects may be withdrawn or withheld by reason of his or her decision not to be sterilized; and

iii. A physician obtains legally effective informed consent from the individual on whom the sterilization is to be performed.

2. The physician shall not perform a nontherapeutic sterilization sooner than 72 hours following the giving of informed consent.

3. No sterilization procedures shall be performed on a person who has been judicially declared mentally incompetent under applicable State laws to give informed and binding consent to the performance of such an operation because of age or mental capacity.

4. No sterilization procedure may be performed with respect to sterilization of individuals under the age of 21 or legally incapable of consenting to the sterilization.

#### 10:66-1.20 Sterilization

(a) Definitions of sterilization include the following:

1. Nontherapeutic sterilization means any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing and which is not either a necessary part of the treatment of an existing illness or injury, or medically indicated as an accompaniment of an operation on the female genitourinary tract. For purposes of this paragraph mental capacity is not considered an illness or injury.

2. "Informed consent" means the voluntary, knowing assent from the individual on whom any sterilization is to be performed after he has been given (as evidenced by a document executed by such individual):

i. A fair explanation of the procedures to be followed;

ii. A description of the attendant discomforts and risks;

iii. A description of the benefits to be expected;

iv. An explanation concerning appropriate alternative methods of family planning and the effect and impact of the proposed sterilization including the fact that it must be considered to be an irreversible procedure;

v. An offer to answer any inquiries concerning the procedures; and

vi. An instruction that the individual is free to withhold or withdraw his or her consent to the procedure at any time prior to the sterilization without prejudicing his or her future care and without loss of other project or program benefits to which the patient might otherwise be entitled;

vii. The documentation referred to in this Section shall be provided by one of the following methods:

(1) Provision of a written consent document detailing all of the basic elements of informed consent as stated above;

(2) Provision of a short form written consent document indicating that the basic elements of informed consent have been presented orally to the patient. The short form document must be supplemented by a written summary of the oral presentation. The short form document must be signed by the patient and by an auditor-witness to the oral presentation. The written summary shall be signed by the person obtaining the consent and by the auditor-witness. The auditor-witness shall be designated by the patient;

(3) Each consent document shall display the following legend printed prominently at the top:

Notice: Your decision at any time not to be sterilized will not result in the withdrawal or withholding of any benefits provided by programs or projects.

(b) Payment will be made for sterilization services subject to the following limitations:

1. No nonemergency sterilization may be performed unless:

i. Such sterilization is performed pursuant to a voluntary request for such services made by the person on whom the sterilization is to be performed; and

ii. Such person is advised at the outset and prior to the solicitation or receipt of his or her consent to such sterilization, that no benefits provided by programs or projects may be withdrawn or withheld by reason of his or her decision not to be sterilized; and

iii. A physician obtains legally effective informed consent from the individual on whom the sterilization is to be performed.

2. The physician shall not perform a nontherapeutic sterilization sooner than 72 hours following the giving of informed consent.

3. No sterilization procedures shall be performed on a person who has been judicially declared mentally incompetent, or is in fact legally incompetent under applicable State laws to give informed and binding consent to the performance of such an operation because of age or mental capacity.

4. No sterilization procedure may be performed with respect to sterilization of individuals under the age of 21 or legally incapable of consenting to the sterilization.

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before May 28, 1975, to:

Division of Medical Assistance  
and Health Services  
Administrative Analyst  
324 East State Street  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions for Noncovered Services In Manual for Podiatry Services

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise N.J.A.C. 10:57-1.4, concerning noncovered services in the Podiatry Services Manual.

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

10:57-1.4 Noncovered services; definitions

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

"Flat foot conditions" means the local condition of flattened arches regardless of the underlying etiology. Treatment of flat foot conditions encompasses all phases of services in connection with flat feet.

"Other routine type care" means any other part of foot care, in addition to those examples of noncovered routine hygienic care specified in this Section, which are ordinarily expected to be within the realm of self-care. The importance of preventive or hygienic care for patients with a systemic illness such as peripheral vascular disease, diabetes, or with severe physical disability is recognized. These will be considered on an individual basis by the podiatry consultant.]

"Routine foot care" means the cutting or removal of corns, warts [(other than those on the plantar surface of the foot)] or calluses, the trimming of nails, routine hygienic care and any other routine care of the feet.

"Routine hygienic care" means hygienic and preventive maintenance care of the feet, of the type which is ordinarily within the realm of self-care, such as: observation and cleansing of the feet, use of skin creams to maintain skin tones of both ambulatory and bedfast patients, prevention and reduction of corns, calluses and warts. [(other than those on the plantar surface of the foot) and any services performed in the absence of localized illness, injury or symptoms involving the foot.]

"Subluxation" means the structural misalignment of the joints of the feet which do not require surgical methods of treatment and/or correction, with the exceptions of fractures and complete dislocations.

(b) The following foot care services are not covered:

1. Flat foot conditions:

i. Exceptions:

(1) Treatment which is an integral part of post fracture or post-operative treatment plan;

(2) Supportive devices (for example, arch supports, specific additions to shoes, and the like) which are prescribed to palliate pain and other symptoms associated with the condition;

ii. Treatment where the talo-crural joint is involved;

iii. Treatment where there may be attachment of a supportive device to a brace or bar.

(Continued on page 37)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

The index is current, covering all rules adopted through last month. It is adjusted the month **following** the mailing of

Code update pages.

Since the most recent update, the various State Departments have adopted the following rules — which have been printed in the Register but are not yet included in current pages of the Code:

## RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Adoption Notice (N.J.R. Citation)</u>
<b>CHIEF EXECUTIVE — TITLE 1</b>			
1:6-1.1 et seq.	Rules on sale of motor gasoline	R. 1974 d.33	6 N.J.R. 94(a)
1:6-1.1 et seq.	Revised rules on motor gasoline	R. 1974 d.86	6 N.J.R. 162(b)
1:6-3.1	Revised alternate day gas purchase program	R. 1974 d.75	6 N.J.R. 162(a)
<b>AGRICULTURE — TITLE 2</b>			
2:3-2.5	Requirements on equidae entering New Jersey	R. 1974 d.55	6 N.J.R. 130(a)
2:3-2.5	Revisions on equidae entering New Jersey	R. 1975 d.83	7 N.J.R. 190(d)
2:3-2.11	Revisions on quarantine of imported breeding swine	R. 1975 d.80	7 N.J.R. 190(a)
2:3-3.6	Revisions on quarantine of imported feeder swine	R. 1975 d.80	7 N.J.R. 190(a)
2:5-2.1(f)	Revisions for quarantining and branding of infectious anemia horses	R. 1974 d.256	6 N.J.R. 386(c)
2:5-2.2	Horses consigned from out-of-State to horse auction markets	R. 1974 d.255	6 N.J.R. 386(b)
2:7-1.1	Fees for inspections on State holidays	R. 1974 d.300	6 N.J.R. 462(a)
2:17-4.2(c)	Revisions on special exemption for Florida tomato plants	R. 1974 d.41	6 N.J.R. 96(a)
2:20-4.1	Subcoccinella viginliqualuorpunctata quarantine	R. 1974 d.153	6 N.J.R. 254(b)
2:22-1.1	Control of ceriferus (or Japanese) wax scale	R. 1974 d.130	6 N.J.R. 254(a)
2:33-1.1	Agricultural fairs	R. 1974 d.254	6 N.J.R. 386(a)
2:48-6.1 et seq.	Sale of milk in new container size	R. 1974 d.72	6 N.J.R. 166(b)
2:48-6.3	Sales of milk in three-quart containers	R. 1975 d.82	7 N.J.R. 190(c)
2:54-3.3	Milk handling in New York-New Jersey and Middle Atlantic areas	R. 1974 d.91	6 N.J.R. 166(c)
2:54-3.4	Amendment on handling of milk in New Jersey marketing areas	R. 1974 d.283	6 N.J.R. 422(a)
2:54-3.5	Amendment to milk handling order	R. 1975 d.44	7 N.J.R. 126(a)
2:67-1.1	Prompt settlement	R. 1974 d.42	6 N.J.R. 96(b)
2:71-5.1 et seq.	Revisions on marking open and closed packages of potatoes	R. 1975 d.81	7 N.J.R. 190(b)
<b>BANKING — TITLE 3</b>			
3:1-1.1	Revisions concerning interest rates	R. 1974 d.132	6 N.J.R. 255(b)
		R. 1974 d.140	6 N.J.R. 255(b)
3:1-1.1	Revised interest rate	R. 1974 d.247	6 N.J.R. 387(b)
3:1-1.1	Revisions concerning interest rates	R. 1975 d.21	7 N.J.R. 94(b)
3:1-2.26	Fees; conversion from mutual to capital stock association	R. 1974 d.298	6 N.J.R. 463(c)
3:1-4.1 et seq.	Revisions in governmental unit deposit protection	R. 1974 d.119	6 N.J.R. 218(b)
3:1-6.1 et seq.	Rules on fees	R. 1974 d.221	6 N.J.R. 342(a)
3:6-5.1 et seq.	Revisions concerning Federal funds transactions	R. 1974 d.27	6 N.J.R. 97(b)
3:6-8.1	Registrar and transfer agents filings	R. 1974 d.177	6 N.J.R. 297(a)
3:6-8.1	Rescind rule on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:7-2.1 et seq.	Revisions on safe and sound methods of banking	R. 1975 d.71	7 N.J.R. 128(d)
3:7-4.1 et seq.	Delete entire text and reserve	R. 1975 d.71	7 N.J.R. 128(d)
3:8-3.1	Revisions on reserves of banks not members of Federal Reserve System	R. 1974 d.350	7 N.J.R. 45(b)
3:8-3.1(a)4.	Revision on required reserves for banks not members of Federal Reserve System	R. 1975 d.40	7 N.J.R. 128(c)
3:8-5.1	Revisions on reserve required by savings banks	R. 1974 d.357	7 N.J.R. 45(a)
3:8-5.1	Revisions on reserves required by savings banks	R. 1975 d.39	7 N.J.R. 128(b)
3:10-4.1 et seq.	Revisions in ratio of mortgage loan to appraised value	R. 1974 d.78	6 N.J.R. 168(a)
3:11-1.1	Revised listing of obligations	R. 1974 d.93	6 N.J.R. 168(b)
3:11-8.1	Investment securities; savings banks	R. 1974 d.145	6 N.J.R. 256(a)
3:12-1.1 et seq.	Rules on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:16-2.1	Revisions concerning pawnbroking service charges	R. 1974 d.7	6 N.J.R. 51(a)
3:18-8.1	Banking institution	R. 1974 d.135	6 N.J.R. 255(a)

3:18-9.1 et seq.	Interest rate regulation Number 1	R. 1974 d.199	6 N.J.R. 298(a)
3:18-9.1	Revised interest rate Regulation 2 for secondary mortgages	R. 1975 d.53	7 N.J.R. 128(a)
3:27-5.1 et seq.	Revisions on limitations and excludable loans	R. 1975 d.106	7 N.J.R. 198(a)

#### **CIVIL SERVICE — TITLE 4**

4:1-17.24	Payments to State employees for unused sick leave	R. 1974 d.257	6 N.J.R. 388(a)
4:1-17.24 (h) & (i)	Retirees' payment concerning unused sick leave	R. 1975 d.2	7 N.J.R. 46(a)
4:1-17.24 (j)	Employees of A. Harry Moore School and unused sick leave payments	R. 1975 d.1	7 N.J.R. 45(c)

#### **COMMUNITY AFFAIRS — TITLE 5**

5:10-1.1 et seq.	Revisions for construction and maintenance of hotels	R. 1974 d.206	6 N.J.R. 301(a)
5:10-19.4(c)	Revised exterior lighting requirements	R. 1974 d.14	6 N.J.R. 55(a)
5:10-19.4(l)	Revised heating requirements	R. 1974 d.14	6 N.J.R. 55(a)
5:13-1.1	Revise definitions of gross shelter rent and condominium	R. 1974 d.166	6 N.J.R. 256(b)
5:21-2.1(a)2.	Revisions to Uniform Standard Code for mobile homes	R. 1974 d.275	6 N.J.R. 427(b)
5:30-1.7	Implementation of Housing and Community Development Act of 1974	R. 1974 d.342	7 N.J.R. 2(c)
5:30-13.3	Tax sale certificates for unpaid municipal liens	R. 1975 d.107	7 N.J.R. 201(b)

#### **EDUCATION — TITLE 6**

6:1-2.2	Revisions concerning regular meetings	R. 1974 d.38	6 N.J.R. 100(b)
6:3-1.1	Amendment on acting administrators	R. 1975 d.98	7 N.J.R. 203(a)
6:8-1.1 et seq.	Repeal rules on nonpublic school secular education	R. 1974 d.246	6 N.J.R. 390(b)
6:20-4.1 et seq.	Revisions to rules concerning determination of tuition formula	R. 1974 d.241	6 N.J.R. 390(a)
6:20-6.1 et seq.	Purchase and loan of textbooks	R. 1974 d.240	6 N.J.R. 389(a)
6:21-1.4	Retirement of school buses	R. 1974 d.176	6 N.J.R. 302(c)
6:21-2.2	Registration revisions	R. 1975 d.5	7 N.J.R. 46(b)
6:21-2.6	Registration procedures	R. 1975 d.5	7 N.J.R. 46(b)
6:21-6.26	Revisions concerning bus mirror specifications	R. 1974 d.142	6 N.J.R. 258(b)
6:21-6.31(f)	Stanchions and guardrails	R.1975 d.6	7 N.J.R. 46(c)
6:21-11.3(d)	Revisions concerning bus driver procedures	R. 1974 d.141	6 N.J.R. 258(a)
6:21-8.2 et seq.	Revised rules concerning pupil transportation	R. 1974 d.90	6 N.J.R. 172(c)
6:21-18.25(3)	Stanchions and handrails	R. 1975 d.6	7 N.J.R. 46(c)
6:22-5.1(d)	Revised general provisions	R. 1975 d.7	7 N.J.R. 47(a)
6:22-9.1	Revisions on mechanical air supply	R. 1975 d.7	7 N.J.R. 47(a)
6:29-4.2	Revisions concerning testing for tuberculosis	R. 1974 d.154	6 N.J.R. 258(c)
		R. 1974 d.155	6 N.J.R. 258(c)
6:37-1.1 et seq.	Educational centers of research and demonstration	R. 1974 d.173	6 N.J.R. 301(e)
6:39-1.3(e)	Rescind rule on evaluation and interpretation of data	R 1974 d.304	6 N.J.R. 470(b)
6:43-2.6(d)	Vocational program services	R. 1974 d.168	6 N.J.R. 261(a)
6:47-1.2(h)	Vocational-management services	R. 1974 d.174	6 N.J.R. 301(c)
6:68-4.1 et seq.	State library assistance programs	R. 1974 d. 175	6 N.J.R. 302(a)
6:78-1.1 et seq.	Revisions concerning Marie H. Katzenbach School for the Deaf	R. 1974 d.167	6 N.J.R. 259(a)
6:78-1.3	Transportation revisions	R. 1974 d.70	6 N.J.R. 132(a)
6:79-1.8	Guidelines for free and reduced-price lunches	R. 1974 d.198	6 N.J.R. 302(e)

#### **ENVIRONMENTAL PROTECTION — TITLE 7**

7:1-3.5	Extension of emergency sulfur rules, Order 39	R. 1974 d.64	6 N.J.R. 134(a)
7:1-4.1 et seq.	Importation of solid and liquid waste from outside New Jersey	R. 1974 d.10	6 N.J.R. 58(a)
7:2-2.8 et seq.	Revisions concerning lands under Bureau of Parks	R. 1974 d.13	6 N.J.R. 60(a)
7:2-2.13	Revised charges at State parks	R. 1975 d.75	7 N.J.R. 151(b)
7:6-5.2	Repeal rule on registration for livery vessels	R. 1974 d.102	6 N.J.R. 178(a)
7:7A-1.1(a)14.	Extend wetland order to portions of Salem County	R. 1974 d.188	6 N.J.R. 306(a)
7:7A-1.1(a)15.	Extend Wetlands Order to parts of Cumberland County	R. 1975 d.32	7 N.J.R. 103(a)
7:7C-1.1 et seq.	Revised procedural rules concerning hearings	R. 1974 d.32	6 N.J.R. 101(c)
7:7C-1.1 et seq.	Rules on hearings under Coastal Area Facilities Review Act	R. 1974 d.26	6 N.J.R. 101(b)
7:7C-1.1 et seq.	Repeal of rules on hearings under Coastal Area Review Act	R. 1974 d.162	6 N.J.R. 263(c)
7:9-4.1 et seq.	Revise surface water quality standards	R. 1974 d.310	6 N.J.R. 470(c)
7:9-5.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-6.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-7.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-8.38 et seq.	Transfer treatment standard rules formerly cited as N.J.A.C. 7:9-7.29 - .34	R. 1974 d.310	6 N.J.R. 470(c)
7:9-11.1 et seq.	Allocation of waste loads to point source discharges	R. 1974 d.151	6 N.J.R. 263(b)
7:11-2.1 et seq.	Revised general rate schedule for Delaware and Raritan Canal water	R. 1974 d.362	7 N.J.R. 49(a)
7:11-3.1 et seq.	Revised rules on use of water from Delaware and Raritan canal	R. 1974 d.363	7 N.J.R. 50(a)

7:12-1.1 et seq.	Shellfish growing water classifications	R. 1974 d.99	6 N.J.R. 175(b)
7:12-1.2(a)39.	Condemn shellfish beds in portion of Atlantic Ocean	R. 1974 d.336	7 N.J.R. 6 (b)
7:12-1.2(a)40.	Condemnation of certain shellfish beds	R. 1975 d.51	7 N.J.R. 152(a)
7:12-1.2(a)39.	Revised condemnations of shellfish beds in Atlantic Ocean	R. 1975 d.18	7 N.J.R. 102(a)
7:12-1.3	Opening of certain shellfish beds	R. 1975 d.27	7 N.J.R. 102(c)
7:13-1.1 et seq.	Land use rules applicable to all delineated floodways	R. 1975 d.105	7 N.J.R. 206(b)
7:15-1.1 et seq.	Guidelines under N.J. Industrial Pollution Control Financing Law	R. 1974 d.268	6 N.J.R. 394(b)
7:20-6.1	Criteria for floodway and flood hazard area delineation	R. 1975 d.104	7 N.J.R. 207(a)
7:25-2.15	Revisions concerning controlled hunting	R. 1974 d.150	6 N.J.R. 263(a)
7:25-5.1 et seq.	1974-75 Game Code adopted	R. 1974 d.149	6 N.J.R. 262(c)
7:25-6.1 et seq.	1975 Fish Code	R. 1974 d.253	6 N.J.R. 394(a)
7:25-7.1 et seq.	Revisions in shellfish-growing water classification	R. 1974 d.44	6 N.J.R. 103(a)
7:25-7.1 et seq.	Delete current text and mark Subchapter as "Reserved"	R. 1974 d.99	6 N.J.R. 175(b)
7:25-7.7	Open shellfish beds; Fitney Bit bed	R. 1974 d.107	6 N.J.R. 228(a)
7:25-7.8	Conservation order opening certain oyster beds	R. 1974 d.124	6 N.J.R. 228(b)
7:25-7.9	Conservation order closing certain seal clam beds	R. 1974 d.139	6 N.J.R. 262(a)
7:25-7.10	Oyster seed beds for 1975 season	R. 1975 d.74	7 N.J.R. 151(a)
7:25-9.2	Revised Resolution No. 111; clams	R. 1974 d.148	6 N.J.R. 262(b)
7:25-11.1	List of endangered species	R. 1974 d.348	7 N.J.R. 6 (c)
7:26-1.1 et seq.	Revisions to rules of Bureau of Solid Waste Management	R. 1974 d.172	6 N.J.R. 305(c)
7:26-2.5 et seq.	Revisions on rules of Bureau of Solid Waste Management	R. 1974 d.234	6 N.J.R. 343(c)
7:26-2.6(d)4.	Revised effective date for solid waste facilities	R. 1975 d.66	7 N.J.R. 149(b)
7:27-12.6	Delete rule on powers of Director of Div. of Environmental Quality	R. 1974 d.125	6 N.J.R. 228(c)
7:27-15.1 et seq.	Revisions in emission inspection standards light-duty motor vehicles	R. 1974 d.169	6 N.J.R. 305(b)
7:27-15.4(b)	Postponement of Phase II of auto emission inspection standards	R. 1975 d.22	7 N.J.R. 102(b)
7:27B-1.1 et seq.	Sampling and analytical procedures	R. 1974 d.360	7 N.J.R. 48(a)
7:27B-2.1 et seq.	Procedures for visual determination of emissions from sources	R. 1975 d.76	7 N.J.R. 144(a)
7:29-1.1 et seq.	Noise control regulations	R. 1974 d.12	6 N.J.R. 59(b)
7:30-1.1 et seq.	Pesticides control	R. 1974 d.11	6 N.J.R. 59(a)

## HEALTH — TITLE 8

8:2-1.1	Revisions for birth records of children born out of wedlock	R. 1974 d.104	6 N.J.R. 185(b)
8:8-1.2 et seq.	Revisions for processing, storage and distribution of blood	R. 1974 d.334	7 N.J.R. 7(a)
8:13-1.1 et seq.	Sanitation, handling, shipping and shucking of shellfish	R. 1974 d.185	6 N.J.R. 310(b)
8:21-2.38	Bacteriological standards for potentially hazardous foods	R. 1974 d.204	6 N.J.R. 311(a)
8:21-4.44	Expiration dates for fluid milk products	R. 1974 d.143	6 N.J.R. 264(a)
8:21-4.44	Amend rule on expiration dates for fluid milk products	R. 1974 d.361	7 N.J.R. 56(b)
8:21-9.3(a)	Delete exemption for wholesale handling of raw shellfish	R. 1974 d.184	6 N.J.R. 310(a)
8:25-1.1 et seq.	Standards concerning New Jersey Youth Camp Safety Act	R. 1974 d.156	6 N.J.R. 264(b)
8:30-5.1(a)1.	Revisions concerning nursing personnel	R. 1974 d.88	6 N.J.R. 185(a)
8:31-8.1(d)	Significant change in cost financing	R. 1974 d.65	6 N.J.R. 140(c)
8:31-10.1	Licensing of drug-related facilities	R. 1974 d.193	6 N.J.R. 310(c)
8:31-11.1	Voluntary discontinuance of regular service in any health care facility	R. 1974 d.195	6 N.J.R. 310(e)
8:31-14.1 et seq.	1975 hospital rate review	R. 1975 d.54	7 N.J.R. 152(b)
8:32-1.1 et seq.	1974-75 State Plan for hospitals and related health care services	R. 1974 d.196	6 N.J.R. 310(f)
8:32-1.18	Definition of rehabilitation services	R. 1975 d.77	7 N.J.R. 164(f)
8:32-3.1	Procedures for adjustment of State Plan for hospitals	R. 1974 d.260	6 N.J.R. 397(b)
8:32-3.1	Revisions for adjustment of State Plan	R. 1974 d.318	6 N.J.R. 472(d)
8:33-1.11	Skilled nursing and intermediate care beds	R. 1974 d.20	6 N.J.R. 63(b)
8:33-1.11	Continuation of mixing skilled nursing facilities and intermediate care beds, levels A and B	R. 1974 d.315	6 N.J.R. 472(a)
8:33-1.11	Revised policy on skilled nursing and intermediate care beds	R. 1974 d.317	6 N.J.R. 472(c)
8:33-1.11(b)	Revisions on extension of program of multiple levels of care	R. 1975 d.61	7 N.J.R. 164(e)
8:33-1.12	Processing of certificate of need applications	R. 1974 d.194	6 N.J.R. 310(d)
8:33-1.13	Scheduling and completing hearings for certificate of need applicants	R. 1974 d.269	6 N.J.R. 397(d)
8:35-1.1 et seq.	Revised criteria on mixed obstetric and gynecologic floors	R. 1975 d.60	7 N.J.R. 164(c)
8:37-1.1 et seq.	Manual of standards for intermediate care facilities	R. 1974 d.21	6 N.J.R. 63(c)
8:38-1.1 et seq.	Rules concerning HMOs	R. 1974 d.320	6 N.J.R. 473(a)
8:40-4.1 et seq.	Interim regulations for abortion facilities with temporary license	R. 1974 d.215	6 N.J.R. 345(c)
8:40-5.1	Reporting abortions performed in hospitals	R. 1974 d.316	6 N.J.R. 472(b)
8:43-1.1 et seq.	Boarding home for sheltered care	R. 1974 d.319	6 N.J.R. 472(e)
8:51-4.18	Compulsory rabies vaccination of dogs	R. 1974 d.54	6 N.J.R. 140(b)
8:57-1.1(a)	Add pertussis to list of reportable diseases	R. 1974 d.121	6 N.J.R. 241(c)
8:64-3.1	Definition of soap	R. 1975 d.103	7 N.J.R. 211(b)
8:65-2.4(c)	Revisions concerning other security controls for nonpractitioners	R. 1974 d.261	6 N.J.R. 397(c)
8:65-2.5	Physical security controls for practitioners	R. 1974 d.103	6 N.J.R. 184(b)

8:65-6.8(a)4.	Amendment on persons entitled to fill order forms	R. 1975 d.56	7 N.J.R. 164(a)
8:65-7.3(c)	Amendment on persons entitled to issue prescriptions	R. 1975 d.58	7 N.J.R. 164(b)
8:65-7.6	Revisions on persons entitled to fill prescriptions	R. 1975 d.55	7 N.J.R. 155(a)
8:65-10.1	Revised schedules of controlled dangerous substances	R. 1974 d.2	6 N.J.R. 63(a)
8:65-10.1(a)4.	Extend emergency rule for mecloqualone on a permanent basis	R. 1974 d.106	6 N.J.R. 241(b)
8:65-11.1 et seq.	Narcotic treatment program	R. 1975 d.59	7 N.J.R. 164(c)

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9:2-7.6(c)	Revised functions of Committee on Appeals	R. 1975 d.36	7 N.J.R. 104(a)
9:4-7.1 et seq.	Tenure guidelines for community colleges	R. 1974 d.210	6 N.J.R. 345(d)
9:9-1.12(a)d.	Student loans policies and procedures	R. 1974 d.50	6 N.J.R. 141(a)

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10:35-1.1 et seq.	Standards of the Division of Correction and Parole	R. 1973 d.349	6 N.J.R. 15(c)
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10:35-18.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-19.12	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-28.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.3(b)	Revised fee schedules	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.5	Waiver of payment by court order	R. 1974 d.356	7 N.J.R. 59(b)
10:35-63.1 et seq.	Inmate responsibility for personal property of substantial value	R. 1974 d.273	6 N.J.R. 432(b)
10:35-64.1 et seq.	Inmate marriages	R. 1974 d.273	6 N.J.R. 432(b)
10:35-65.1 et seq.	Volunteers in parole program	R. 1974 d.356	7 N.J.R. 59(b)
10:35-66.1 et seq.	Probable cause hearing	R. 1974 d.356	7 N.J.R. 59(b)
10:35-67.1 et seq.	Distribution of money and personal belongings of deceased inmates	R. 1974 d.356	7 N.J.R. 59(b)
10:35-68.1 et seq.	Inmates' personal savings accounts	R. 1974 d.356	7 N.J.R. 59(b)
10:37-6.1 et seq.	State aid, community mental health	R. 1974 d.69	6 N.J.R. 151(a)
10:49-1.18(b)13.	Amendment concerning provider participation	R. 1974 d.112	6 N.J.R. 245(c)
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10:49-1.21	Dental providers	R. 1973 d.340	6 N.J.R. 14(d)
10:49-1.22	Prohibition on factoring	R. 1973 d.313	5 N.J.R. 415(b)
10:49-1.24	Pharmaceutical providers	R. 1973 d.249	5 N.J.R. 341(e)
10:50-1.1	Revised definitions in transportation manual	R. 1974 d.113	6 N.J.R. 245(d)
10:50-1.1 et seq.	Revision concerning transportation services	R. 1974 d.52	6 N.J.R. 150(a)
10:50-1.10	Revised loading charges	R. 1974 d.113	6 N.J.R. 245(d)
10:50-1.10(g)	Payment for legend drugs	R. 1974 d.19	6 N.J.R. 68(c)
10:51-1.1 et seq.	Revisions in pharmaceutical services	R. 1973 d.304	5 N.J.R. 384(a)
10:51-1.2	Definition of eligible pharmacies in New Jersey	R. 1974 d.297	6 N.J.R. 477(c)
10:51-1.10	Revisions concerning pharmacy providers	R. 1974 d.312	6 N.J.R. 478(c)
10:52-1.1 et seq.	Revised portions of hospital manual	R. 1974 d.201	6 N.J.R. 313(a)
10:52-1.2(a) 18.	Revisions on hospital services	R. 1974 d.296	6 N.J.R. 478(a)
10:52-1.4	Revisions in special provisions for general hospitals	R. 1974 d.339	7 N.J.R. 8(a)
10:54-1.1 et seq.	Revised physicians manual	R. 1974 d.68	5 N.J.R. 150(c)
10:54-1.1	Define office visits	R. 1975 d.86	7 N.J.R. 226(d)
10:54-1.2(f)	Revisions on long-term care facilities	R. 1975 d.42	7 N.J.R. 166(a)
10:54-1.19	Revisions concerning specialist recognition	R. 1974 d.201	6 N.J.R. 313(a)
10:54-1.19	Revisions concerning specialists	R. 1974 d.311	6 N.J.R. 478(b)
10:54-3.1 et seq.	Revised procedure codes	R. 1974 d.84	6 N.J.R. 195(c)
10:55-1.2	Revisions concerning eligible providers; prosthetic, orthotic manual	R. 1974 d.187	6 N.J.R. 312(e)
10:56-1.3	Procedures not requiring prior authorization	R. 1974 d.53	6 N.J.R. 150(b)
10:56-1.4	Procedures requiring prior authorization	R. 1974 d.53	6 N.J.R. 150(b)
10:56-1.29(h) et seq.	Revisions concerning dental services	R. 1974 d.114	6 N.J.R. 246(a)
10:56-1.42	Specialist referral	R. 1974 d.53	6 N.J.R. 150(b)
10:56-1.48	Recovery of payments correctly made	R. 1974 d.202	6 N.J.R. 313(b)
10:56-2.1(d)	Dental providers	R. 1974 d.203	6 N.J.R. 313(c)
10:57-1.1 et seq.	Revisions to Podiatry Manual	R. 1974 d.161	6 N.J.R. 266(a)
10:57-2.1 et seq.	Revisions on billing procedures	R. 1974 d.222	6 N.J.R. 351(c)
10:59-1.7(a)6.	Revised prior authorization and medical supply services	R. 1975 d.31	7 N.J.R. 105(b)
10:62-1.1 et seq.	Revisions to vision care manual	R. 1974 d.181	6 N.J.R. 312(c)
10:63-1.10(a)5.	Revisions on long-term care facilities	R. 1975 d.42	7 N.J.R. 166(a)
10:63-1.12	Skilled nursing facility requirements	R. 1974 d.29	6 N.J.R. 117(b)
10:63-1.13	Plans of correction of deficiencies	R. 1974 d.343	7 N.J.R. 9(a)
10:63-1.14	Skilled nursing and intermediate care services	R. 1975 d.87	7 N.J.R. 227(a)
10:63-3.1 et seq.	Cost study for skilled facility services; instructions	R. 1974 d.43	6 N.J.R. 117(c)
10:64-1.2 et seq.	Revisions to hearing aid manual	R. 1975 d.14	7 N.J.R. 58(b)
10:65-1.2	Plans of correction for deficiencies	R. 1974 d.343	7 N.J.R. 9(a)

10:66-1.1 et seq.	Manual for independent clinic services	R. 1973 d.228	5 N.J.R. 339(b)
10:66-1.3	Out-of-State clinics	R. 1974 d.295	6 N.J.R. 477(b)
10:66-1.10	Revisions concerning podiatry services	R. 1974 d.144	6 N.J.R. 264(d)
10:66-1.12	Revisions concerning dental services	R. 1974 d.144	6 N.J.R. 264(d)
10:67-1.1 et seq.	Manual for psychological services	R. 1973 d.368	6 N.J.R. 68(a)
10:67-2.1 et seq.	Revised procedure for Administrative Code numbers	R. 1974 d.245	6 N.J.R. 399(b)
10:68-1.1 et seq.	Manual for chiropractic services	R. 1973 d.369	6 N.J.R. 68(b)
10:81-1.1 et seq.	New Public Assistance Manual	R. 1975 d.29	7 N.J.R. 105(c)
10:81-3.3(i)	Revisions on noncontributory persons in a household	R. 1975 d.64	7 N.J.R. 167(b)
10:81-24.94	Eligibility for continued assistance	R. 1973 d.345	6 N.J.R. 15(b)
10:81-26.9(a)3.	Child born out of wedlock; assistance	R. 1974 d.22	6 N.J.R. 67(a)
10:81-26.52(d)	No denial of assistance	R. 1974 d.22	6 N.J.R. 67(a)
10:81-28.1	Noncontributing person(s) in the household	R. 1974 d.51	6 N.J.R. 149(a)
10:81-28.2	Citizenship and alien status	R. 1974 d.120	6 N.J.R. 246(b)
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10:81-28.4	Periodic notice to client	R. 1974 d.287	6 N.J.R. 435(b)
10:82-1.1	Revised definition of household	R. 1973 d.235	5 N.J.R. 340(a)
10:82-1.1	Revised definition of household	R. 1974 d.51	6 N.J.R. 149(a)
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10:82-5.2(e)4.	Companion cases	R. 1973 d.243	5 N.J.R. 341(c)
10:82-5.4(d)	Eligible family unit	R. 1973 d.239	5 N.J.R. 340(e)
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10:82-7.1(a)6.	Delete rule on income	R. 1973 d.241	5 N.J.R. 341(a)
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10:82-11.14	Revisions concerning expenses of employment in AFDC	R. 1974 d.285	6 N.J.R. 434(a)
10:82-11.16	Revisions concerning earned income	R. 1973 d.241	5 N.J.R. 341(a)
10:82-11.16(d)	Revisions concerning disregard of earned income	R. 1974 d.286	6 N.J.R. 435(a)
10:82-11.28	Responsible relative's obligatory support to the eligible unit	R. 1973 d.244	5 N.J.R. 341(d)
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10:84-1.1 et seq.	Delete entire Chapter and mark it Reserved	R. 1975 d.29	7 N.J.R. 105(c)
10:85-11.6(a)	Revisions in payments to hospitals	R. 1974 d.288	6 N.J.R. 436(a)
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10:109-1.1 et seq.	Physical facilities	R. 1973 d.290	5 N.J.R. 379(b)
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10:109-1.6(a)	Revisions concerning educational leave stipends	R. 1974 d.248	6 N.J.R. 399(a)
10:109-2.1 et seq.	Ruling Number 11; classification and compensation plan	R. 1974 d.211	6 N.J.R. 351(a)
10:120-1.1 et seq.	Rules governing administrative hearings	R. 1974 d.160	6 N.J.R. 264(e)
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10:123-1.1 et seq.	Service programs for families and children	R. 1974 d.85	6 N.J.R. 195(d)
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10:123-1.1 et seq.	Revised State Plan for families and children	R. 1974 d.355	7 N.J.R. 59(a)
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10:123-4.1	Amendment concerning community planning	R. 1975 d.57	7 N.J.R. 166(b)
10:123-6.1	Special requirements applicable to sterilization	R. 1974 d.170	6 N.J.R. 311(c)
10:123-6.2	Services to former and potential applicants and recipients	R. 1974 d.171	6 N.J.R. 311(d)
10:124-1.1 et seq.	Standards for shelters accepting juveniles awaiting court disposition	R. 1974 d.45	6 N.J.R. 116(c)
10:140-1.1 et seq.	State Plan — 1974	R. 1973 d.321	5 N.J.R. 415(d)
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11:1-5.1	Deduction of exhaustion of Motor Vehicle Liability Security Fund	R. 1974 d.237	6 N.J.R. 351(d)
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11:3-6.2(b)4.viii.	Amend rules on insurance identification cards	R. 1973 d.247	5 N.J.R. 350(b)
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13:2-31.1	Revised schedule of retail prices filed with the Director	R. 1974 d.349	7 N.J.R. 13(b)
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13:47A-3.1(c)	Revised fee for application	R. 1974 d.333	7 N.J.R. 12(b)
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13:47A-15.1	Revisions concerning prospectuses	R. 1974 d.279	6 N.J.R. 450(d)
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16:28-1.10	Revised speed limits on parts of U.S. 46	R. 1975 d.95	7 N.J.R. 237(b)
16:28-1.14	Revised rules on rates of speed on Route 33	R. 1975 d.17	7 N.J.R. 118(b)
16:28-1.25 et seq.	Revise rules on rates of speed along certain State highways	R. 1974 d.197	6 N.J.R. 325(a)
16:28-1.35	Revised speed limits on portions of Route 18	R. 1974 d.340	7 N.J.R. 32(d)
16:28-1.36	Revised speed limits on parts of Route 24	R. 1975 d.17	7 N.J.R. 118(a)
16:28-1.63	Revise rates of speed on Route U.S. 22	R. 1974 d.326	7 N.J.R. 32(c)
16:28-1.67	Revisions to rates of speed on parts of U.S. 202	R. 1974 d.325	7 N.J.R. 32(b)
16:28-1.76	Revised speed limits on parts of Route 15	R. 1974 d.354	7 N.J.R. 73(c)
16:28-1.96	Revise rates of speed on Route N.J. 45	R. 1974 d.326	7 N.J.R. 32(c)
16:28-1.100	Revised speed limits on Route 439	R. 1975 d.50	7 N.J.R. 178(c)
16:28-1.111	Speed limits on Route 179 in Hunterdon County	R. 1974 d.249	6 N.J.R. 414(a)
16:28-1.122	Revisions to rates of speeds on U.S. 46, U.S. 1, 9 and 46	R. 1974 d.291	6 N.J.R. 493(a)
16:28-1.148	Revised speed limits on Route I-295	R. 1975 d.24	7 N.J.R. 118(c)
16:28-1.157	Rates of speeds on Route 173	R. 1974 d.291	6 N.J.R. 493(a)
16:28-1.158	Speed limits on Route 87 in Atlantic City	R. 1974 d.249	6 N.J.R. 414(a)
16:28-1.159	Rates of speed on parts of Route 33	R. 1975 d.17	7 N.J.R. 118(b)
16:28-1.160	Speed limits on portions of Route I-78	R. 1974 d.340	7 N.J.R. 32(d)
16:28-2.1	Weight limit along Route 152 in Egg Harbor Township	R. 1975 d.63	7 N.J.R. 178(d)
16:28-3.1 et seq.	Restricted parking on various State highways	R. 1974 d.77	6 N.J.R. 203(b)
16:28-3.12 et seq.	Restricted parking along parts of Routes 47, 77 and 7	R. 1974 d.105	6 N.J.R. 249(b)
16:28-3.15 to	Rules on restricted parking on Routes 7, 28, US 46, 47 and 77	R. 1974 d.159	6 N.J.R. 276(c)
16:28-3.19			
16:28-3.20 et seq.	Restricted parking on Routes 70, 73, U.S. 22 and U.S. 130	R. 1974 d.216	6 N.J.R. 359(b)
16:28-3.24	Route number U.S. 40	R. 1974 d.226	6 N.J.R. 359(d)
16:28-3.25	Route number 47	R. 1974 d.226	6 N.J.R. 359(d)
16:28-3.26	No parking; Route 35	R. 1974 d.292	6 N.J.R. 493(b)
16:28-3.27	No parking; Route 27	R. 1974 d.292	6 N.J.R. 493(b)
16:28-3.28	Restricted parking rules on various State highways	R. 1974 d.359	7 N.J.R. 74(a)
through 16:28-3.41			
16:28-3.42	Restricted parking along certain State highways	R. 1975 d.16	7 N.J.R. 117(a)
through 16:28-3.50			
16:28-3.51	Rules on restricted parking on various State highways	R. 1975 d.49	7 N.J.R. 178(b)
through 16:28-3.62			
16:28-4.1 et seq.	One-way street regulations	R. 1974 d.225	6 N.J.R. 359(c)
16:28-4.3	One-way traffic along Route 79	R. 1974 d.293	6 N.J.R. 493(c)
16:28-5.1	Designation of stop intersections	R. 1974 d.250	6 N.J.R. 414(b)
16:28-6.1	No left turn rules on parts of Route U.S. 206	R. 1974 d.324	7 N.J.R. 32(a)
16:28-6.1	Revisions on left turns on Route U.S. 206 in Bedminster Township	R. 1975 d.48	7 N.J.R. 178(a)

16:39-3.1 et seq.	Spilled cargo on State highways	R. 1974 d.101	6 N.J.R. 203(c)
16:41-1.1 et seq.	Revised fees for highway access permits	R. 1975 d.13	7 N.J.R. 73(b)
16:54-6.1 et seq.	Take-off or landing by balloons	R. 1974 d.308	6 N.J.R. 494(a)

### TREASURY — GENERAL — TITLE 17

17:1-1.7 et seq.	Revised administration rules	R. 1974 d.62	6 N.J.R. 158(b)
17:1-1.15(e)	Compliance with endorsement requirements	R. 1974 d.219	6 N.J.R. 360(a)
17:1-1.17	Revisions on administrative expenses and their proration	R. 1975 d.30	7 N.J.R. 122(a)
17:2-1.13 et seq.	Revisions on Public Employees' Retirement System	R. 1974 d.230	6 N.J.R. 361(a)
17:3-1.1 et seq.	Revisions concerning Teachers' Pension and Annuity Fund	R. 1974 d.24	6 N.J.R. 124(a)
17:4-1.5 et seq.	Revisions for Police and Firemen's Retirement System	R. 1974 d.61	6 N.J.R. 158(a)
17:5-1.8 et seq.	Revised State Police retirement system rules	R. 1974 d.131	6 N.J.R. 277(b)
17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R. 1974 d.231	6 N.J.R. 361(b)
17:9-2.3	Revisions on annual enrollment period	R. 1974 d.228	6 N.J.R. 360(c)
17:9-2.15	Major medical; separate plans	R. 1975 d.68	7 N.J.R. 181(a)
17:9-4.2	Revised definition of State; full time	R. 1975 d.68	7 N.J.R. 181(a)
17:9-5.4	Revisions on local employer payment of dependent charges	R. 1974 d.229	6 N.J.R. 360(d)
17:9-5.5	Revisions concerning local employer resolution	R. 1975 d.65	7 N.J.R. 180(c)
17:9-5.6	Health maintenance organization premiums	R. 1974 d.228	6 N.J.R. 360(c)
17:10-3.1	Revised computation of benefits	R. 1974 d.335	7 N.J.R. 34(a)
17:10-5.7	Revised employer disability application; employee notice	R. 1974 d.335	7 N.J.R. 34(a)
17:16-5.4	Revised demand group	R. 1975 d.11	7 N.J.R. 76(b)
17:16-5.5(a)	Add State facilities for handicapped fund to temporary reserve	R. 1974 d.126	6 N.J.R. 252(a)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R. 1974 d.192	6 N.J.R. 328(c)
17:16-6.1(a)8.	Add Federal Financing Bank to approved list	R. 1974 d.323	6 N.J.R. 496(a)
17:16-6.1	Revised rules on U.S. Treasury and government agency obligations	R. 1975 d.97	7 N.J.R. 241(a)
17:16-7.3	Delete from revolving housing development grant fund	R. 1974 d.191	6 N.J.R. 328(b)
17:16-8.1(a)6.	Amend permissible investment rules concerning corporate securities — industrial obligations	R. 1974 d.321	6 N.J.R. 495(b)
17:16-9.1(a)5.	Revision concerning finance companies — senior debt	R. 1974 d.322	6 N.J.R. 495(c)
17:16-13.5	Revisions on legal papers; commercial paper	R. 1974 d.218	6 N.J.R. 361(c)
17:16-27.3	Limitations regarding certificates of deposit	R. 1974 d.63	6 N.J.R. 158(c)
17:16-27.3	Amendment concerning other limitations	R. 1974 d.94	6 N.J.R. 205(a)
17:16-27.4	Legal Papers; certificates of deposit	R. 1974 d.63	6 N.J.R. 158(c)
17:16-32.8(b)	Revisions concerning valuation of units	R. 1974 d.35	6 N.J.R. 124(d)
17:16-32.9(b)	Revisions concerning admission date	R. 1974 d.35	6 N.J.R. 124(d)
18:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R. 1974 d.265	6 N.J.R. 416(b)
17:16-37.1(a)6.	Addition of Federal Financing Bank to approved list	R. 1974 d.264	6 N.J.R. 416(a)
17:16-37.1 et seq.	Repurchase agreements	R. 1974 d.36	6 N.J.R. 125(a)
17:16-38.1 et seq.	Common Pension Fund C	R. 1974 d.266	6 N.J.R. 416(c)
17:16-39.1 et seq.	Rules on bankers' acceptances	R. 1974 d.263	6 N.J.R. 415(b)
17:16-39.1 et seq.	Collateralized notes and mortgages	R. 1975 d.67	7 N.J.R. 180(d)
17:20-5.10	Revisions concerning lottery agent's compensation	R. 1974 d.146	6 N.J.R. 277(d)
17:20-5.10	Revise agent's compensation rule	R. 1974 d.329	7 N.J.R. 33(b)
17:21-1.4(b)	Revisions on special lotteries	R. 1974 d.224	6 N.J.R. 360(b)
17:21-2.3 et seq.	Revised rules concerning weekly lottery	R. 1974 d.329	7 N.J.R. 33(b)
17:21-5.6(a)6.	Revisions concerning conducting drawings	R. 1974 d.31	6 N.J.R. 124(b)
17:21-6.3 et seq.	Revisions concerning daily lottery	R. 1974 d.134	6 N.J.R. 277(c)

### TREASURY — TAXATION — TITLE 18

18:2-1.1	Reproduction of forms	R. 1974 d.182	6 N.J.R. 328(a)
18:5-3.10(d)	Revised rule on decalcomania revenue stamps on cigarettes	R. 1975 d.28	7 N.J.R. 122(b)
18:6-1.1	Revised definition of cost of doing business	R. 1974 d.243	6 N.J.R. 414(d)
18:12A-1.1 et seq.	Rules for county boards of taxation	R. 1974 d.95	6 N.J.R. 205(b)
18:12A-1.6 et seq.	Revisions concerning County Boards of Taxation	R. 1975 d.46	7 N.J.R. 180(b)
18:12A-1.16	Electronic Data processing and tax assessment lists	R. 1974 d.242	6 N.J.R. 414(c)
18:16-1.1 et seq.	Revisions in realty transfer fee law	R. 1975 d.84	7 N.J.R. 240(b)
18:22-7.6	Gross receipts from transactions; municipal electric supply operations	R. 1975 d.45	7 N.J.R. 180(a)
18:24-10.4	Acceptance in good faith	R. 1974 d.244	6 N.J.R. 414(e)
18:24-10.5	Disclosure of proper exemption basis	R. 1974 d.244	6 N.J.R. 414(e)
18:24-11.2	Filing of monthly and quarterly returns	R. 1975 d.4	7 N.J.R. 77(a)
18:24-22.1 et seq.	Sales by floor covering dealers	R. 1974 d.123	6 N.J.R. 251(a)
18:24-23.1 et seq.	Rules on bad debts	R. 1974 d.96	6 N.J.R. 208(a)
18:24-24.1 et seq.	Sale and installation of gasoline service station equipment	R. 1974 d.252	6 N.J.R. 415(a)

18:26-8.7	Preaudit payment of inheritance tax	R. 1975 d.85	7 N.J.R. 240(c)
18:26-8.10	Amendments concerning valuations	R. 1974 d.34	6 N.J.R. 124(c)

### OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making of loans to mortgage lenders	R. 1974 d.233	6 N.J.R. 370(b)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R. 1974 d.251	6 N.J.R. 418(b)
19:3A-1	Indemnification for Meadowlands District	R. 1974 d.83	6 N.J.R. 209(b)
19:3A-1.2	Hackensack Meadowlands annual meeting	R. 1974 d.133	6 N.J.R. 281(a)
19:3A-2.1	Required land use and control meadows; flood insurance	R. 1974 d.213	6 N.J.R. 369(b)
19:3A-2.2	Securing coverage under National Flood Insurance Program	R. 1974 d.212	6 N.J.R. 361(d)
19:4-4.4 et seq.	Revised Hackensack Meadowlands zoning regulations	R. 1974 d.1	6 N.J.R. 87(b)
19:4-6.19	Appointment and operation of environmental design committee	R. 1974 d.82	6 N.J.R. 209(a)
19:7-1.1(a)1.	Revisions on permitted sites and sanitary landfills	R. 1974 d.214	6 N.J.R. 369(a)
19:7-1.1(g)	Revised Meadowland sanitary landfill rules	R. 1974 d.49	6 N.J.R. 158(d)
19:7-1.1(h)	Revisions concerning Meadowlands sanitary landfill	R. 1974 d.129	6 N.J.R. 280(c)
19:7-1.1(i)	Hackensack Meadowlands sanitary landfill operations	R. 1974 d.81	6 N.J.R. 208(c)
19:8-1.1 et seq.	Revisions in use of Garden State Parkway	R. 1974 d.158	6 N.J.R. 281(b)
19:8-1.2(a)	Revised Garden State Parkway speed limits	R. 1974 d.6	6 N.J.R. 88(b)
19:8-3.1(b)	Revised toll schedule for new Union County interchange	R. 1974 d.290	6 N.J.R. 496(c)
19:8-31.1(b)	Revised Garden State Parkway tolls	R. 1974 d.8	6 N.J.R. 88(a)
19:9-1.1	Revised Turnpike definitions	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.9	Revised limitations on use of Turnpike	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.9(a)26.	Delete rule 19:9-1.9 (a) 26.	R. 1975 d.41	7 N.J.R. 185(a)
19:9-1.18	Noise limits on Turnpike	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.18(e) and (f)	Revised citations for noise limit rules	R. 1975 d.25	7 N.J.R. 122(d)
19:10-1.1	PERC amends employee definitions	R. 1974 d.56	6 N.J.R. 159(a)
19:11-1.1 et seq.	Revisions on investigation and disposition of PERC petitions	R. 1974 d.127	6 N.J.R. 285(b)
19:11-1.6	Revisions in number of copies to be filed	R. 1974 d.347	7 N.J.R. 36(a)
19:11-1.13	Revisions concerning intervention	R. 1974 d. 346	7 N.J.R. 35(d)
19:11-2.7	Rule on election eligibility lists	R. 1974 d.344	7 N.J.R. 35(b)
19:12-1.1	Revisions in filing of notice of impasse	R. 1974 d.347	7 N.J.R. 36(a)
19:12-1.1 et seq.	Negotiations and impasse procedures	R. 1975 d.10	7 N.J.R. 78(a)
19:12-2.1	Revisions in invocation of fact-finding	R. 1974 d.347	7 N.J.R. 36(a)
19:12-3.1	Revisions concerning arbitration	R. 1974 d.345	7 N.J.R. 35(c)
19:13-1.1 et seq.	Scope of negotiations proceedings	R. 1975 d.10	7 N.J.R. 78(a)
19:14-1.1 et seq.	Unfair practice proceedings	R. 1975 d.10	7 N.J.R. 78(a)
19:14A-1.1 et seq.	Hearings	R. 1975 d.10	7 N.J.R. 78(a)
19:14-1.5 et seq.	Revisions concerning processing of unfair practice cases	R. 1975 d.89	7 N.J.R. 243(a)
19:14-9.1 et seq.	Interim relief	R. 1975 d.90	7 N.J.R. 242(a)
19:15-4.1	Motions for PERC reconsideration	R. 1974 d.56	6 N.J.R. 159(a)
19:25-1.1 et seq.	Initial rules of Election Law Enforcement Commission	R. 1974 d.267	6 N.J.R. 418(a)
19:30-1.1 et seq.	Administrative rules of Economic Development Authority	R. 1974 d.332	7 N.J.R. 34(c)
19:30-2.1	Revised application fees	R. 1975 d.26	7 N.J.R. 122(c)
19:30-2.2	Delete text on fees	R. 1975 d.26	7 N.J.R. 122(c)

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(Continued from page 27)

2. Subluxations of the feet in which the normal relationship of the bones, tendons, ligaments and supporting muscles is disturbed and which, regardless of underlying etiology, require treatment by mechanical methods (for example, whirl-pool, paraffin baths, casting, strapping, splinting, padding, shortwave or low voltage currents, physical therapy, exercise manipulation, massage and the like).

i. Exceptions:

(1) Where treatment is an integral part of post fracture or post-operative treatment plan;

(2) Where the talo-crural joint is involved;

(3) Where there may be attachment of a supportive device to a brace or bar.

3. Routine foot care, routine hygienic care: [and other routine-type care.]

i. Exceptions:

(1) **Treatment of painful corns, calluses and warts;**

**Note: When treatments are in excess of one per month, the case must be referred for evaluation to the Podiatry Unit of the New Jersey Health Services Program, P.O. Box 2486, Trenton, New Jersey 08625.**

(2) **Treatment of the foot for Medicaid recipients with metabolic, neurological and peripheral diseases, for example, diabetes mellitus, arteriosclerosis obliterans, buerger's disease, chronic thrombophlebitis, peripheral neuropathies and so forth;**

(3) **Treatment of fungal (mycotic) and other infections of the feet and toe nails are covered services.**

4. Injections or drugs dispensed by a podiatrist.

(c) The following guidelines limit the provision of subsection (a), paragraph 3 of this Section:

1. The importance of preventive or hygienic care for patients with a systemic illness such as peripheral vascular disease, diabetes or with severe physical disability is recognized. These will be considered on an individual basis by the podiatry consultant.

2. If services ordinarily considered routine are performed at the same time as and as a necessary integral part of otherwise covered services, such as diagnosis and treatment of diabetic ulcers, wounds and infections, they are covered.

3. Fungal (mycotic) and other infections of the feet and toenails require professional services which are outside the scope of "routine foot care" as defined in subsection (a) of this Section. Diagnostic and treatment services for foot infections are covered in the same manner as services performed for infections occurring elsewhere on the body, and the same type of coverage rules apply.

4. Treatment of plantar warts that are symptomatic and/or cause disability will be considered a covered service.

(d) No additional payment will be made for injections or drugs dispensed by a podiatrist.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

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

The Department of Institutions and Agencies, upon its own

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions for Legend Drugs

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise N.J.A.C. 10:51-1.10(g) in the Pharmacy Manual concerning legend drugs.

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

10:51-1.10(g)

4. The maximum charge to the New Jersey Health Services Program for a legend drug, **including the charge for the cost of medication and the dispensing fee**, may not exceed the lowest of the following:

i. "Cost plus dispensing fee" as outlined herein [.] **or**

ii. Usual and customary and/or posted or advertised charges [.] **or**

iii. [Charges made to medical facilities or agencies through contractual agreements or bid prices submitted in an attempt to secure a contract.] **Charges made to medical facilities or agencies through contracts or other agreements;**

**Note: Where such contracts or other agreements with a medical facility or agency exist, this rule shall apply to claims submitted on behalf of Medicaid recipients in said facility or receiving services by said agency.**

iv. **Other third-party prescription plan charges, when contracts or agreements to participate have been entered into subsequent to the adoption of this rule.**

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before May 28, 1975, to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

#### Proposed State Plan for Vocational Rehabilitation of Blind Persons

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, proposes to adopt a revised State Plan for Vocational Rehabilitation of Blind Persons under Title I of the Rehabilitation Act of 1973 and Rehabilitation Act Amendments of 1974. Such Plan, if adopted, will be included in Chapter 98 of Title 10 of the New Jersey Administration Code.

The proposed Plan concerns basic assurances, legal basis, agency organization, local administration, personnel administration, financial administration, scope of agency program, eligibility, ineligibility and certification, methods of administration, VR services for disability beneficiaries paid from Social Security trust funds, VR services for blind and disabled recipients paid from supplemental security income program funds, and programming procedures for fiscal year 1976.

**Full text** of the 36 pages of the proposed Plan are **available** for inspection at the offices of:

New Jersey Commission for the  
Blind and Visually Impaired  
1100 Raymond Boulevard  
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to the Commission for the Blind and Visually Impaired, at the above address.

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MENTAL RETARDATION

#### Proposed Revisions on Application to Commissioner by Juvenile Court

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4-25.3 and 30:4-25.5, proposes to adopt revisions to the rules concerning application to the Commissioner by a juvenile court having jurisdiction over an eligible mentally retarded minor. Such revisions, if adopted, will appear in Subtitle H of Title 10 in the New Jersey Administrative Code.

The application for admission to functional services for an eligible mentally retarded minor who is found to be delinquent shall incorporate an order placing the aforesaid minor under the care and custody of the Commissioner. Such revision shall offset any ambiguity concerning the Class H application.

Interested persons may present statements or arguments in writing relevant to the proposed revisions on or before May 28, 1975, to the Division of Mental Retardation, 169 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.

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Notice of Public Hearing

Take notice that the Division of Medical Assistance and Health Services will hold a public hearing, pursuant to authority of N.J.S.A. 30:4D-1 et seq., on Friday, May 16, 1975, from 1:00 P.M. to 4:00 P.M. at the New Jersey State Museum Auditorium, 205 West State Street, Trenton, New Jersey, regarding proposed revisions to the Pharmacy Manual which appeared in the Notice published March 6, 1975, at 7 N.J.R. 104(b).

The proposed revisions concern mainly a required 50-cent per prescription payment by each recipient and limit reimbursement for nonlegend drugs to insulin and contraceptive materials.

Written comments may be submitted to and speaking time arranged with David M. Crum, Division of Medical Assistance and Health Services, 324 East State Street, Trenton, New Jersey 08625, Telephone: (609) 292-7111.

This Notice is published as a matter of public information.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Amendment on Definition of Office Visits

On March 21, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to N.J.A.C. 10:54-1.1, concerning the definition of office visits, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 58(a).

An order adopting this amendment was filed and effective March 31, 1975, as R.1975 d.86.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Rule on Skilled Nursing and Intermediate Care Services**

On March 21, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, cited as N.J.A.C. 10:63-1.14, concerning skilled nursing and intermediate care services, as proposed in the Notice published February 6, 1975, at 7 N.J.R. 57(c).

An order adopting this rule was filed and effective March 31, 1975, as R.1975 d.87.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

#### **New Assistance Standards Handbook**

On April 1, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new assistance standards handbook, substantially as proposed in the Notice published February 6, 1975, at 7 N.J.R. 58(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Institutions and Agencies.

The 65 pages of the new assistance standards handbook replaces the current text in Chapter 82 of Title 10 in the New Jersey Administrative Code and may be cited as N.J.A.C. 10:82-1.1 et seq.

An order adopting the new handbook was filed April 2, 1975, as R.1975 d.93 to become effective April 15, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## **INSTITUTIONS AND AGENCIES**

### **THE COMMISSIONER**

#### **AFDC Foster Care Plan**

On March 26, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12

and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning the AFDC foster care plan.

**Full text of the adopted rules follows:**

### **SUBCHAPTER 2. AFDC FOSTER CARE PLAN**

#### **10:122-2.1 Commitments**

(a) The State agency commits itself to meet and fulfill the requirements of 45 CFR, Part 233.110 specifying State plan requirements for the provision of AFDC foster care under Title IV-A of the Social Security Act.

(b) The State agency commits itself to the integration of its program of family and child welfare services under Titles IV-A and IV-B of the Social Security Act with its program of AFDC foster care to provide a maximum utilization of service entitlements for children eligible to participate in both programs.

#### **10:122-2.2 Plan amendments**

The State Plan for AFDC foster care will be amended whenever necessary to reflect a material change in State law, organization, policy or agency operations, or Federal law or policy. Changes in the scope of services offered through the State's program of family and child welfare services to AFDC foster care children will be reflected in amendments to the "State Plan for Title IV-A and IV-B of the Social Security Act, Service Programs for Families and Children."

#### **10:122-2.3 Organization and administration**

As specified in the State Plan for Title IV-A and IV-B of the Social Security Act, Service Programs for Families and Children, there is established a single organizational unit, within the single State agency, at the State level and also at the local level to provide or supervise all services to families and children included in that plan. The single organizational unit is located within the Division of Youth and Family Services and has as its chief administrative officer the Director of the Division of Youth and Family Services who is responsible to the Commissioner of the Department of Institutions and Agencies. In addition to its responsibilities for setting service policies and for the maintenance of policy control for all parts of the family and child welfare service programs, the unit is responsible for the administration and supervision of the State's program of AFDC foster care.

(b) The Division of Youth and Family Services is the State operated family and child welfare service with supervisory responsibility over the provision of these same services through the county-administered social service delivery system. As such, the Division consists of 18 district offices, 21 county welfare boards, one special adoption unit, a number of group homes, residential facilities and day care centers. All care, custody, and guardianship cases in foster care are supervised by the district office component of the system.

#### **10:122-2.4 Eligibility requirements for AFDC foster care**

(a) The State agency will provide aid in the form of foster care for each otherwise eligible child:

1. Who was removed after April 30, 1961 from the home of a relative specified in the AFDC plan, as a result of a judicial determination that continuance in the home of the relative would be contrary to his welfare, for any reason, and who has been placed in foster care as a result of such determination; and

2. Who, in or for the month in which that court action was initiated, was receiving AFDC, or would have received AFDC

if application has been made; or

3. Who lived with a relative specified in the AFDC plan within six months prior to the month in which that court action was initiated, and who would have received AFDC in or for such month he had been living with (and removed from the home of) such relative and application had been made for him; and

4. Whose placement and care are the responsibility of the Division of Youth and Family Services.

(b) Children eligible for AFDC foster care will be so identified in their individual service plans (case records). A monthly compilation of children in the AFDC foster care program, in the form of a computer printout, will be maintained by the agency.

10:122-2.5 Placement and treatment of eligible children

(a) Consistent with Section 3.2 of the State Plan for Title IV-A and IV-B of the Social Security Act, Service Programs for Families and Children, a service plan will be developed and maintained on a continuous basis for each child requiring AFDC foster care services. Such a plan will be developed in cooperation with the family and will be responsive to the needs of each individual within the family, including the child requiring AFDC foster care.

(b) Service plans will, as a minimum, provide for

1. The placement of the child in a foster family home or child care institution, as appropriate to his needs;

2. The provision of services to improve the conditions in the home from which he was removed, to make possible his placement in the home of another relative under the State's AFDC plan or in an adoptive home, or to continue the child in foster care, as appropriate; and

3. A review of the need for continued care and services in such placement as the need of each case requires, but not less frequently than every six months.

(c) Consistent with Section 3.5, "Foster Care Services", of the State Plan for Title IV-A and IV-B of the Social Security Act, Service Programs for child and his or her family to work out his/her/their individual and collective problems so that the child can eventually be returned to his or her natural home, or be placed in the home of a relative, an adoptive home, or other placement, as appropriate. These services will be provided through existing family and child welfare service programs under Titles IV-A and IV-B of the Social Security Act. Maximum use will be made of such services provided by employees of the Division of Youth and Family Services. These services may be purchased when not directly available through the State or local agency or not otherwise available in the community without cost or when the particular needs of the child or a member of his family can best be met through a purchase arrangement.

(d) The placement of children eligible for AFDC foster care will be arranged after an assessment of each child's individual treatment needs. A number of substitute-care placement settings, offering differential degrees of treatment are used, including:

Facility	Rate Range (per mo)
1. DYFS Supervised Foster Family Homes	(regular) \$ 100 - \$ 123 (special) \$ 140 - \$ 238
2. DYFS Supervised Group Care Homes	\$ 106 - \$ 113
3. Private Group Care Homes (Boarding)	\$ 191 - \$ 306
4. Private Group Care Homes (Therapeutic)	\$ 171 - \$ 500

5. County Shelters	(DYFS \$171) \$ 400 - \$ 600*
6. County JINS Shelters	(DYFS \$171) \$ 400 - \$1,200*
7. County Detention Centers	\$ 750 - \$1,200*
8. DYFS Emergency Shelters	\$150
9. Private Emergency Shelters	(Free)
10. State Correctional Facilities	\$ 950 - \$1,330*
11. State Diagnostic Centers	\$1,000 - \$1,500**
12. Private Diagnostic Centers	(None)
13. State Psychiatric Hospitals	\$1,200 - \$1,500*
14. Private Psychiatric Hospitals	\$ 450 - \$3,000
15. State Institutions For The Mentally Retarded	\$ 600 - \$1,000
16. Private Institutions For The Mentally Retarded	\$ 108 - \$ 450
17. Private Institutions For The Physically Handicapped	Free - \$ 597
18. Private Boarding Schools	Free - \$ 365
19. Private Maternity Homes	Free - \$ 160
20. DYFS Residential Treatment Centers	\$950**
21. Private Residential Treatment Centers	\$ 350 - \$ 500 (unlimited in individual cases)
22. Private Drug Treatment Centers	Free - \$ 130

\* Cost, not rate, to other government unit or State agency.

\*\* Cost, not rate, to DYFS.

(e) Non-State operated facilities enumerated above may be located within New Jersey or out-of-State. The applicable cost of public institutions, when they are used, will not be considered as maintenance cost eligible for Federal financial participation.

10:122-2.6 Allowable expenditures

(a) The Division of Youth and Family Services will claim Federal financial participation at the 50 per cent rate under the provisions of Section 1118 of the Social Security Act in the cost of maintenance for agency supervised children eligible for AFDC foster care. The term maintenance, as herein used, includes:

1. Board payments;
2. Regular quarterly clothing allowances;
3. Special initial clothing allowances; and
4. Other special allowances made to children in placement.

(b) The costs of placement attributable to treatment services will be identified separately and charged to the Title IV-A family service program at the 75:25 rate of Federal financial participation.

An order adopting these rules was filed and effective April 9, 1975, as R.1975 d.99 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

# INSURANCE

## THE COMMISSIONER

### Proposed Rule on New Jersey Property-Liability Insurance Guaranty Association Charge

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29A-1 et seq. and Chapter 17, Laws of New Jersey 1974 as amended by Chapter 107 Laws of New Jersey 1975 proposes to adopt a new rule, N.J.A.C. 11:1-5.1, concerning a surcharge for insurance policies to which the New Jersey Property-Liability Insurance Guaranty Association applies, sufficient to recoup, over a reasonable length of time, sums equal to the amounts paid to the Association by the member insurers of the Guaranty Association.

#### SUBCHAPTER 5. NEW JERSEY PROPERTY-LIABILITY INSURANCE GUARANTY ASSOCIATION

##### 11:1-5.1 New Jersey Property-Liability Insurance Guaranty Association charge

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

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

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

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

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

3. On policies not subjected to audit where the method in N.J.A.C. 11:1-5.1(a)2.i. is used, no additional surcharge shall be made for endorsements increasing the premium and no return shall be made for an endorsement decreasing the premium. Where the method in N.J.A.C. 11:1-5.1(a)2.ii. is used, and on all policies subject to audit, any change in premium by endorsement subsequent to the effective date shall reflect also an appropriate change in the surcharge. On flat cancellations, the entire surcharge must be returned regardless of procedure used.

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

policies are subject to rerating after the effective date and only as of the effective date of such rerating.

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

6. All amounts collected under this surcharge as of September 30, 1975, shall be remitted to the Treasurer of the State of New Jersey not later than December 1, 1975; thereafter all surcharges collected as of December 31 and June 30 each year shall be remitted to the Treasurer of the State of New Jersey on or before March 1 and September 1 each year. Appropriate forms and directions for remittance will be supplied.

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

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

Philipp K. Stern, Actuary  
Department of Insurance  
201 East State Street  
Trenton, New Jersey 08625

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

James J. Sheeran  
Commissioner  
Department of Insurance

(b)

# INSURANCE

## THE COMMISSIONER

### Notice of Emergency Rules On Professional Liability Insurance for Hospitals

Take notice that James J. Sheeran, Commissioner of Insurance, has issued the following Notice concerning professional liability insurance for hospitals.

**Full text** of the issued Notice follows:

#### UPON FINDING

That hospitals and other health care facilities in recent months experienced difficulty in obtaining necessary Professional Liability Coverage from admitted insurers, and

That 29 New Jersey hospitals faced cancellation of their insurance coverage as of March 26, 1975, and

That a number of hospitals were compelled to seek coverage from nonadmitted insurers, and

That insurance obtained through the nonadmitted market involves substantial increases in premiums which are not warranted by available evidence, and

That insurance coverage from the nonadmitted market exposes hospitals not only to the financial burden of high premiums but also to the danger of lack of coverage on existing claims and loss of prepaid premiums in case of insolvency of such nonadmitted insurers, and

(a)

That these additional financial burdens on the hospitals increase the cost of medical services to the residents of New Jersey as well as the State's own budget, and

That these conditions constitute an imminent peril to the public health, safety and welfare.

I, James J. Sheeran, Commissioner of Insurance, pursuant to the authority vested in me by N.J.S.A. 17:1-8.1, 17:1C-6(e), 52:14B-4 and 17:22-6.43 propose to adopt and do hereby promulgate the following emergency rules effective immediately:

1. Exportable List - Surplus Lines

The Exportable List last promulgated on February 7, 1974 is hereby amended by revising Item 29 of that list as follows (matter added is in **boldface**; matter eliminated shown in brackets [ ]).

Professional Liability (Malpractice) Policies for Psychiatrists, Osteopaths, Chiropractors and Physicians **other than physicians employed by hospitals** [and hospitals].

The following note is added to said Exportable List:

**NOTE: Effective March 26, 1975, hospitals and physicians employed by hospitals are removed from the Exportable List last published February 7, 1974.**

2. Filings of confirmation of insurance and affidavits of unsuccessful effort to procure insurance from authorized insurers, as required by N.J.S.A. 17:22-6.47 pertaining to the procurement of Professional Liability Insurance for hospitals and physicians employed by hospitals pertaining to policies written on or after March 26, 1975, must list, as insurers among those which decline to accept all or any part of the desired coverage, three companies from the companies that customarily provide Hospital Professional Liability Coverage in the State of New Jersey listed below, such three companies not to include the company or companies that last refused to renew an expiring Hospital Professional Liability Policy or cancelled such policy for the risk on whose behalf the affidavit is filed:

Argonaut Insurance Company  
Aetna Life & Casualty  
Chubb & Son, Inc.  
General Accident Group  
Hartford Insurance Company  
Insurance Company of North America  
Maryland Casualty Company  
St. Paul Companies  
Travelers Insurance Company

A copy of this Notice was filed April 7, 1975, as R. 1975 d. 96 (Exempt, Emergency Rule). However, this rule is not subject to codification and will not appear in Title 11 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

## INSURANCE

### THE COMMISSIONER

#### Notice of Classes of Insurance Eligible for Export

Take notice that James J. Sheeran, Commissioner of Insurance, has issued the following Notice, concerning classes of insurance eligible for export as of April 10, 1975. The following is the **full text** of that Notice:

James J. Sheeran, Commissioner of Insurance, pursuant to authority delegated to him at N.J.S.A. 17:22-6.43 after a hearing on November 22, 1974, finds no reasonable or adequate market among authorized insurers for the following 37 classes of insurance coverage or risk and declares them eligible for export effective April 10, 1975.

1. Amusement Devices for Adults and Kiddies
2. Amusement Parks and Carnivals Liability
3. Animal Mortality, Horses only
4. Armored cars
5. Automobile - race tracks liability
6. Auto Races
7. Aviation, Crop dusters
8. Bowling Alleys
9. Burglary and Robbery, check cashing and money exchange only
10. Business Interruption - Valued per diem form only
11. Cleaners' and dyers' bailee coverage in municipalities over 100,000 population
12. Contact Lens Floater
13. Differences in Conditions (Parasol)
14. Excess Loss and Excess Aggregate for Self-insurers Public Liability and Workmen's Compensation
15. False Arrest Liability
16. Fine Arts Dealers
17. Fire and Allied Lines on Buildings occupied as Auction Markets, Farmers Markets and Contents of such Buildings
18. Fireworks Display
19. Golf Driving Range
20. Hole-In-One
21. House Movers and Building Demolition
22. International Movers Insurance Plan
23. Kidnapping Insurance - Individual and Family
24. Manufacturers and Contractors Liability for Floor Waxers, Building Maintenance People, Window Washers and Exterminators
25. Personal Articles Floaters only: Limited to articles not specifically included in the Inland Marine Rating Bureau Manual
26. Picnics/Excursions
27. Pony Rides/Riding Academies
28. Products Liability Only (for Manufacturers of cosmetics, drugs and chemicals)
29. Professional Liability (Malpractice) policies for Podiatrists, Osteopaths, Chiropractors, Physicians other than physicians employed by hospitals, Blood Banks, Clinical laboratories, Psychologists, Outpatient Clinics, Veterinarians, Massage and Reducing Salons
30. Rain Insurance
31. Retrospective Penalty Indemnity

32. Short-term (not over 30 days) Drive-away Auto Insurance with \$15,000/\$30,000 Bodily Injury and \$15,000 Property Damage Limits on Vehicles owned and operated by Military Personnel

- 33. Short-term Entertainment Events, Rock Festivals
- 34. Skating - Rinks, Roller and Ice
- 35. Sporting Events (Casual)
- 36. Swim Clubs/Swim Pools
- 37. Warehouseman's Legal Liability

—————  
This Notice is published as a matter of public information. This Notice is not subject to codification and will not appear in Title 11 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## LABOR AND INDUSTRY

### THE COMMISSIONER

#### State Plan for Occupational Safety and Health Withdrawn

As of April 1, 1975, Joseph A. Hoffman, Commissioner of Labor and Industry of New Jersey, announced the withdrawal of the New Jersey State Plan for Occupational Safety and Health and thereupon jurisdiction was vested fully with the United States Department of Labor for the regulation of occupational safety and health under the Federal Occupational Safety and Health Act of 1970 (OSHA; 29 U.S.C., Section 651 et seq.; USPL 91-596).

As a result of the withdrawal, all regulations of the New Jersey Department of Labor and Industry that appear in the New Jersey Administrative Code from Chapters 100 through 104 and Chapters 110 through 179, inclusive, became ineffective as of April 1, 1975; but Chapters 180 through 205, inclusive, remain in effect insofar as they are not in conflict with the Federal Occupational Safety and Health Act of 1970 (OSHA).

The New Jersey Department of Labor and Industry will continue to administer the seasonal farm worker statutes dealing with the registration and duties of crew leaders and interpretation services. P.L. 1971, C. 192, as amended by P.L. 1975, C. 49 (N.J.S.A. 34:8A-1 et seq.); and P.L. 1971, C. 194 (N.J.S.A. 34:9A-7.1 et seq.).

—————  
An order withdrawing the Plan was filed April 16, 1975, as R.1975 d.101 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Proposed Rules on Sale of Animals

William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt new rules concerning the sale of animals.

Full text of the proposed rules follows:

#### SUBCHAPTER 12. SALE OF ANIMALS

##### 13:45A-12.1 Definitions

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

"Person" shall mean any person as defined by N.J.S.A. 56:8-1(d).

"Pet dealer" shall mean any person who in the ordinary course of business sells or offers for sale live animals to the public, including a pound, kennel or shelter which charges a mandatory fee or donation to a customer who obtains a pet therefrom.

"Consumer" shall mean any natural person purchasing an animal from a pet dealer for household pet or security purposes.

##### 13:45A-12.2 General provisions

(a) It shall be an unlawful practice within the meaning of N.J.S.A. 56:8-2 for any pet dealer to sell a dog or cat within the State of New Jersey without providing the customer with a veterinary statement at the time at which delivery of the dog or cat is tendered or made to the consumer.

(b) The veterinary statement required by subsection (a) of this Section shall be completed and signed by a veterinarian licensed pursuant to N.J.S.A. 45:16-1 et seq. who has examined or vaccinated the dog or cat delivered to the consumer.

(c) The veterinary statement shall contain the following information for each dog or cat sold by a pet dealer to a consumer and a copy thereof shall be maintained by the pet dealer for a period of one year following the date of sale to the consumer;

1. The animal's breed, sex, age and color;
2. The name and address of the person or commercial entity from which the animal was obtained;
3. The date upon which the pet dealer took possession of the animal;
4. The date or dates upon which veterinary examinations of the animal were rendered.

(d) In addition to the information required by subsection (c) of this Section, the veterinary statement shall contain a certification that the dog or cat has been examined by the certifying veterinarian and that the animal is:

1. Free from any clinically observable illness or external animal infestation; and
  2. Free from any clinically observable congenital defects;
- or
3. That the animal possesses or may possess a specific illness, external animal infestation or congenital defect.

(e) In the event that the examining veterinarian concludes that the animal possesses or may possess a specific illness,

external animal infestation or congenital defect, the veterinary statement shall contain a specific designation of such illness, infestation or congenital defect.

(f) The veterinary statement shall also contain a statement that the animal has been vaccinated against the following diseases:

1. Distemper, hepatitis, leptospirosis when the animal is a dog;

2. Feline distemper when the animal is a cat.

(g) Said statement shall also contain a certification as to the type and quantity of the vaccine administered, the date upon which the vaccine was administered, and the name and signature of the veterinarian or other person administering the same. Nothing herein contained shall preclude a pet dealer or his designee from vaccinating a dog or cat against the above-stated diseases while such animal is owned by the pet dealer.

(h) In the event that a pet dealer fails to give a consumer a veterinary statement as required herein, said dealer shall be liable to a civil penalty of \$500.00 in an action brought pursuant to the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. In addition to any civil penalty for which the pet dealer may be liable, the consumer shall be afforded the option of either returning the animal for a refund of the full purchase price paid, including sales tax, or ratifying the original sale conditioned upon the pet dealer's payment of veterinary fees for the examination and vaccinations as contemplated in subsections (d) through (g) of this Section. In the event that an animal is returned to a pet dealer pursuant to this Section, a new veterinary statement in conformity with this regulation shall be issued to a subsequent purchasing consumer.

(i) If within two weeks of the purchase of a dog or cat, a veterinarian of the consumer's choice examines the animal and finds it to possess an illness, animal infestation, congenital defect or any other veterinary problem which renders the animal unfit for purchase, the pet dealer shall afford the consumer the following options:

1. The right to return the animal and obtain a refund of the purchase price including sales tax plus the cost of veterinary examination fees;

2. The right to have the animal destroyed where destruction is declared necessary by a licensed veterinarian and obtain the costs of destruction and a refund of the purchase price including sales tax from the pet dealer;

3. The right to keep the animal and obtain a refund of the purchase price including sales tax from the pet dealer in an amount necessary to effect cure thereof, but not to exceed the purchase price therefor.

(j) The options required by subsection (i) of this Section need not be afforded unless the consumer advises the pet dealer in writing of the examining veterinarian's final conclusion and provides the dealer with a written statement from such veterinarian within two business days following receipt thereof by the consumer. A veterinary finding of intestinal parasites will not be grounds for affording the options required herein unless the animal is clinically ill due to such infection, nor shall such options be required where injuries are sustained by the animal subsequent to the consumer's taking possession thereof.

(k) It shall be an unlawful practice within the meaning of N.J.S.A. 56:8-2 for any pet dealer or any person to state, represent or promise that a dog or cat which is being sold is eligible for registration or registered with any animal pedigree registry organization unless the following requirements are met:

1. Upon taking possession of the animal, the consumer shall be given the documents necessary for proper registration or a statement written, signed and dated by the breeder thereof that the documents necessary for registration have been applied for and will be forwarded immediately upon receipt by the breeder to the pet dealer. The breeder's statement shall also contain the following information:

i. The animal's breed, sex, color and birth date;

ii. The names and registration numbers of the animal's sire and dam;

iii. The litter number where available;

iv. The breeder's name, address and telephone number.

2. If the pet dealer has not tendered the documents necessary for proper registration of the animal to the consumer within three months of the sale, then any time after three months but not later than the date when the papers are actually delivered to the consumer, the pet dealer must at the consumer's request, either:

i. Refund the entire purchase price of the animal if the consumer returns the animal to the pet dealer; or

ii. Refund one-half the purchase price of the animal if the consumer chooses to retain the animal.

(l) Every pet dealer subject to the provisions of this regulation shall conspicuously display on the premises where business is transacted with the consuming public a sign not smaller than 22 inches by 18 inches which legibly states in letters not less than one inch high the following:

THE SALE OF DOGS AND CATS IS SUBJECT TO  
A REGULATION OF THE NEW JERSEY DIVISION  
OF CONSUMER AFFAIRS CONCERNING THE  
HEALTH AND PEDIGREE REGISTRABILITY.

THIS REGULATION REQUIRES THAT A PET  
DEALER ISSUE A VETERINARY STATEMENT INDI-  
CATING THAT EXAMINATION AND VACCINATIONS  
HAVE BEEN GIVEN TO THE DOG OR CAT WHICH  
YOU PURCHASE. IT ALSO PROVIDES THAT IF A  
VETERINARIAN FINDS A DOG OR CAT UNFIT FOR  
PURCHASE WITHIN TWO WEEKS AFTER DELIV-  
ERY OF THE ANIMAL, A CONSUMER MUST BE AF-  
FORDED CERTAIN OPTIONS INCLUDING A FULL  
REFUND.

To report complaints contact: Division of Consumer Af-  
fairs, 1100 Raymond Boulevard, Newark, N.J. 07102  
(201) 638-3537.

Interested persons may present statements or arguments relevant to the proposed regulation at a public hearing to be hereafter announced by the Director of the Division of Consumer Affairs. In addition thereto written statements or arguments relevant to said regulation may be submitted to Virginia L. Annich, Director of the Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

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

William F. Hyland  
Attorney General  
State of New Jersey

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF OPTOMETRISTS

##### Proposed Rule on Information Required on Prescription Blanks

E. C. Nurock, O.D., secretary-treasurer of the New Jersey State Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-4, proposes to adopt a new rule concerning the information to be required on prescription blanks used by optometrists practicing in the State of New Jersey.

**Full text** of the proposed rule follows:

13:38-2.11 Information required on prescription blanks

(a) The following information shall appear on every prescription blank used by optometrists practicing in the State of New Jersey:

1. The name of the optometrist;
2. The address of the optometrist;
3. The telephone number of the optometrist;
4. The registration number of the optometrist;
5. The following statement shall be imprinted on all prescription blanks in not less than eight point type:

Caution: Glasses made in accordance with this prescription should be returned for verification before being worn.

(b) In addition, provision shall be made on the blank to show:

1. The name and address of the patient;
2. The date of the examination for which the prescription is written;
3. The prescription written by the optometrist;
4. The signature of the examining optometrist.

(c) When written, the information provided under subsection (b) shall be in clear, legible writing.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before May 31, 1975, to:

E. C. Nurock, O.D.  
Secretary-Treasurer  
New Jersey State Board of Optometrists  
162 West State Street  
Trenton, New Jersey 08608  
Telephone: (609) 292-4945

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

E. C. Nurock, O.D.  
Secretary-Treasurer  
State Board of Optometrists  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BUREAU OF SECURITIES

##### Proposed Amendment on Display of Name Of Registered Broker-Dealer

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, proposes to amend N.J.A.C. 13:47A-1.11 concerning the display of name of the registered broker-dealer.

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

13:47A-1.11 Display of name

(a) The name of the registered broker-dealer shall appear on the door or window of any branch or sales office being operated within the State of New Jersey.

(b) **The name or logo of, or any reference to, an unregistered "Division" or "subdivision" (or word of similar meaning) of a registered broker-dealer shall not be used in public and/or on any advertisement, letter, correspondence, form or report, unless:**

**1. The name or logo of the registered broker-dealer is dominant; and**

**2. The name or logo of the registered broker-dealer must be in letters at least twice as high as that of the unregistered "Division" or "subdivision".**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 15, 1975, to:

James McLelland Smith  
Chief, Bureau of Securities  
1100 Raymond Boulevard (Room 206)  
Newark, New Jersey 07102

The Chief of the Bureau of Securities, upon his own motion, or at the instance of any interested party, may thereafter amend this rule substantially as proposed without further notice.

James McLelland Smith  
Chief, Bureau of Securities  
Department of Law and Public Safety

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Revisions on New Car Inspections

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-43, 39:8-2 and 39:10-4, proposes to revise a portion of the rules concerning new car inspections.

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

#### 13:20-28.6 Decal

(a) Every new car dealer shall, after satisfactory completion of inspection, affix a decal or other indication of successful inspection as the Director may prescribe, upon the windshield of such vehicle.

(b) Any new passenger vehicle receiving a decal or other indication of successful inspection shall next be inspected [one year] **two years** from the date of initial registration of that vehicle.

(c) In the event that the ultimate purchaser of any new passenger vehicle transfers registration from a previously owned vehicle registered in his name to a new passenger vehicle, the new car dealer shall affix a decal or other indication of inspection to the windshield of such vehicle, which shall indicate that such vehicle shall next be inspected at the conclusion of the period represented by the unexpired period of time of the transferred registration plus [one year] **two years**.

#### 13:20-28.8 Evidence of compliance

(a) Completion by a new car dealer of a manufacturer's predelivery check list or report shall be evidence of compliance with the provisions of this Subchapter.

(b) Such predelivery check list or report shall be retained by the new car dealer for a period of at least [two] **three** years from the date of inspection.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1975, to:

John A. Waddington, Director  
Division of Motor Vehicles  
Department of Law and Public Safety  
25 South Montgomery Street  
Trenton, New Jersey 08666

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

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

(a)

## LAW AND PUBLIC SAFETY

### RACING COMMISSION

#### Proposed Harness Racing Rule Governing Medication

John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-30 proposes to adopt a new medication rule governing the administering of PHENYLBUTAZONE or any derivative or compound thereof and also the administering of LASIX.

**Full text** of the proposed new rule follows:

#### 13:71-23.20 Phenylbutazone

(a) Phenylbutazone or any derivative or compound thereof may be administered to a horse only on the following conditions:

1. A trainer desiring to use phenylbutazone to race any horse in his care, shall together with his veterinarian, fill out and submit to the State Veterinarian representing the New Jersey Racing Commission, a request for approval to use such medication. All forms will be furnished by the Racing Commission. The application to use phenylbutazone is to be filed in duplicate and signed by both the trainer and the veterinarian prescribing same, and both copies of the applications are turned over to the State Veterinarian. Such medication shall not be administered until written authorization is issued by the State Veterinarian and the written authorization shall indicate the quantity and frequency of the medication.

2. Once a horse is on such medication, the horse must continue to race with phenylbutazone for a period of at least 30 days. Written permission must be obtained from the State Veterinarian representing the Racing Commission to remove the horse from such medication program. No horse which has been on phenylbutazone and is being removed from such medication program may be raced until five days have passed since the last administration of phenylbutazone.

3. Once a horse has been removed from the phenylbutazone program, the horse shall not be permitted to resume such treatment to race for a period of 30 days from the date of the last administration of phenylbutazone.

4. It shall be the duty of any trainer or owner who has claimed a horse to contact the State Veterinarian representing the Racing Commission to ascertain whether the claimed horse is on a phenylbutazone program. The horse is to remain on phenylbutazone for at least the balance of the 30-day period referred to in paragraph 2 of this subsection and shall not be removed from such program until written authorization is issued by the State Veterinarian.

5. Trainers shipping horses into New Jersey to race must comply with all of these requirements and must within 24 hours after arrival notify the State Veterinarian.

6. The use of phenylbutazone on any two year old to race in New Jersey is prohibited.

7. It shall be the duty of all licensed veterinarians to report all phenylbutazone treatments, whether oral or injected, on forms supplied by the New Jersey Racing Commission and obtainable at the office of the racing secretary.

8. A trainer may administer phenylbutazone pills to a horse under the direction of a licensed veterinarian after same has been prescribed. No phenylbutazone, in any form, may be given any race horse on the day it is to race. The administration of phenylbutazone must be reported by the veterinarian on the required forms, whether given by the veterinarian or dispensed to a trainer by the veterinarian for administration by a trainer.

9. The amount of phenylbutazone or any derivative or compound thereof in any urine sample taken subsequent to a race, shall not exceed 165 micrograms per milliliter of urine. The minimum level of phenylbutazone shall be no lower than 25 micrograms per milliliter of urine.

10. The penalties for violation of any parts of this Section, in addition to any other penalties which may be imposed, may be the loss of the purse.

11. Any person breaching any provision of this rule shall be subject to a fine of up to \$1,000, and/or a suspension up to a year, or revocation of license.

12. All claimed horses that are on the phenylbutazone

program must be tested by the New Jersey Racing Commission laboratory and any horse that is over the allowable maximum or under the minimum level may be returned to the original owner at the option of the claimant.

13:71-23.21 Lasix

(a) Treatment with lasix shall be restricted to horses that the State Veterinarian is satisfied are demonstrated bleeders or those that the State Veterinarian determines are troubled with windy conditions. Permission for the use of lasix in any case will be conditioned upon a proper application being filed by the attending veterinarian and upon receipt of approval from the State Veterinarian.

(b) Any horse required to be treated with lasix that is also on a phenylbutazone program must have both medicants administered by a licensed veterinarian, but only upon receipt of written approval from the State Veterinarian.

(c) Any person breaching any provision of this rule shall be subject to a fine of up to \$1,000 and/or a suspension up to a year, or revocation of license.

Interested persons may present statements in writing relevant to the proposed action on or before June 4, 1975, to the New Jersey Racing Commission at its present offices at 28 West State Street, Room 1108, Trenton, New Jersey 08625.

Additionally, a public hearing respecting the proposed action will be held at 10:00 A.M. on June 10, 1975, at the new offices of the New Jersey Racing Commission located at 404 Abbington Drive, Twin Rivers, Rt. 33, East Windsor, N.J. 08620. Interested persons who wish to make statements regarding the foregoing rule changes are invited to attend this hearing.

The Division of New Jersey Racing Commission, upon its own motion or in the instance of any interested party, may thereafter adopt the rule change substantially as proposed without further notice.

John J. Reilly  
Executive Director  
New Jersey Racing Commission  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### RACING COMMISSION

#### Proposed New Thoroughbred Rule Governing Medication

John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-30 proposes to adopt a new medication rule governing the administering of PHENYLBUTAZONE or any derivative or compound thereof and also the administering of LASIX.

Full text of the proposed new rule follows:

13:70-14.28 Phenylbutazone

(a) Phenylbutazone or any derivative or compound thereof may be administered to a horse only on the following conditions:

1. A trainer desiring to use phenylbutazone to race any horse in his care, shall, together with his veterinarian, fill out and submit to the State Veterinarian representing the New Jersey Racing Commission, a request for approval to use such medication. All forms will be furnished by the Racing Commission. The application to use phenylbutazone is to be filed in duplicate and signed by both the trainer and the veterinarian prescribing same and both copies of the application are to be turned over to the State Veterinarian. Such medication shall not be administered until written authorization is issued by the State Veterinarian, and the written authorization shall indicate the quantity and frequency of the medication.

2. Once a horse is on such medication, the horse must continue to race with phenylbutazone for a period of at least 30 days. Written permission must be obtained from the State Veterinarian representing the Racing Commission to remove the horse from such medication program. No horse which has been on phenylbutazone and is being removed from such medication program may be raced until five days have passed since the last administration of phenylbutazone.

3. Once a horse has been removed from the phenylbutazone program, the horse shall not be permitted to resume such treatment to race for a period of 30 days from the date of the last administration of phenylbutazone.

4. It shall be the duty of any trainer or owner who has claimed a horse to contact the State Veterinarian representing the Racing Commission to ascertain whether the claimed horse is on a phenylbutazone program. The horse is to remain on phenylbutazone for at least the balance of the 30-day period referred to in paragraph 2 of this subsection, and shall not be removed from such program until written authorization is issued by the State Veterinarian.

5. Trainers shipping horses into New Jersey to race must comply with all of these requirements and must within 24 hours after arrival notify the State Veterinarian.

6. The use of phenylbutazone on any two year old to race in New Jersey is prohibited.

7. It shall be the duty of all licensed veterinarians to report all phenylbutazone treatments, whether oral or injected, on forms supplied by the New Jersey Racing Commission and obtainable at the office of the racing secretary.

8. A trainer may administer phenylbutazone pills to a horse under the direction of a licensed veterinarian after same has been prescribed. No phenylbutazone, in any form, may be given any race horse on the day it is to race. The administration of phenylbutazone must be reported by the veterinarian on the required forms, whether given by the veterinarian or dispensed to a trainer by the veterinarian for administration by a trainer.

9. The amount of phenylbutazone or any derivative or compound thereof in any urine sample taken subsequent to a race, shall not exceed 165 micrograms per milliliter of urine. The minimum level of phenylbutazone shall be no lower than 25 micrograms per milliliter of urine.

10. The penalties for violation of any parts of this Section, in addition to any other penalties which may be imposed, may be the loss of the purse.

11. Any person breaching any provision of this rule shall be subject to a fine of up to \$1,000, and/or a suspension up to a year, or revocation of license.

12. All claimed horses that are on the phenylbutazone program must be tested by the New Jersey Racing Commission laboratory and any horse that is over the allowable maximum or under the minimum level may be returned to the original owner at the option of the claimant.

13:70-14.29 Lasix

(a) Treatment with lasix shall be restricted to horses that the State Veterinarian is satisfied are demonstrated bleeders or those that the State Veterinarian determines are troubled with windy conditions. Permission for the use of lasix in any case will be conditioned upon a proper application being filed by the attending veterinarian and upon receipt of approval from the State Veterinarian.

(b) Any horse required to be treated with lasix that is also on a phenylbutazone program must have both medicants administered by a licensed veterinarian, but only upon receipt of written approval from the State Veterinarian.

(c) Any person breaching any provision of this Section shall be subject to a fine of up to \$1,000, and/or a suspension up to a year, or revocation of license.

Interested persons may present statements in writing relevant to the proposed action on or before June 4, 1975, to the New Jersey Racing Commission at its present offices at 28 West State Street, Room 1108, Trenton, New Jersey 08625.

Additionally, a public hearing respecting the proposed action will be held in the Terrace Patio Room, Monmouth Park Jockey Club, Oceanport, N.J. at 10 A.M. on June 10, 1975. Interested persons who wish to make statements regarding the foregoing rule changes are invited to attend this hearing.

The Division of New Jersey Racing Commission, upon its own motion or in the instance of any interested party, may thereafter adopt the rule change substantially as proposed without further notice.

John J. Reilly  
Executive Director  
New Jersey Racing Commission  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF MARRIAGE COUNSELOR EXAMINERS

##### Annual License Fees and Charges

On March 21, 1975, John S. Zane, Chairman of the State Board of Marriage Counselor Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:8B-13 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new, procedural rules concerning annual fees and charges.

Full text of the new rules follows:

#### CHAPTER 34. BOARD OF MARRIAGE COUNSELOR EXAMINERS

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### 13:34-1.1 Annual license fees and charges

(a) There shall be paid to the State Board of Marriage

Counselor Examiners the following fees:

1. Examination of credentials, which shall not be subject to refund ..... \$25.00;
2. Reexamination of credentials, not subject to refund ..... 10.00;
3. Examination fee ..... 60.00;
4. Initial license certificate ..... 60.00;
5. Temporary permit ..... 25.00;
6. License renewal fee ..... 55.00;
7. Reinstatement fee\* ..... 50.00;
8. License revival fee (for late license renewals)\*\* 25.00;
9. Photocopies: \$1.00 service charge plus \$1.00 for each page up to and including the first five pages and \$.50 per page for every page thereafter.

\* For reinstatement, the annual license fee for each year since last paid is required in addition to the license reinstatement fee.

\*\* The late renewal penalty or license revival fee shall be \$25.00 in addition to the annual license fee of \$55.00.

An order adopting this rule was filed and effective April 15, 1975, as R.1975 d.100 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF PROFESSIONAL PLANNERS

##### Rule Governing Use of Terms Planners or Planning

On March 13, 1975, Thomas W. Birdsall, President of the Board of Professional Planners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14A-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, cited as N.J.A.C. 13:41-3.1, concerning the use of the terms planners or planning, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 449(a).

An order adopting this rule was filed and effective April 16, 1975, as R.1975 d.102.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions on Rates Of Speed on Route 17

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to revise N.J.A.C. 16:28-1.68 concerning rates of speed on Route 17 by delet-

ing in its entirety the current text of that rule and adopting new text therein.

Full text of the proposed new rule follows:

16:28-1.68 Route 17 in the Borough of North Arlington, Lyndhurst Township, Rutherford, East Rutherford, Carlstadt, Wood-Ridge, Hasbrouck Heights Boroughs, the City of Hackensack, Lodi, Maywood Boroughs, Rochelle Park Township, Paramus Borough, Village of Ridgewood, Ho-Ho-Kus, Waldwick, Saddle River, Allendale, Upper Saddle River, Ramsey Boroughs, and Mahwah Township in Bergen County

(a) In accordance with the provisions of N.J.S.A. 39:4-98 (as amended), the rate of speed designated for the certain part of State Highway Route 17 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. Zone 1: 30 mph in the Borough of North Arlington from Route 7 (milepost 0.0) to Arlington Boulevard (milepost 0.6); thence

ii. Zone 2: 35 mph in the Borough of North Arlington extending through Lyndhurst Township to Rutherford Avenue (milepost 2.7); thence

iii. Zone 3: 40 mph in the Borough of Rutherford to the North Service Road overpass at the Route 3 Interchange (milepost 3.3); thence

iv. Zone 4: 50 mph in the Borough of Rutherford extending through the Boroughs of East Rutherford, Carlstadt, Wood-Ridge, and Hasbrouck Heights, the City of Hackensack, the Boroughs of Lodi and Maywood, the Township of Rochelle Park, the Borough of Paramus, the Village of Ridgewood, the Boroughs of Ho-Ho-Kus, Waldwick, Saddle River, Allendale, Upper Saddle River and extending into the Borough of Ramsey to 1,200 feet south of North Franklin Turnpike (milepost 22.4); thence

v. Zone 5: 55 mph in the Borough of Ramsey and extending through Mahwah Township to the New Jersey-New York State Line (milepost 26.27);

vi. School zone: 25 mph in the North Arlington High School zone, in Zone 1, and the Lincoln School zone, in Zone 2, during recess or while children are going to or leaving school, during opening or closing hours.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

Robert R. Reed Jr.  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rules on Restricted Parking on Various State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and 39:4-139, proposes to adopt new rules establishing legal no parking zones for no stopping or standing along certain portions of various State highways.

Below is a listing of each highway affected by the proposed rules, together with the N.J.D.O.T. Code and the N.J.A.C. citations for each proposed regulation:

ROUTE NO.	D.O.T. CODE	N.J.A.C.
N.J. 77	RP-75-6	16:28-3.68
N.J. 49	RP-75-7	16:28-3.69
N.J. 23	RP-75-8	16:28-3.70
U.S. 30	RP-75-10	16:28-3.71

Copies of the full text of seven pages or any parts thereof may be obtained from:

Robert J. Nolan  
Chief, Bureau of Traffic Engineering  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to Robert R. Reed, Jr., Administrative Practice Officer of the Department of Transportation at the above address.

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

Alan Sagner  
Commissioner  
Department of Transportation

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Revisions in Rates of Speed On Portions of Route U.S. 46

On March 31, 1975, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 16:28-1.10, concerning rates of speed on portions of Route U.S. 46, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 116(b).

An order adopting these revisions was filed and effective April 3, 1975, as R.1975 d. 95.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF PENSIONS

#### POLICE AND FIREMEN'S RETIREMENT SYSTEM

##### Proposed Revisions to Rules

The board of trustees of the Police and Firemen's Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16A-1 et seq., proposes to revise certain Sections in Chapter 4 of Title 17 in the New Jersey Administrative Code concerning the Police and Firemen's Retirement System.

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

17:4-1.4(c)

2. The petition forms will explain that at least [50] **300** members who are eligible to vote for the position are required to sign the petition for the candidate.

##### 17:4-1.10 Survivor benefits; establishing dependency

(a) **Proof of dependency shall be established by the filing of an affidavit of dependency, supported by the deceased and the claimant's income tax returns, for the period immediately preceding the death or accident.**

(b) **A widower or parent will be deemed to be dependent on the member if they were accepted as dependents of the member for Federal income tax purposes. If the member and spouse file separate or joint tax returns, the widower will be deemed dependent on the member, if the claimant's income was less than one-half of the total income of both spouses.**

17:4-3.4 Survivor benefits

(a) [Widows of retired members who have retired since December 18, 1967, who qualify for a pension under terms of N.J.S.A. 43:16A-1 et seq., will commence to receive such pension with a full pension payment for the retired member's month of death. No adjustment will in this instance be made for any part of the retired member's pension for the month of death.]

**Payment of benefits to eligible survivors shall become effective on the first of the month of the member's death and shall terminate as of the month in which the survivor no longer qualifies for such benefits.**

(b) In the instance of an active member who died in the performance of duty (accidental death), the initial pension payment will be for the month following the month in which the member died, **and the last payment will cover the month immediately preceding the month the survivor dies or ceases to qualify for the continuance of benefits.**

[(c) Pensions to widows will, subsequent to the effective date of N.J.S.A. 43:16A-1 et seq., be subject to the annual minimum of \$1,600.]

17:4-4.3 Continuance of membership; transfer

**Once an employee establishes membership in the retirement system, he is eligible to continue such membership should he be temporarily employed in a position covered by the system.**

17:4-6.12 Disability retirant; annual medical examinations [; physician]

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

(b) Failure on the part of a retirant to submit to the required medical examination shall result in the automatic suspension of his retirement allowance until he submits to a medical examination.

[(c) Where the statute prescribes that a physician shall be designated by the retirement system to perform a medical examination, such physician shall be selected from the current membership directory of the New Jersey Medical Society.]

17:4-6.13 **Medical examinations; physician**

**Where the statute prescribes that a physician be designated by the system to perform a medical examination, such physician shall be selected from the current membership directory of the New Jersey Medical Society; however, in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the retirement system.**

17:4-7.1(b)

5. **This procedure would not apply where a member does not make a timely transfer in accordance with N.J.S.A. 43:2-1 et seq., or who has been granted a deferred retirement allowance by another State-administered retirement system.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

Division of Pensions  
20 West Front St.  
Trenton, N.J. 08625

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

Clifford A. Goldman  
Deputy State Treasurer  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF PENSIONS

#### PRISON OFFICERS' PENSION FUND

##### Proposed Revisions to Portion of Prison Officers' Pension Fund Rules

Clifford A. Goldman, Deputy State Treasurer, pursuant to

authority of N.J.S.A. 43:7-19 and on behalf of the Prison Officers' Pension Fund in the Division of Pensions of the Department of the Treasury, proposes to revise some of the rules of the Prison Officers' Pension Fund.

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

#### FOREWORD

The Prison Officers' Pension Fund was established under N.J.S.A. 43:7-7 through 26, Chapter 220, P.L. 1941. This Fund was not maintained on an actuarial reserve basis and was closed to new employees January, 1960. New employees are enrolled in the Public Employees' Retirement System or in the Police and Firemen's Retirement System.

The commission of this Fund consists of three member representatives, the State Treasurer, a commissioner appointed by the Governor and a commissioner appointed by the other members.

#### 17:7-19 Survivor benefits; establishing dependency

**(a) Proof of dependency shall be established by the filing of an affidavit of dependency, supported by the deceased and the claimant's income tax returns, for the period immediately preceding the death or accident.**

**(b) A widower or parent will be deemed to be dependent on the member if they were accepted as dependents of the member for Federal income tax purposes. If the member and spouse file separate or joint tax returns, the widower will be deemed dependent on the member, if the claimant's income was less than one-half of the total income of both spouses.**

#### 17:7-2.8 Termination; withdrawal

[A member who resigns or who is dismissed will receive the total basic contribution he has made to the Fund without interest, upon the filing of an application duly attested by the certifying agent.]

**(a) A member may withdraw from the Fund only if he terminates all employment. No application shall be approved if:**

- 1. The member is on official leave of absence;**
- 2. The member certifies that his employment has not ended or that he has taken another position subject to coverage;**
- 3. The member has been dismissed or suspended from employment. In this event, such member will be eligible to withdraw if he has formally resigned from his position or there is no legal action contemplated or pending and the dismissal has been adjudged final.**

#### 17:7-3.10 Medical examinations; physicians

Where the statute prescribes that a physician shall be designated by the Fund to perform a medical examination, such physician shall be selected from the current membership directory of the New Jersey Medical Society; **however, in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the Fund.**

#### 17:7-3.11 Survivor benefits

**(a)** Eligible beneficiaries of retired members, who qualify for a pension, will commence to receive such pension with a

full pension payment for the retired member's month of death. No adjustment will in this instance be made for any part of the retired member's pension for the month of death.

**(b)** In the instance of an active member who died in the performance of duty (accidental death), the initial pension payment will be for the month following the month in which the member died.

**(c)** Pensions to widows or widowers will, subsequent to the effective date of N.J.S.A. 43:7-1 et seq., be subject to the annual minimum of \$1,600.]

**(a) Payment of benefits to eligible survivors shall become effective on the first of the month of the member's death and shall terminate as of the month in which the survivor no longer qualifies for such benefits.**

**(b) In the instance of survivors of members who die in service, the initial pension payment will be for the month following the month in which the member died, and the last payment will cover the month immediately preceding the month the survivor dies or ceases to qualify for the continuance of benefits.**

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Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

Division of Pensions  
20 West Front St.  
Trenton, N.J. 08625

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

Clifford A. Goldman  
Deputy State Treasurer  
Department of the Treasury

**(a)**

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rule on No Fault Insurance

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-38, proposes to adopt a new rule concerning no fault insurance.

**Full text** of the proposed rule follows:

#### 18:26-6.16 No fault insurance

**(a)** The amount payable by reason of medical expenses incurred as a result of personal injury to the decedent should be reflected by reducing the amount claimed for medical expenses as a result of the accident.

**(b)** The amount payable at the death of an income producer as a result of injuries sustained in an accident which are paid to the estate of the income producer is reportable for taxation. In all other instances this amount is exempt.

**(c)** The amount paid at death to any person under the essential services benefits section is exempt from taxation.

**(d)** The claim for funeral expense is to be reduced by the amount paid under the funeral expenses benefits section of the law.

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Interested persons may present statements or arguments

in writing, orally in person or by telephone, relevant to the proposed action, on or before May 28, 1975, to:

Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08625  
Attention: William R. Mulholland, Chief Examiner  
Inheritance Tax  
Telephone: (609) 292-7026

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rule on Certificates of Deposit, Savings Certificates and Special Accounts

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-38, proposes to adopt a new rule concerning certificates of deposit, savings certificates and special savings accounts.

Full text of the proposed rule follows:

18:26-8.25 Certificates of deposit, savings certificates and special savings accounts

Certificates of deposit, savings certificates, special savings accounts and other accounts with banking institutions which provide for a penalty for premature withdrawal are to be reported at face value at the death of the decedent plus interest which may have been credited up to the date of death unless it is necessary to redeem any or all of the items so described in order to pay the debts of the estate, to carry out the provisions of the will or for the payment of taxes. In those cases, the actual amount received on redemption is reportable for taxation.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before May 28, 1975, to:

Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08625  
Attention: William R. Mulholland, Chief Examiner  
Inheritance Tax  
Telephone: (609) 292-7026

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF TAXATION

#### Revisions in Realty Transfer Fee Law

On March 27, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 46:15-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to various Sections in Chapter 16 of Title 18 of the New Jersey Administrative Code, concerning the Realty Transfer Fee Law, substantially as proposed in the Notice published March 6, 1975, at 7 N.J.R. 119(a).

The substantive changes concern N.J.A.C. 18:16-8.1. In the Notice of Proposal, the first few sentences were proposed to be deleted. The adopted rule does **not** delete these items.

Full text of the Section cited follows as it was adopted.

18:16-8.1 General prerequisites for filing

(a) No county recording officer shall record any deed evidencing transfer of title to real property unless:

1. Consideration therefor is recited therein and in the acknowledgement or proof of the execution thereof; or

2. An affidavit by one or more of the parties named or by a legal representative declaring the consideration thereof is annexed thereto for recording with the deed; and

3. A fee at the rate of \$0.50 for each \$500.00 of consideration or fractional part thereof (which shall be in addition to the recording imposed by P.L. 1965, Chapter 123, Section 2 (R.S. 22A:4-4.1) shall be paid to the county recording officer at the time the deed is offered for recording. **Every deed subject to the additional fee required by this Act, which is in fact recorded, shall be conclusively deemed to have been entitled to recording, notwithstanding that the amount of the consideration shall have been incorrectly stated, or that the correct amount of such additional fee, if any, shall not have been paid, and no such defect shall in any way affect or impair the validity of the title conveyed or render the same unmarketable; but the person or persons required to pay said additional fee at the time of recording shall be and remain liable to the county recording officer for the payment of the proper amount thereof.**

The remaining text of the proposed revisions were adopted without change.

An order adopting these revisions was filed and effective March 31, 1975, as R.1975 d. 84.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF TAXATION

#### Rule on Preaudit Payment of Inheritance Tax

On March 27, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to

authority of N.J.S.A. 54:33-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, cited as N.J.A.C. 18:26-8.7, concerning preaudit payment of inheritance taxes, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 118(d).

An order adopting this rule was filed and effective March 31, 1975, as R.1975 d. 85.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Revised Rule on U.S. Treasury And Government Agency Obligations

On April 2, 1975, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:16-6.1 concerning United States Treasury and Government obligations.

Full text of the revised rule follows:

17:16-6.1 Purchases subject to regulations; United States Treasury obligations

Notwithstanding the provisions of any law pertaining to legal investments, the Director shall not make any commitment to purchase securities for any fund unless such securities are of the class of securities in which such fund may be invested pursuant to these regulations; except that United States Treasury obligations and United States Government agency obligations may be purchased for any pension and annuity, static, trust, demand or temporary reserve group fund without regard to any limitation from a list approved by the State Investment Council.

An order adopting these revisions was filed and effective April 8, 1975, as R.1975 d.97 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## HIGHWAY AUTHORITY

### Proposed Rules for Garden State Arts Center

The New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-18, proposes to adopt new rules concerning the Garden State Arts Center.

Full text of the proposed rules follows:

19:8-1.1 Definitions

"Arts Center" means the Garden State Arts Center.  
"Garden State Arts Center" means the amphitheatre lo-

cated on the Garden State Parkway at Telegraph Hill Park, Holmdel, New Jersey.

19:8-2.11 Garden State Arts Center

(a) No person shall be admitted to the Arts Center without a ticket, including minors.

(b) No person shall be admitted to the Arts Center unless properly attired. Bare feet are prohibited.

(c) No person shall be admitted to the Arts Center with the following in his possession:

1. Alcoholic beverages;
2. Cameras, recording equipment, radios, televisions or other unauthorized electronic equipment; and
3. Pets.

(d) No person may occupy a reserved seat at the Arts Center unless able to produce a ticket stub for that seat, including minors.

(e) Food or beverages under the roof of the amphitheatre are prohibited.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 28, 1975, to:

John P. Gallagher  
Executive Director  
New Jersey Highway Authority  
Garden State Parkway  
Woodbridge, N.J. 07095

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

John P. Gallagher  
Executive Director  
New Jersey Highway Authority

(c)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions to Schedule of Charges for Public Vehicular Parking Rates at the World Trade Center

On February 26, 1975, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges for public vehicular parking rates at the World Trade Center.

Full text of the adopted revisions follows:

Resolved, that the schedule of charges for daily parking at the World Trade Center, adopted by the committee, at its meeting on May 3, 1973, be and the same is hereby revised, effective March 31, 1975, as follows:

Up to 1 hour	\$2.00
2 hours	\$3.00
3 hours	\$4.00
4 hours	\$4.50
Maximum to close	\$5.00

Parking fees include six per cent New York City tax.

An order adopting these revisions was filed April 3, 1975, as R.1975 d. 94 (Exempt, Exempt Agency). These revisions

are not subject to codification and will not appear in the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## **PUBLIC EMPLOYMENT RELATIONS COMMISSION**

### **Rules of Practice Governing Application For Interim Relief in Unfair Practice Proceedings**

On March 27, 1975, the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-5.2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedural rules of practice governing the application for interim relief in unfair practice proceedings.

**Full text** of the adopted rules follows:

#### **SUBCHAPTER 9. INTERIM RELIEF**

##### **19:14-9.1 Application by order to show cause**

(a) Upon the filing of an unfair practice charge or during the pendency of an unfair practice proceeding, the charging party may apply to the Commission or its named designee for an order requiring the respondent to show cause why specified interim relief should not be granted pending the disposition of the unfair practice proceeding. The order to show cause shall not, however, include any temporary restraints against the respondent unless the respondent has either been given notice of the application and consents thereto or it appears from specific facts shown by affidavit or other verified pleading that immediate and irreparable damage will probably result to the charging party before notice can be served or informally given and a hearing had thereon. If the order to show cause includes temporary restraints and was issued without notice to the respondent, provision shall be made therein that the respondent shall have leave to move for the dissolution or modification of the restraints on two days' notice or on such other notice as the Commission or its named designee fixes in the order. The order may further provide for the continuation of the restraints until the further order of the Commission or its named designee. The order shall be returnable within such time as the Commission or its named designee fixes, unless within such time the Commission or its named designee on good cause shown extends the time.

(b) The charging party shall serve the order to show cause and any supporting affidavits upon the respondent at least ten days prior to the return date and in the manner prescribed by N.J.A.C. 19:17-1.3 (Service of pleading and other process; proof of service), unless the Commission or its named designee orders a shorter or longer time or other manner of service. If the order to show cause issues upon the filing of the unfair practice charge, a copy of such charge shall be served simultaneously with the order and supporting affidavits.

##### **19:14-9.2 Briefs**

(a) By no later than five days prior to the return date of the order to show cause, unless otherwise ordered by the Com-

mission or its named designee, the charging party shall file with the Commission or its named designee an original and four copies of his brief and appendix, together with proof of service of a copy thereof upon the respondent. The brief shall explain clearly the nature of the proceeding, the interim relief the charging party seeks and why he is entitled thereto. It may, for purposes of clarity, summarize the unfair practice charge, any other pleadings, and other undisputed papers or records which do not appear in the appendix.

(b) By no later than two days prior to such return date, unless otherwise ordered by the Commission or its named designee, the respondent shall file with the Commission or its named designee an original and four copies of his answering brief and appendix, together with proof of service of a copy thereof upon the charging party. The answering brief shall set forth with equal explicitness the grounds of opposition, annexing an appendix containing copies of any papers relied on which are not in the charging party's appendix. If no answering brief is filed the application may be considered to be unopposed.

##### **19:14-9.3 Hearing on return date**

A hearing shall be conducted on the return date of the order to show cause and on the return date of the respondent's motion to dissolve or modify the temporary restraints. The parties shall have the right to present oral argument, and oral testimony may be taken in the discretion of the hearer(s). The Commission shall conduct such hearings unless it shall have designated one of its members or officers to act on its behalf, in which case such designation shall be deemed to be a delegation to such designee of authority to render a final decision on behalf of the Commission.

##### **19:14-9.4 Decision; enforcement**

(a) A final decision in proceedings under this Subchapter shall be in writing and shall include findings of fact and conclusions of law. Any order granting an injunction and any restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the unfair practice charge or other pleading or document, the act or acts sought to be restrained; and shall apply to only such parties to the unfair practice proceeding and such of their officers, agents, employees and attorneys, and such persons in active concert or participation with them, as receive actual notice of the order by service in the manner prescribed by N.J.A.C. 19:17-1.3.

(b) Pursuant to N.J.S.A. 34:13A-5.4(f), the Commission shall have the power to apply to the Appellate Division of the Superior Court for an appropriate order enforcing any order of the Commission issued under this Subchapter.

##### **19:14-9.5 Construction and relaxation**

The rules in this Subchapter shall be construed to secure a just determination, simplicity in procedure, fairness in administration, the elimination of unjustifiable expense and delay, and the effectuation of the purposes of the Act. Any rule may be relaxed or dispensed with if strict adherence to it would result in an injustice or would not effectuate the purposes of the Act.

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An order adopting these rules was filed and effective April 1, 1975, as R.1975 d.90 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

## Revisions of Rules On Processing Of Unfair Practice Cases

On March 27, 1975, the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-5.2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to its rules concerning the processing of unfair practice cases.

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

19:14-1.5 Amendment; withdrawal; dismissal

(a) The Commission or its named designee may permit the charging party to amend such charge at any time upon such terms as may be deemed just. Filing, service and proof of service of such amended charge shall conform to the provisions of these rules relating to the original charge. [Any charge may be withdrawn only with the consent of the Commission or its named designee, and upon such withdrawal any complaint based thereon shall be dismissed and the case closed.]

(b) **An unfair practice proceeding and any complaint issued therein shall be dismissed and the case closed if the charging party files a notice of withdrawal of the charge at any time subsequent to the filing of the charge and prior to service by the respondent of an answer to the complaint or of a motion for summary judgment, whichever first occurs. Unless otherwise stated in the notice of withdrawal, the dismissal is without prejudice.**

(c) **Except as provided by subsection (b) of this Section, a charge may be withdrawn by the charging party, and any complaint based thereon dismissed and the case closed, only with the consent of the Commission or its named designee. Unless otherwise provided by the Commission or its named designee, a withdrawal and dismissal under this subsection is without prejudice.**

19:14-1.6 [Investigation] **Processing of case**

(a) Upon the filing of such charge, the Commission or its named designee [shall cause an investigation to be conducted into the matters and allegations set forth therein. The charging party, the respondent, and any intervenor(s) shall present documentary and other evidence, as well as statements of position, relating to the matters and allegations set forth in such charge. The charging party shall have the burden of proffering sufficient evidence to support a prima facie finding of unfair practice.] **will normally assign the case to a staff member for processing. All parties to the case will be notified of such assignment and will be requested to submit to such staff member within a reasonable period of time:**

1. **An executed copy of any current or recently expired contract between the parties; and**

2. **A written statement of position explaining why the allegations contained in the charge, if true, would or would not constitute unfair practices on the part of the respondent.**

(b) **In the course of processing the case, the assigned**

**staff member may request the parties to submit, within a reasonable period of time, briefs setting forth detailed arguments concerning all relevant legal issues pertaining to the case.**

(c) **In the course of processing the case, the assigned staff member may cause an exploratory conference or conferences to be held with the parties, either individually or jointly, for the purpose of clarifying the issues and of exploring the possibility of voluntary resolution and settlement of the case. Upon notification of any such exploratory conference, the party or parties so notified shall attend such conference, either in person or by authorized representative.**

19:14-1.7 [Investigatory conference] **(Reserved)**

[During the course of the investigation conducted pursuant to N.J.A.C. 19:14-1.6 (Investigation), the Commission or its named designee may cause an investigatory conference to be held, which conference shall be attended by all of the parties, either in person or by authorized representative.]

19:14-2.1 Contents; service

(a) **After a charge has been filed and processed, if it appears to the Commission or its named designee [prima facie] that the [respondent has engaged or is engaging in an unfair practice] allegations of the charging party, if true, may constitute unfair practices on the part of the respondent, and that formal proceedings in respect thereto should be instituted in order to afford the parties an opportunity to litigate relevant legal and factual issues, the Commission or its named designee shall issue and cause to be served on all parties a formal complaint [in the name of the Commission stating the specific unfair practice charged and] including a notice of hearing before a hearing examiner at a stated time and place. The complaint with notice of hearing shall [also] contain:**

1. **[A clear and concise description of the facts which are claimed to constitute unfair practices, including, where known, the approximate dates and places of such acts and the names of respondent's agents or other representatives by whom committed.] The allegations of the charging party and a statement of the portion or portions of the Act alleged to have been violated;**

2. **A statement of the legal authority and jurisdiction under which the hearing is to be held; and**

3. **A statement of the time and place of any prehearing conference to be held pursuant to N.J.A.C. 19:14-6.2 (Prehearing conference). Upon its own motion or upon proper cause shown, the Commission or its named designee may extend the date of such hearing and of any such prehearing conference.**

19:14-2.2 Amendments; [withdrawal] **dismissal**

(a) **Any such complaint may be amended [at any time] by the Commission or its named designee [upon such terms as may be deemed just. Any such complaint may be withdrawn before the hearing by the Commission or its named designee on its own motion.] to conform to the allegations set forth in any amended charge thereafter filed by the charging party.**

(b) **Any such complaint shall be dismissed under the circumstances set forth in N.J.A.C. 19:14-1.5 (b) and (c) (Amendment; withdrawal; dismissal).**

19:14-2.3 Refusal to issue [or reissue]; appeal

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- Proposed prison officer pension changes .7 N.J.R. 238(b)
- Proposed no fault insurance rules . . . . .7 N.J.R. 239(a)
- Proposed deposit certificate rule . . . . .7 N.J.R. 240(a)
- Revise realty transfer fee law . . . . .7 N.J.R. 240(b)
- Adopt inheritance tax rule . . . . .7 N.J.R. 240(c)
- Revise U.S. Treasury securities rule . . . . .7 N.J.R. 241(a)

## HIGHWAY AUTHORITY

- Proposed Arts Center rules . . . . .7 N.J.R. 241(b)

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- Revise Trade Center parking rates . . . . .7 N.J.R. 241(c)

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

- Adopt unfair practice procedural rule . . . . .7 N.J.R. 242(a)
- Revise unfair practice handling rules . . . . .7 N.J.R. 243(a)

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EARLY RULES FILING DEADLINE Next Issue — May 19

If, after a charge has been [investigated] **processed**, [either prior or subsequent to any investigatory conference held pursuant to N.J.A.C. 19:14-1.7 (Investigatory conference),] the Commission or its named designee declines to issue a complaint, [or having withdrawn a complaint pursuant to N.J.A.C. 19:14-2.2 (Amendment, withdrawal), declines to reissue it,] the parties shall be so advised in writing, accompanied by a simple statement of the procedural or other grounds for such action. The charging party may obtain a review of such action by the Commission's named designee, if any, by filing an original and nine copies of an appeal with the Commission within ten days from the service of the notice of such refusal to issue [or reissue]. A copy shall be served simultaneously upon all other parties, and proof of service shall be filed with the Commission. An appeal must be a self-contained document enabling the Commission to rule on the basis of its contents. An appeal may not allege any facts not previously presented unless the facts alleged are newly discovered and could not with reasonable diligence have been discovered in time to be so presented. Any party may file a statement in opposition to an appeal within five days from the service of the appeal. Such statement in opposition shall be filed and served in like manner as the appeal. The Commission may sustain the refusal to issue [or reissue] a complaint, stating the grounds of its affirmance, or may direct that further action be taken. The Commission's determination shall be served on all the parties.

19:14-3.1 Time for filing; contents; form

The respondent shall, within ten days from the service of the complaint, file an answer thereto. Upon its own motion or upon proper cause shown, the Commission or its named designee may extend the time within which the answer shall

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be filed. The respondent shall specifically admit, deny or explain each of the [facts alleged] **charging party's allegations set forth** in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation not specifically denied or explained, unless the respondent shall state that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Commission, unless good cause to the contrary is shown. The answer shall be in writing and signed, and either shall be sworn to before a person authorized by the laws of this State to administer oaths or shall contain the following dated certification immediately preceding the signature of the person signing it: "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

19:14-4.1 Where to file

All motions [for an extension of the date of the hearing, for an extension of time within which the answer shall be filed, or for leave to intervene,] made **subsequent to the filing of the charge and** prior to the hearing [,] shall be filed in writing with the Commission or its named designee [,], **except that** [All] **all** motions for summary judgment made **subsequent to the issuance of the complaint and** prior to the hearing shall be filed in writing with the Commission. All motions made at the hearing, or subsequent to the hearing but prior to transfer of the case to the Commission, shall be made in writing to the hearing examiner, or stated orally on the record. All motions made subsequent to transfer of the case to, and while it is pending before, the Commission shall be filed in writing with the Commission.

An order adopting these revisions was filed and effective April 1, 1975, as R.1975 d.89 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State