

# NEW JERSEY REGISTER



The State's Official Rules Publication

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(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Notice of Hearing Concerning Tentative Milk Marketing Agreements

Take notice that W.W. Moffett Jr., Director of the Division of Dairy Industry in the New Jersey Department of Agriculture, has issued the following Notice concerning the hearing on proposed amendments to the tentative milk marketing agreements.

Full text of the Notice follows:

Notice is hereby given that pursuant to P.L. 1941, Chapter 274, as amended, N.J.S.A. 4:12A-1, et seq., and particularly Section 25, the Division of Dairy Industry will conduct a public hearing jointly and concurrently with the United States Department of Agriculture to be held at the U.S. Department of Agriculture (South Building, Jefferson Auditorium) 14th and Independence Avenue, Washington, D.C., beginning at 9:30 A.M. on January 20, 1975, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the New York-New Jersey Milk Marketing Area and the Middle Atlantic Milk Marketing Area, said orders being joint orders of the United States Department of Agriculture and the Division of Dairy Industry, New Jersey Department of Agriculture as said orders apply to the State of New Jersey.

Purpose of this hearing is to consider evidence on proposals to establish an appropriate basic formula price for determining Class I prices for the months of February and March 1975 consistent with the adjustment made to the level of price supports announced by the United States Secretary of Agriculture on January 4, 1975.

Notice of the hearing is being published by the United States Department of Agriculture in the Federal Register. Copies of this Notice and of the Notice of the United States Department of Agriculture with respect to the proposals may be reviewed at the office of the Division of Dairy Industry, New Jersey Department of Agriculture, John Fitch Plaza, Trenton, New Jersey, or will be supplied upon request.

This Notice is published as a matter of public information.  
W.W. Moffett Jr.,  
Director, Division of Dairy Industry  
Department of Agriculture

(b)

## BANKING

### DIVISION OF BANKING

#### Proposed Rules on Statements of Interest

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-256, 17:9A-260 and 17:9A-311, proposes to adopt new rules concerning the statement of interest of directors of banks, trustees or managers of savings banks and principal officers of banks and savings banks.

Full text of the proposed rule follows:

#### SUBCHAPTER 6. STATEMENT OF INTEREST OF DIRECTORS OF BANKS, TRUSTEES OR MANAGERS OF SAVINGS BANKS AND PRINCIPAL OFFICERS OF BANKS AND SAVINGS BANKS.

##### 3:7-6.1 Definitions

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

"Bank" shall mean a bank or savings bank.

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

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

"Interest" with regard to a business enterprise means:

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

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

i. Equal to or exceeding \$50,000 owed to the enterprise; or

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

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

## NEW JERSEY REGISTER

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

"Business enterprise" means a corporation, association, business trust, partnership, joint venture, pool, syndicate, sole proprietorship or any other form of business not specifically listed herein, whether or not such enterprise has engaged in transactions with the designated bank. The term "business enterprise" also includes any personal or family trust and any charitable, social, fraternal, civic, governmental or recreational association, trust, club, agency or other organization if, and only if, such enterprise has engaged in any transaction with the designated bank, other than soliciting or receiving contributions, during the last year. The term "business enterprise" excludes:

1. The designated bank;
2. A corporation, partnership, or joint venture which is 50 per cent or more owned by the designated bank; and
3. A holding company whose control of the designated bank is registered with or approved by the Board of Governors of the Federal Reserve System, pursuant to Sections 3 or 5 of the Bank Holding Company Act, 12 U.S.C. 1842 or 1844, or any of such holding company's subsidiaries the control of which has been registered with or approved by the Board of Governors of the Federal Reserve System, pursuant to Sections 3, 4 or 5 of the Bank Holding Company Act, 12 U.S.C. 1842, 1843 or 1844.

"Material change" means:

1. The acquisition or termination of an interest in a business enterprise; or
2. The creation or termination of a business relationship between the designated bank and a business enterprise, such as:
  - i. A loan or extension of credit to the business enterprise, including the discounting of notes;
  - ii. A deposit account or balance maintained by the business enterprise;
  - iii. A contract, lease or other agreement between the bank and the business enterprise; or
  - iv. Acquisition or sale of property, goods or services which aggregated in the past year a dollar value in excess of \$5,000.

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

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

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

### 3:7-6.2 Filing a statement of interest

Every director or principal officer of a bank shall, on forms furnished by the Commissioner, complete and file a statement of interest with the designated bank within 30 days after the effective date of this regulation or within 30 days after be-

coming a director or principal officer of the designated bank. The reporting director or principal officer shall update his present statement of interest or file a new statement of interest within 30 days after the occurrence of any material change. If a reporting person has no interest in a business enterprise, he shall complete and file a statement of interest to that effect.

### 3:7-6.3 Annual review of statements of interest

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

### 3:7-6.4 Location and retention of statements of interest

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

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

### 3:7-6.5 Access to statement of interest forms

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

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

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

(d) Nothing contained in this regulation shall be construed to require a bank to make statement of interest forms available for review other than as required by this regulation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
36 West State Street  
Trenton, New Jersey 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.

Richard F. Schaub  
Commissioner  
Department of Banking

(a)

# BANKING

## DIVISION OF BANKING

### CONSUMER CREDIT BUREAU

#### Proposed Rule On Status Change Application

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:10-3, 17:10-5, 17:10-6 and 17:10-10, proposes to adopt a new rule on status change applications.

Full text of the proposed rule follows:

3:17-2.3 Status change application

(a) When a licensee sells its assets with the understanding that its license, which is not transferable or assignable, is to be voluntarily surrendered to the Department upon the consummation of the sale, the purchaser of such assets must file a "status change" form of small loan application with the Department if it is the purchaser's intent to continue to engage in the small loan business at the same location. For the purpose of confirmation, at the time any such application is filed, the applicant must also submit a notarized statement signed by the principals of the present licensee stating that:

1. Said licensee has not sold or transferred more than 20 per cent of its small loan accounts receivable to some other licensee, an affiliate or otherwise, during the preceding 12-month period and;

2. At least 90 per cent of the assets to be purchased by the applicant represent loans receivable made under the Small Loan Law of this or some other state none of which shall represent charged-off or uncollectable accounts.

(b) A "status change" application shall be processed by the Commissioner in accordance with N.J.S.A. 17:10-5 except that compliance with N.J.S.A. 17:10-5(b), (b) shall be presumed, the convenience and advantage of the community having been established at the time the original license was issued.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
36 West State Street  
Trenton, New Jersey 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

(b)

# BANKING

## DIVISION OF BANKING

### Proposed Revisions on Required Reserves by Banks Not Members Of Federal Reserve System

Richard F. Schaub, Commissioner of Banking, pursuant to

authority of N.J.S.A. 17:9A-48, proposes to adopt revisions to the rule concerning required reserves for banks not members of the Federal Reserve System.

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

3:8-3.1 (a) 4. [Eight] **Seven and one-half** per cent of its immediate liabilities if its aggregate immediate liabilities are \$2 million or less; [~~\$160,000.00~~] **\$150,000.00** plus [10-1/2] **10** per cent of its immediate liabilities in excess of \$2 million if its aggregate immediate liabilities are in excess of \$2 million but less than \$10 million [~~\$1,000,000~~] **\$950,000** plus [12-1/2] **12** per cent of its immediate liabilities in excess of \$10 million if its aggregate immediate liabilities are in excess of \$10 million but less than \$100 million; [~~\$12,250,000~~] **\$11,750,000** plus [13-1/2] **13** per cent of its immediate liabilities in excess of \$100 million if its aggregate immediate liabilities are in excess of \$100 million but less than \$400 million; or [~~\$52,750,000~~] **\$50,750,000** plus [17-1/2] **16.5** per cent of its immediate liabilities in excess of \$400 million.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
36 West State Street  
Trenton, New Jersey 08625

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

Richard F. Schaub  
Commissioner  
Department of Banking

(c)

# BANKING

## DIVISION OF BANKING

### Proposed Revisions on Reserves Required by Savings Banks

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311, proposes to adopt revisions to the rule concerning reserves required to be maintained by savings banks against demand deposits.

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

3:8-5.1 Reserve required

Savings banks which maintain demand checking accounts are required to maintain reserve balances in available funds equal to [8] **7.5** per cent of all immediate liabilities if its aggregate immediate liabilities are \$2 million or less; [~~\$160,000~~] **\$150,000** plus [10-1/2] **10** per cent of its immediate liabilities in excess of \$2 million if its aggregate immediate liabilities are in excess of \$2 million but less than \$10 million; [~~\$1,000,000~~] **\$950,000** plus [12-1/2] **12** per cent of its immediate liabilities in excess of \$10 million if its aggregate immediate liabilities are in excess of \$10 million but less than \$100 million; [~~\$12,250,000~~] **\$11,750,000** plus [13-1/2] **13** per cent of its

immediate liabilities in excess of \$100 million if its aggregate immediate liabilities are in excess of \$100 million but less than \$400 million; or [\$52,750,000] **\$50,750,000** plus [17-1/2] **16.5** per cent of its immediate liabilities in excess of \$400 million.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
36 West State Street  
Trenton, New Jersey 08625

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

Richard F. Schaub  
Commissioner  
Department of Banking

(a)

## **BANKING**

### **DIVISION OF BANKING**

#### **Revisions on Reserves for Savings Banks**

On December 27, 1974, William B. Lewis, Deputy and Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:8-5.1, concerning reserves required by savings banks, as proposed in the Notice published December 5, 1974, at 6 N.J.R. 463 (a).

An order adopting these revisions was filed December 27, 1974, as R.1974 d.357 to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## **BANKING**

### **DIVISION OF BANKING**

#### **Revisions on Reserves Maintained by Banks Not Members of Federal Reserve System**

On December 27, 1974, William B. Lewis, Deputy and Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:8-3.1, concerning reserves maintained by banks not members of the Federal Reserve System, substantially as proposed in the Notice published December 5, 1974, at 6 N.J.R. 463 (b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

The substantive changes were made to N.J.A.C. 3:8-3.1 (a) 2. and 3. wherein the maturity reference to time deposits was changed from four months to 180 days.

An order adopting these revisions was filed December 27, 1974, as R.1974 d.358 to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## **CIVIL SERVICE**

### **CIVIL SERVICE COMMISSION**

#### **Rule on Unused Sick Leave Payments To A. Harry Moore School Employees**

On December 18, 1974, the President of the New Jersey Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting, pursuant to authority of N.J.S.A. 11:14-17 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the administration of payments to employees of the A. Harry Moore School for unused sick leave.

**Full Text** of the adopted rule follows:

4:1-17.24(j) Nonclassified employees of the A. Harry Moore School (Instructors, 10 month) are eligible for a lump sum as supplemental compensation for earned and unused sick leave upon retirement.

An order adopting this rule was filed and effective January 2, 1975, as R.1975 d.1 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## **CIVIL SERVICE**

### **CIVIL SERVICE COMMISSION**

#### **Revision to State Service Personnel Manual For Certain Salary Reevaluation Requests**

On January 17, 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 within the Civil Service Personnel Manual (State Service) regarding salary reevaluation requests involving titles in recognized collective negotiation units.

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

Subpart 7-2.101 Salary Reevaluation Requests Involving Titles In Recognized Collective Negotiation Units

7-2.101a Subject

This subpart will describe the procedure to be followed when an individual, an appointing authority or an employee organization recognized as an exclusive representative requests a salary reevaluation for a title(s) included in a recognized collective negotiation unit.

7-2.101b Time For Request

All salary reevaluation requests must be filed no later than August 31 of the year preceding the new fiscal year. Any requests currently in process will continue in the normal course.

7-3.101c Procedure

A request for a salary reevaluation shall first be filed in writing with:

Director,  
Division of Classification and Compensation  
Department of Civil Service  
Arnold Constable Building  
Front and Montgomery Streets  
Trenton, New Jersey 08625

It shall include the reasons for requesting such reevaluation. The Director will acknowledge and notify all parties of interest.

The Job Evaluation Committee, composed of representatives of the Department of Civil Service and the Division of Budget and Accounting will convene to consider the request. The findings of the Committee shall be submitted to the Director, Division of Classification and Compensation for review. The Director will recommend to the Chief Examiner and Secretary a new salary range or that there should be no change.

The Chief Examiner and Secretary will review the recommendation and thereafter inform the Director, Office of Employee Relations of his determination prior to September 30 of the year preceding the new fiscal year. The Director will present the determination during negotiations for the ensuing fiscal year to the employee organization which represents the unit in which the respective title is included.

If the employee organization desires to appeal the determination, the Director of the Office of Employee Relations shall inform the Chief Examiner and Secretary accordingly. When the appeal is presented to the Civil Service Commission the State as the employer shall be represented by the Office of Employee Relations. If there is no appeal the salary reevaluation determination shall be placed before the Civil Service Commission pursuant to regular procedures.

#### 7-3.101d Limitations

Appeals must be decided prior to the signing of an agreement unless the parties stipulate otherwise.

An order adopting these revised rules was filed and effective January 20, 1975, as R.1975 d.9 (Exempt, Procedure Rule). Such rules 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

#### Joint Regulations on Administration Of Payments to State Employees for Unused Sick Leave

On December 23, 1974, the President of the New Jersey Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting, pursuant to authority of N.J.S.A. 11:14-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning the administration of payments to State employees for unused sick leave.

Full text of the adopted rule follows:

4:1-17.24(h) Employees who retire as a result of a disability retirement, either accidental or ordinary, and who meet all other applicable regulations will be considered eligible for lump sum sick leave reimbursement upon retirement for unused sick leave.

4:1-17.24(i) Any employee who retires as a result of accidental or ordinary disability and who is reimbursed for unused sick leave upon retirement and who subsequently reenters State employment, will not be eligible to have their unused sick leave reinstated to their record. Employees reentering State service subsequent to a disability retirement will begin earning sick leave in a manner similar to a newly hired employee.

An order adopting these rules was filed and effective January 3, 1975, as R.1975 d.2 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions in Requirements for Private School Transportation

On January 10, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 6:21-2.2, Registration, and 6:21-2.6, Registration procedure, concerning requirements for private school transportation, as proposed in the Notice published December 5, 1974, at 6 N.J.R. 467(a).

An order adopting these revisions was filed and effective January 14, 1975, as R.1975 d.5.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rules on Stanchions, Handrails and Guardrails

On January 10, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning stanchions, handrails and guardrails, as proposed in the Notice published December 5, 1974, at 6 N.J.R. 470(a).

Such rules may be cited as N.J.A.C. 6:21-6.31(f) and 6:21-18.25(e).

An order adopting these rules was filed and effective January 14, 1975, as R.1975 d.6.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions on School Planning Services

On January 10, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:18-2, 18A:33-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 6:22-5.1(d) and 6:22-9.1, concerning general provisions and mechanical air supply, as proposed in the Notice published December 5, 1974, at 6 N.J.R. 468(a).

An order adopting these revisions was filed and effective January 14, 1975, as R.1975 d.7.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendment on Water Quality Standards for Morses Creek in Linden

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., proposes to amend the water quality standards for the tidal portion of Morses Creek in Linden, New Jersey. Such proposed amendment is known within the Department of Environmental Protection as Docket Number DEP 012-74-11.

Such amendment, if adopted, will be included in Subchapter 4 of Chapter 9 in Title 7 of the New Jersey Administrative Code.

The text of the Notice of a public hearing on this proposed amendment and a summary of the proposed action, issued by Commissioner Bardin on December 31, 1974, follows:

Morses Creek, located in Linden, New Jersey, has been classified as a TW-3 water and discharges into the Arthur Kill. The proposed amendment will modify the water quality standards adopted by the State on December 2, 1974. The water quality parameters for TW-3 waters, as they relate to the tidal portions of Morses Creek will be amended to delete the thermal criteria.

A public hearing will be held on January 30, 1975, at 10:00 A.M. in the Red Room, Office of the Commissioner of the Department of Environmental Protection, Labor and Industry Building, John Fitch Way Plaza, Trenton, New Jersey, at which time all interested parties are invited to submit information or comments relevant to the proposed amendment.

Submittals may also be made in writing before or after the hearing, but no later than February 26, 1975 (20 days after publication of the February issue of the New Jersey Register), addressed to:

Rocco D. Ricci, Assistant Commissioner  
Department of Environmental Protection  
Post Office Box 2809  
Trenton, New Jersey 08625

This proposed action responds to a written request from Exxon Corporation which discharges its cooling water into the

tidal portion of Morses Creek. The proposed change in the water quality standards reflects the following considerations:

(a) That over 99 per cent of the discharge in the tidal portion of the Creek results from salt water which has been pumped from the Arthur Kill to Exxon's Bayway Facility and is returned to the Arthur Kill by means of lower Morses Creek.

(b) Failure to modify the thermal standards would require a substantial additional investment without any measurable improvement in the aquatic environment from the standpoint of existing or potential uses of Morses Creek.

(c) The thermal criteria for the Arthur Kill would still have to be met for the thermal discharge of Exxon. The point of discharge and the beginning of the mixing zone would then be at the mouth of Morses Creek.

Exxon Corporation is being directed to submit more detailed supporting information by January 20, 1975. This information together with all relative correspondence is or will be available for public inspection during normal business hours at the Division of Water Resources, 1474 Prospect Street, Trenton, New Jersey 08625.

The Public Information Officer shall forthwith cause a copy of this Notice to be published in three newspapers of daily circulation in the Arthur Kill - Morses Creek area, and as soon thereafter as possible in the New Jersey Register.

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

David J. Bardin  
Commissioner  
Department of Environmental Protection

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### BUREAU OF AIR POLLUTION CONTROL

##### Proposed Rules on Control and Prohibition of Air Pollution by Volatile Organic Substances

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 26:2C-1 et seq. as amended, proposes to adopt rules for the Control and Prohibition of Air Pollution by Volatile Organic Substances, such regulation to be identified as N.J.A.C. 7:27-16.1 et seq. This proposal is known in the Department of Environmental Protection as Docket No. DEP. 011-74-10.

The basic purpose of the regulation as currently proposed is to reduce the emission of volatile hydrocarbons into the ambient air. If adopted as proposed, the regulation is expected to have the following positive effects:

1. Contribute in a cost-effective way to the attainment and maintenance of ambient air quality standards for hydrocarbons and their photochemical reaction products.

2. Reduce the waste of gasoline, fuel oil and similar energy resources caused by evaporation. (For gasoline, roughly 60 million gallons per year, or about two per cent of the State's total usage, will be kept from evaporating into the air.)

3. Conserve petrochemical feedstocks, vital to New Jersey's largest industry, by reducing their evaporation from storage facilities.

4. Decrease certain emissions of odorous hydrocarbons and incidentally enhance the overall appearance of facilities, thus reducing the public nuisance aspect of such facilities and improving their public acceptability.

5. Create additional employment through the painting of storage tanks and the installation and maintenance of the required control equipment and procedures.

Written and/or oral testimony concerning the proposed rules will be received at public hearing to be held March 25, 1975, from 9:00 A.M. until completion of testimony at:

State Museum Auditorium  
State Cultural Center  
West State Street  
Trenton, New Jersey

Copies of proposed rules and basis therefor may be obtained from, and written testimony also will be accepted at any time prior to the 30th day following the conclusion of the announced hearing, by:

Lee Ivey  
Supervisor, Permits and Certificates  
Bureau of Air Pollution Control  
Department of Environmental Protection  
P.O. Box 2807  
Trenton, New Jersey 08625

A brief history of this proposed regulation follows; a more complete history is included in the basis document, available as described above. In 1971, under the authority of the Clean Air Act, the Federal government established ambient air quality standards for several pollutants, including hydrocarbons.

In 1972 the Bureau of Air Pollution Control published and held hearings on a proposed chapter to control emissions of hydrocarbons and other volatile organic substances (See 3 N.J.R. 253(a)). A revision of these proposals was developed and released in 1974; hearings were held on January 7 and 18, 1974. (See 5 N.J.R. 408(a)). Preliminary notice of intent to require painting of tanks was published November 7, 1974 (6 N.J.R. 430(a)).

As a result of these earlier hearings and public comments, as well as of subsequent investigation by the Bureau, one major addition and several minor revisions have been made in the proposed rules.

1. The major addition is the requirement that the outer surfaces of outdoor storage tanks containing volatile hydrocarbon substances be painted white, in order to reduce evaporation caused by heating due to solar radiation, and that such tanks be repainted white at least once every three years.

2. Replacement of a single vapor pressure as the criteria at which organic substances are considered to be volatile by various vapor pressure standards.

3. Modification of the control requirements for storage tanks to reflect the fact that smaller tanks emit significant amounts of vapors only when the liquids stored therein are of higher volatility, whereas significant amounts of vapor may be emitted from large tanks which contain liquids of much lower volatility.

4. Elimination of the exemption of control requirements for storage tanks in controlled environments, except that buried tanks are still exempt from additional controls.

5. Clarification of ambiguous and/or contradictory provisions for storage and transfer operations.

6. Increase in the minimum size tank to which fill-pipe requirements are applicable and also the extension of this re-

quirement to substances other than gasoline.

7. For gasoline transfer operations, an increase in the minimum size tank requiring a vapor recovery system.

8. Easing of control requirements for source operations having potential emission rates of less than 100 pounds per hour.

9. Delay of the effective dates for compliance for facilities using low emission surface coating technologies as well as for facilities which transfer gasoline into automotive fuel tanks.

Comment is particularly invited as to appropriate periods for implementation of the various provisions.

Copies of this notice, of the proposed regulation and of the basis document are being deposited and will be available for inspection during normal office hours until the closing of the hearing record 30 days after the date of hearing at:

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

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

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

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

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 24, 1975, to the Bureau of Air Pollution Control at the above address.

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

David J. Bardin  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### Rules on Sampling and Analytical Procedures On Control and Prohibition Of Particles from Manufacturing Processes

On December 30, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq. and in accordance with applicable provisions

of the Administrative Procedure Act of 1968, adopted new rules concerning sampling and analytical procedures for determining compliance with the rules regarding the control and prohibition of particles from manufacturing processes (N.J.A.C. 7:27-6.1 et seq.). These rules are known within the Department of Environmental Protection as Docket Number DEP-016-74-12.

Such rules may be cited as N.J.A.C. 7:27B-1.1 et seq.

The 24 pages of adopted rules concern definitions, acceptable test methods, plant operating conditions during the test, sampling facilities to be provided by the person responsible for emissions, sampling train, performance test principle, visible emissions and appropriate references and appendices.

Full text of these rules may be obtained from or reviewed at the Division of Environmental Quality, Department of Environmental Protection, John Fitch Plaza, Trenton, N.J. 08625.

An order adopting these rules was filed and effective December 30, 1974, as R.1974 d.360 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### BUREAU OF WATER FACILITIES OPERATIONS

##### Revised Rules on General Rate Schedule For Delaware and Raritan Canal Water

On December 31, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:13-12.9 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules, known within the Department of Environmental Protection as Docket Number DEP 009-74-10, on the general rate schedule for Delaware and Raritan Canal water as proposed in the Notice published November 7, 1974, at 6 N.J.R. 427(c).

Such rules may be cited as N.J.A.C. 7:11-2.1 et seq.

An order adopting these revised rules was filed December 31, 1974, as R.1974 d.362 to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

##### Proposed Rule on Oyster Seed Beds for the 1975 Season

The Department of Environmental Protection, Division of Fish, Game and Shellfisheries, with the advice of the Shellfisheries Council, Maurice River Cove Section, pursuant to the authority of N.J.S.A. 50:1-5, proposes to adopt regula-

tions relative to N.J.S.A. 50:3-8, for the taking of seed oysters from the State's natural seed oyster beds situated in the Delaware Bay above what is commonly known as the Southwest Line for the 1975 bay season. Such regulation when adopted will be cited as: N.J.A.C. 7:25-7.10. It is known within the Department of Environmental Protection as Docket No. DEP 018-75.1.

Copies of the proposed regulations have been prepared and a summary will be supplied to newspapers throughout the State. The proposed regulations state when, under what circumstances, and in what localities seed oysters may be taken.

The proposed regulations are as follows:

#### 7:25-7.10 Seed oyster beds

(a) The season for the taking of seed oysters from the natural seed bed above the Southwest Line in Delaware Bay for 1975 shall be scheduled for a period of time beginning 7:00 A.M., May 19, 1975, and shall close as determined by subsection (b) of this Section.

(b) Physical tests of all areas opened by this regulation shall be made near the end of each week during the season by an advisory committee appointed by the Commissioner of the Department of Environmental Protection. These tests will be the determining factor to close any or all beds opened by this regulation.

(c) The committee appointed by the Commissioner of the Department of Environmental Protection shall be composed of two members of the Maurice River Cove Shellfisheries Council, two members of the Oyster Research Laboratory at Rutgers, the State University and the Director of the Division of Fish, Game and Shellfisheries or his designate.

(d) The Maurice River Cove Shellfisheries Council and the Division of Fish, Game and Shellfisheries reserve the right to establish certain sanctuaries that are deemed necessary for the preservation or research of the resources. The sanctuary established for 1975 is as follows:

#### BENNIES BED

Corner	Latitude	Longitude
1	39°-15'-30"	75°-18'-24"
2	39°-15'-30"	75°-18'-12"
3	39°-15'-24"	75°-18'-12"
4	39°-15'-24"	75°-18'-24"

(e) Nothing in this regulation shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

(f) Based upon the data and test referred to in subsection (b) of this Section and the recommendation of the advisory committee referred to in Section 3 of this Subchapter, the Council, pursuant to N.J.S.A. 50:1-5, may immediately close those beds as may be necessary for the preservation and improvement of the shellfish industry.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing to be held on Tuesday evening, March 4, 1975, at 7:00 P.M. at the Bivalve Office of the Division of Fish, Game and Shellfisheries.

Written statements or arguments relevant to the proposed action may be filed on or before February 28, 1975, with Joseph A. Price, Shellfish Management Administrator, Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, New Jersey 08625.

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

David J. Bardin  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### BUREAU OF WATER FACILITY OPERATIONS

##### Revised Rules on Use of Water from Delaware and Raritan Canal

On December 31, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:13-12.9 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules, known within the Department of Environmental Protection as Docket Number DEP 010-74-10, on the use of water from the Delaware and Raritan Canal substantially as proposed in the Notice published November 7, 1974, at 6 N.J.R.428(a) with only inconsequential structural or language changes in the opinion of the Department of Environmental Protection.

The changes in the adopted rules follow (additions indicated in boldface **thus**):

7:11-3.19(a) In case of emergency, natural or otherwise, after public hearing **and for good cause shown**, the Commissioner of the Department of Environmental Protection determines that such circumstances exist that the State's best interests are served, the State reserves the right to curtail, suspend or terminate the user's withdrawal of water from the canal.

Such revised rules may be cited as N.J.A.C. 7:11-3.1 et seq.

An order adopting these revised rules was filed December 31, 1974, as R.1974 d.363 to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Rule on Life Safety Code and Removal of Beds

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a new rule concerning the removal from service of beds not in compliance with the Life Safety Code 101, 21st Edition (1967).

Full text of the proposed rule follows:

SUBCHAPTER 15. LIFE SAFETY CODE

#### 8:31-15.1 Removal from services of beds not in compliance with Life Safety Code

(a) According to the current inventory of beds in health care facilities in New Jersey, there are facilities which maintain beds for patient care that are not in compliance with the Life Safety Code 101, 21st Edition (1967). This proposed regulation refers specifically to these beds. In the interest of patient safety, such beds shall be removed from service in the following manner:

1. Effective one year from the date of adoption of this regulation, all beds which are not in compliance with the Life Safety Code, in licensed hospital facilities, whether public or private, shall be removed from service. Such beds shall be deducted from the facility's licensed capacity as of the effective date of removal from service as set forth in paragraph 3 below.

2. Effective one year from the date of adoption of this regulation, all beds which are not in compliance with the Life Safety Code, in licensed nursing care facilities, whether public or private, including skilled nursing, intermediate care facilities, and homes for the aged, shall be removed from service. Such beds shall be deducted from the facility's licensed capacity as of the effective date of removal from service as set forth in paragraph 3 below.

3. Any health care facility which must remove from service beds as referred to above may only continue to operate such beds beyond one year from the date of adoption of this regulation, provided that a certificate of need to correct cited deficiencies is applied for within six months of the date of enactment of this regulation or the date of notification of said deficiencies, whichever is later, and that final approval of the certificate of need is obtained within 12 months of the date of enactment of this regulation or notification of deficiencies, whichever is later, or until such time as all administrative procedures, including both Federal Medicare and/or Medicaid Life Safety Code waiver hearings and State certificate of need hearings, have been exhausted.

4. For the purposes of this resolution, it shall be understood that any institution which has been granted a waiver shall be deemed to be in compliance with the Life Safety Code.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Arthur E. Brown  
Assistant Commissioner for Health Facilities  
State Department of Health  
John Fitch Plaza  
Trenton, New Jersey 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### COMMUNITY HEALTH SERVICES

#### Proposed Rules on Narcotic Treatment Program

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to adopt new rules on the narcotic treatment program.

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

## SUBCHAPTER 11. NARCOTIC TREATMENT PROGRAM

### 8:65-11.1 Definitions

#### **PREAMBLE**

The regulations set forth in Subchapter 11 of Chapter 65, Title 8 with revisions of certain other Subchapters of Title 8 in this New Jersey Administration Code provide a comprehensive means whereby interested persons desiring to engage in a program of narcotic treatment to controlled dangerous substances abusers are provided authoritative legal information necessary for such endeavors.

In conformance with principles of uniformity in enforcement of the New Jersey Controlled Dangerous Substance Act (N.J.S.A. 24:21-1 et seq.), Subchapter 11 of Title 8 contains essentially the same information expressed in the Federal Register, Friday, October 25, 1974, 37983-86, pertaining to amendments to the Federal Controlled Substances Act made by the Federal Narcotic Treatment Act of 1974.

"Compounder" means any person engaging in maintenance or detoxification treatment who also mixes, prepares, packages or changes the dosage form of a narcotic drug listed in Schedules II, III, IV or V for use in maintenance or detoxification treatment by another narcotic treatment program.

"Detoxification treatment" means the dispensing for a period not in excess of 21 days, of a narcotic drug or narcotic drugs in decreasing doses to an individual in order to alleviate adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of a narcotic drug and as a method of bringing the individual to a narcotic drug-free state within such period of time.

"Maintenance treatment" means the dispensing for a period in excess of 21 days, of a narcotic drug or narcotic drugs in the treatment of an individual for dependence upon heroin or other morphine-like drug.

"Narcotic treatment program" means a program engaged in maintenance or detoxification treatment with narcotic drugs.

### 8:65-11.2 Registration requirements

(a) Every person who engages in a narcotic treatment program, including a compounder, shall obtain a registration within 30 days of the adoption of these regulations, and shall obtain a renewal of the registration on or before July 1 of each year thereafter.

(b) In conducting a narcotic treatment program using any narcotic drug listed in Schedules II, III, IV and V, employees, agents, or affiliated practitioners in programs, need not register separately.

(c) Each program site located away from the principal location and at which place narcotic drugs are stored or dispensed must be separately registered and obtain narcotic drugs by use of order forms pursuant to Subchapter 6 of this Title.

(d) For each registration or reregistration to engage in a narcotic treatment program, including a compounder, the applicant shall pay an annual fee of \$10.00 at the time of application for registration or for renewal of registration.

(e) The payment of fees as required by subsection (d) of this Subchapter shall be subject to the exemptions provided in subsections (e) and (f) of Subchapter 1 of this Chapter.

### 8:65-11.3 Application form

Application to conduct a narcotic treatment program, including a compounder, shall be made in accordance with the provisions of Section 4 of Subchapter 1 of this Chapter.

### 8:65-11.4 Security requirements

(a) Applicants to conduct a narcotic treatment program shall comply with the general security requirements as provided in subsection 1 of Subchapter 2 of this Chapter.

(b) In addition to the security requirements required in subsection (a) of this Section, all manufacturing activities (including processing, packaging and labeling) involving controlled substances listed in any schedule and all activities of compounders shall be conducted in accordance with the following:

1. The acceptance of delivery of narcotic substances by a narcotic treatment program shall be made only by a licensed practitioner employed at the facility or other authorized individuals designated in writing. At the time of delivery, the licensed practitioner or other authorized individual in writing (excluding persons currently or previously dependent on narcotic drugs), shall sign for the narcotics and place his specific title (if any) on any invoice. Copies of these signed invoices shall be kept by the distributor.

2. Narcotics dispensed or administered at a narcotic treatment program will be dispensed or administered directly to the patient by either:

- i. the licensed practitioner; or
- ii. a registered nurse under the direction of the licensed practitioner; or
- iii. a licensed practical nurse under the direction of the licensed practitioner; or
- iv. a pharmacist under the direction of the licensed practitioner.

3. Persons enrolled in a narcotic treatment program will be required to wait in an area physically separated from the narcotic storage and dispensing area.

4. All narcotic treatment programs must comply with the provisions of N.J.S.A. 26:2G-21-30; and with standards established by the United States Secretary of Health, Education and Welfare (after consultation with the administration) respecting the quantities of narcotic drugs which may be provided to persons enrolled in a narcotic treatment program for unsupervised use.

5. The New Jersey State Department of Health may exercise discretion regarding the degree of security required in narcotic treatment programs based on such factors as the location of a program, the number of physicians, staff members and security guards. Similarly, such factors will be taken into consideration when evaluating existing security at a narcotic treatment program.

### 8:65-11.5 Persons required to keep records

(a) Applicants to conduct a narcotic treatment program shall comply with the provisions of N.J.S.A. 24:21-1 et seq. and the regulatory provisions of N.J.A.C. 8:65-8.4 to 8.8.

(b) In addition to the record keeping requirements required in subsection (a) of this Section, each person registered or authorized to maintain/or detoxify controlled substance users in a narcotic treatment program shall maintain records with the following information for each controlled substance:

1. Name of substance;
2. Strength of substance;
3. Dosage form;
4. Date dispensed;
5. Adequate identification of patient (consumer);

6. Amount consumed;
7. Amount and dosage form taken home by patient;
8. Dispenser's initials.

(c) The records required by subsection (b) of this Section will be maintained in a dispensing log at the narcotic treatment program site and will be maintained in compliance with N.J.A.C. 8:64-5.4.

(d) All sites which compound a bulk narcotic solution from bulk narcotic powder to liquid for on-site use must keep a separate batch record of the compounding.

(e) Records of identity, diagnosis, prognosis or treatment of any patients which are maintained in connection with the performance of a narcotic treatment program shall be confidential, except that such records may be disclosed for purposes and under the circumstances authorized by Part 310 and Part 1401 of 21 U.S.C..

#### 8:65-11.6 Records for treatment programs which compound narcotics for treatment programs and other locations

(a) Each person registered or authorized to compound narcotic drugs for off-site use in a narcotic treatment program shall maintain records which include the following information for each narcotic drug:

1. For each narcotic controlled substance in bulk form to be used in, or capable of use in, or being used in, the compounding of the same or other noncontrolled substances in finished form:

- i. The name of the substance;
- ii. The quantity compounded in bulk form by the registrant, including the date, quantity and batch or other identifying number of each batch compounded;
- iii. The quantity received from other persons including the date and quantity of each receipt and the name, address and registration number of the other person from whom the substance was received;
- iv. The quantity imported directly by the registrant (under a registration as an importer) for use in compounding by him, including the date, quantity and import permit or declaration number of each importation;
- v. The quantity used to compound the same substance in finished form, including:
  - (1) The date and batch or other identifying number of each compounding;
  - (2) The quantity used in the compound;
  - (3) The finished form (that is, ten-milligram tablets or ten-milligram concentration per fluid ounce or milliliter);
  - (4) The number of units of finished form compounded;
  - (5) The quantity used in quality control;
  - (6) The quantity lost during compounding and the causes therefore, if known;
  - (7) The total quantity of the substance contained in the finished form;
  - (8) The theoretical and actual yields; and
  - (9) Such other information as is necessary to account for all controlled substances used in the compounding process.
- vi. The quantity used to manufacture other controlled and noncontrolled substances; including the name of each substance manufactured and the information required in subparagraph v. of this paragraph;
- vii. The quantity distributed in bulk form to other programs, including the date and quantity of each distribution and the name, address and registration number of each program to whom a distribution was made;
- viii. The quantity exported directly by the registrant (under a registration as an exporter) including the date, quantity and

export permit or declaration number of each exportation; and  
 ix. The quantity disposed of by destruction, including the reason, date and manner of destruction. All other destruction of narcotic controlled substances will comply with N.J.A.C. 8:65-8.9.

2. For each narcotic controlled substance in finished form:

- i. The name of the substance;
- ii. Each finished form (that is, ten-milligram tablet or ten-milligram concentration per fluid ounce or milliliter) and the number of units or volume of finished form in each commercial container (that is, 100-tablet bottle of three milliliter vial);
- iii. The number of containers of each such commercial form compounded from bulk form by the registrant, including the information required pursuant to subparagraph v. of paragraph 1. of this subsection;
- iv. The number of units of finished forms and/or commercial containers received from other persons, including the date of and number of units and/or commercial containers in each receipt and the name, address and registration number of person from whom the units were received;
- v. The number of units of finished forms and/or commercial containers imported directly by the person (under a registration or authorization to import), including the date of, the number of units and/or commercial containers in, and the import or declaration number for, each importation;
- vi. The number of units and/or commercial containers compounded by the registrant from units in finished form received from others or imported, including:
  - (1) The date and batch or other identifying number of each compounding;
  - (2) The operation performed (that is, repackaging or relabeling);
  - (3) The number of units of finished form used in the compound, the number compounded and the number lost during compounding, with the causes for such losses, if known; and
  - (4) Such other information as is necessary to account for all substances used in the compounding process;
  - (5) The number of containers distributed to other programs, including the date, the number of containers in each distribution, and the name, address and registration number of the program to whom the containers were distributed;
  - (6) The number of commercial containers exported directly by the registrant (under a registration as an exporter), including the date, number of containers and export permit or declaration number for each exportation; and
  - (7) The number of units of finished forms and/or commercial containers destroyed in any manner by the registrant, including the reason, the date and manner of destruction. All other destruction of narcotic controlled substances will comply with N.J.A.C. 8:65-8.9.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Donald J. Foley  
 Chief, Drug Control  
 State Department of Health  
 1911 Princeton Avenue  
 Trenton, New Jersey 08638

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

Dr. Joanne E. Finley  
 Commissioner  
 Department of Health

(a)

# HEALTH

## THE COMMISSIONER

### Proposed Rules on 1975 Hospital Rate Review

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new rules concerning rate reviews for hospitals.

Full text of the proposed rules follows:

#### SUBCHAPTER 14. 1975 HOSPITAL RATE REVIEW

##### 8:31-14.1 Authority

In accordance with N.J.S.A. 26:2H-1 et seq., payment by hospital service corporations and government agencies for health care services provided by a health care facility shall be at rates approved as to reasonableness by the Commissioners of Health and Insurance, taking into consideration the total costs of the health care facility.

##### 8:31-14.2 Scope of rules

Unless otherwise provided by rule or statute, the following shall constitute the rules of practice and procedure for determining hospital payment rates relative to 1975 admissions only, for appeals from an initial rate determination, and for appeals from a final rate determination.

##### 8:31-14.3 Definitions

In addition to those definitions outlined in N.J.A.C. 8:3-1.4, the following definitions shall apply:

"Coordinator" is the coordinator of the health care facilities rate review program.

"Analyst" is the analyst, health care facilities to whom an individual health care facility's budget submission had been assigned.

"Payors" are hospital service corporations and government agencies that are contractual purchasers of health care services.

"Requested rate" is that payment rate requested by health care facility in its budget submission.

"Initial rate" is that payment rate developed by applying guidelines formulaically to the elements of cost contained in a health care facility's budget submission.

"Revised initial rate" is that payment rate developed as a result of an appeal from an initial rate determination, or an adjustment resulting from the impact of significant unforeseen adverse circumstances.

"Final rate" is that payment rate developed following the certification of actual costs of providing health care services, as reported by health care facilities, by adjusting the approved budget submission for variances due to volume, inflation, statutory changes and the like.

"Revised final rate" is that payment rate developed as a result of an appeal from a final rate determination.

##### 8:31-14.4 Establishment of a payment rate

(a) At the request of the Commissioner, health care facilities shall furnish to the Department of Health such reports and information as it may require to establish reasonable rates for payment by payors for health care services provided by a health care facility, excluding confidential

communications from patients. The information shall be used to establish 1975 inpatient per diem rates as follows:

1. An initial rate shall be established based on evaluating comparative costs and cost increases over prior years, uniform application of anticipated increases due to inflation to all hospitals and application of reasonableness criteria to cost elements.

2. The elements of costs as defined in the contract between participating hospitals and hospital service corporations and/or the hospitals' contract with the New Jersey Health Services Program under Title (XIX) shall be the elements of costs approved by the Commissioner. The elements of cost as proposed in 6 N.J.R. 229 shall not be used in 1975 rate review.

##### 8:31-14.5 Notification of initial rate

(a) In accordance with N.J.A.C. 8:3-2.1, notification to a health care facility and its payors of its initial rate shall be issued in the form of an administrative order over the signatures of the Commissioners of Health and Insurance promulgating its initial rate and summarizing reasons for differences between requested rate and initial rate. The health care facility or payors shall then take one of the following actions:

1. Acceptance of initial rate;
2. Request for adjustment based on an error condition;
3. Appeal of initial rate for other than an error condition:
  - i. Administrative appeal;
  - ii. Commissioners' appeal board.

##### 8:31-14.6 Acceptance of initial rate

Acceptance of initial rate requires no positive action on the part of the health care facility. If a request for adjustment or an appeal has not been filed by a health care facility or payors with the Department within 30 days following receipt of notification of initial rate, that rate shall be considered to have been accepted by the health care facility. Pending any adjustment or appeal of an initial rate, payment by the payors shall continue at that initial rate.

##### 8:31-14.7 Request for adjustment of initial rate

If the health care facility or payors, based on their review of the notification of initial rate determination, believe that a computational error has been made, a request for adjustment may be filed with the Department of Health. Following a review of the facts by the analyst, and with the concurrence of his coordinator and agency chief, an adjustment may be made. The health care facility or payors shall have 30 days following receipt of notification of results of its request for adjustment to file an appeal with the Department of Health.

##### 8:31-14.8 Administrative appeal

Appeals from an initial rate determination shall be scheduled to be heard by the agency chief within 30 days. The public may not be excluded from attendance at meetings. The agency chief shall render decisions in matters of apparent inequities where facts can be determined readily, and on issues peculiar to one institution, where the resolutions of same would not constitute policy making or having broad applicability, and shall be empowered to take actions in conformance with policies and guidelines prescribed by the Commissioners of Health and Insurance. If necessary, the agency chief will present the matter to the Deputy Commissioner. Those matters which cannot be resolved within the Department's administrative appeals mechanism may be appealed to the Commissioners' appeals board.

#### 8:31-14.9 Commissioners' appeals board

(a) Appeals on matters of policy or on unresolved matters remaining subsequent to administrative appeals shall be heard by a Commissioners' appeals board comprised of seven members acting in an advisory capacity, representing and making recommendations to the Commissioners of Health and Insurance.

(b) The board members shall be appointed by the Commissioners for a term sufficient to hear appeals from 1975 initial and final rate determinations and shall meet at least once a month while appeals are pending. Six members shall be appointed from the general community and shall be independent of the health care industry and the Departments of Health and Insurance. The public members shall be knowledgeable in budgets and financial matters. The seventh member shall be appointed from the health care industry, and preferably shall not be directly involved in the State's health care delivery system. At least three members shall be present for a hearing.

#### 8:31-14.10 Determination of final payment role

(a) The information and reports furnished to the Commissioners, as outlined in Section 4 of this Subchapter, shall also be used to determine final payment rate as follows:

1. The final rate shall be determined retrospectively following adjustment of costs included in the original rate and comparison to certified actual costs for the budget year. Adjustments shall be made for:

- i. Volume variances;
- ii. Actual measured inflation of supplies;
- iii. Outpatient options elected;
- iv. Statutory adjustments, if any;
- v. Other items as may, in the judgment of the Department, be appropriate.

#### 8:31-14.11 Notification of final rate

(a) In accordance with N.J.A.C. 8:3-2.1, notification to a health care facility and its payors of its final rate shall be issued in the form of an administrative order over the signatures of the Commissioners of Health and Insurance promulgating its final rate and summarizing reasons for differences between certified actual costs and final rate. The health care facility or payors shall then take one of the following actions:

1. Acceptance of final rate;
2. Request for adjustment based on an error condition;
3. Appeal of final rate for other than an error condition:
  - i. Administrative appeals;
  - ii. Commissioners appeals board.

#### 8:31-14.12 Acceptance of final rate

Acceptance of final rate requires no positive action on the part of the health care facility. If a request for adjustment or an appeal has not been filed by a health care facility or payors with the Department within 30 days following receipt of notification of final rate, that rate shall be considered to have been accepted by the health care facility and payment by the payors would be adjusted to that final rate.

#### 8:31-14.13 Request for adjustment of final rate

If the health care facility, based on its review of the notification of final rate determination, believes that a computational error has been made, a request for adjustment may be filed with the Department of Health. Following a review of the facts by the analyst, and with the concurrence of his coordinator

and agency chief, an adjustment may be made. The health care facility shall have 30 days following receipt of notification of results of its request for adjustment to file an appeal with the Department of Health.

#### 8:31-14.14 Administrative appeal

Appeals from a final rate determination shall be scheduled to be heard by the agency chief within 30 days. The public may not be excluded from attendance at appeals. The agency chief shall render decisions in matters of apparent inequities where facts can be determined readily, and on issues peculiar to one institution, where the resolutions of same would not constitute policy making or have broad applicability, and shall be empowered to take actions in conformance with policies and guidelines prescribed by the Commissioners of Health and Insurance. If necessary, the agency chief would present the matter to the Deputy Commissioner. Those matters which cannot be resolved within the Department's administrative appeals mechanism may be appealed to the Commissioners' appeals board.

#### 8:31-14.15 Commissioners' appeals board

Appeals on matters of policy or on unresolved matters remaining subsequent to administrative appeals pertaining to the final rate shall be heard by a Commissioners' appeals board as outlined in Section 9 of this Subchapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

David A. Wagner  
Deputy Commissioner  
Office of the Commissioner  
State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### COMMUNITY HEALTH SERVICES

#### Proposed Amendment for Persons Entitled to Issue Prescriptions

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to adopt an amendment to N.J.A.C. 8:65-7.3 concerning persons entitled to issue prescriptions.

Full text of the proposed amendment follows:

8:65-7.3 (c) A prescription may not be issued for the dispensing of narcotic drugs listed in any schedule for "detoxification" or "maintenance treatment" as defined in N.J.A.C. 8:65-11.1 (b) and (c).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Donald J. Foley  
Chief, Drug Control  
State Department of Health  
1911 Princeton Avenue  
Trenton, New Jersey 08638

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

(a)

## HEALTH

### COMMUNITY HEALTH SERVICES

#### Proposed Amendment on Persons Entitled to Fill Order Forms

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to adopt an amendment to N.J.S.C. 8:65-6.8(a) concerning persons entitled to fill order forms.

Full text of the proposed amendment follows:

8:65-6.8 (a) 4. A person registered as a compounder of narcotic substances for use at off-site locations in conjunction with a narcotic treatment program at the compounding location, who is authorized to handle Schedule II narcotics, is authorized to fill order forms for distribution of narcotic drugs to off-site narcotic treatment programs only.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Donald J. Foley  
Chief, Drug Control  
1911 Princeton Avenue  
Trenton, New Jersey 08638

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

#### Proposed Revisions in Extension of Program Of Multiple Levels of Care in Skilled Nursing And Intermediate Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to

authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to extend the program of multiple levels of care in skilled nursing facilities and intermediate care facilities for an indefinite period.

The current text of N.J.A.C. 8:33-1.11(b) is proposed to be deleted and replaced with the new text below:

8:33-1.11(b) The program of multiple levels of care in skilled nursing facilities and intermediate care facilities is hereby extended for an indefinite period.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Arthur E. Brown  
Assistant Commissioner for Health Facilities  
State Department of Health  
John Fitch Plaza  
Trenton, New Jersey 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Revised Criteria for Mixed Obstetric and Gynecologic Floors

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt revised criteria for mixed obstetric and gynecologic floors in hospitals. Such revisions, if adopted, will replace the current text of Chapter 35, Subchapter 1, in Title 8 of the New Jersey Administrative Code.

The proposed revisions concern qualifications for participating hospitals, selection of the gynecologic and approved female surgical patients and rules governing their stay on the maternity floor, rules governing hospital care of patients, definitions and reporting.

Copies of the full text of eight pages of the proposed revisions may be obtained from:

Mrs. Wanda Schorn  
Standards and Special Studies  
Division of Health Facilities  
Post Office Box 1540  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to the Department of Health at the above address.

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

### COMMUNITY HEALTH SERVICES

#### Proposed Revisions for Persons Entitled to Fill Prescriptions

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to revise N.J.A.C. 8:65-7.6, concerning persons entitled to fill prescriptions. The current text of that Section is proposed to be deleted and new text adopted therein.

**Full text** of the proposed revised text follows:

8:65-7.6 Persons entitled to fill prescriptions

(a) The administering or dispensing directly (but not prescribing) of narcotic drugs listed in any schedule to a narcotic drug dependent person for "detoxification treatment" or "maintenance treatment" as defined in N.J.A.C. 8:65-11.1 (b) and (c) shall be deemed to be within the meaning of the term "in the course of his professional practice or research" in Section 308 (e) and Section 102 (20) of the Act (21 U.S.C. 828(e)) provided, that the practitioner is separately registered with the Attorney General as required by Section 303 (g) of the Act (21 U.S.C. 823 (g)) and this Department and then thereafter complies with the regulatory standards imposed relative to treatment qualification, security, records and unsupervised use of drugs pursuant to such acts and regulations.

(b) Nothing in this Section shall prohibit a physician who is not specifically registered to conduct a narcotic treatment program from administering (but not prescribing) narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral for treatment. Not more than one day's medication may be administered to the person or for the person's use at one time.

Such emergency treatment may be carried out for not more than three days and may not be renewed or extended.

(c) This Section is not intended to impose any limitations on a physician or authorized hospital staff to administer or dispense narcotic drugs in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment of conditions other than addiction, or to administer or dispense narcotic drugs to persons with intractable pain in which no relief or cure is possible or none has been found after reasonable efforts.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

Donald J. Foley  
Chief, Drug Control  
State Department of Health  
1911 Princeton Avenue  
Trenton, New Jersey 08638

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

(b)

## HEALTH

### THE COMMISSIONER

#### Amendment to Rule on Expiration Dates For Fluid Milk Products

On May 9, 1974, Dr. William J. Dougherty, pursuant to authority contained in N.J.S.A. 24:10-57.23, published in the New Jersey Register the full text of proposed rules on expiration dates for fluid milk products which were adopted and made effective June 12, 1974 as R. 1974 d. 143 (6 N.J.R. 264).

N.J.A.C. 8:21-4.44, Rules and regulations on expiration dates for fluid milk products, takes effect on December 31, 1974. At the time these rules and regulations were promulgated, the effective date was established to coincide with the date established by the U.S. Food and Drug Administration for compliance with new Federal labeling requirements. The Federal requirements will necessitate a complete labeling change for most milk products traveling in interstate commerce. Due to present market conditions such as inflation, shortages in both the plastic and paper industries, inability of suppliers of cartons and containers to make the necessary changes prior to December 31, 1974, and the total cost of the labeling changes which will run in the neighborhood of ten million dollars, the Food and Drug Administration has granted the dairy industry an extension of six months beyond the December 31, 1974 date.

Recognizing that similar market conditions exist in New Jersey, and that without an extension of time beyond the effective date of December 31, 1974, to comply with the expiration dates regulation, members of the dairy industry would be subjected to undue hardships which would mean a substantial increase in wasteful cost to the industry which ultimately would be passed on to the consumer. Without an extension, a chaotic situation would exist in the industry and at the same time would require companies to waste thousands of dollars by making piecemeal changes in labeling rather than doing the complete job at one time.

Therefore N.J.A.C. 8:21-4.44 is hereby amended by adding subsections (g) and (h) to the rules published on May 9, 1974:

(g) The Department will review on a case-by-case basis any written request for extension beyond the December 31, 1974 date to comply with the rules and regulations on expiration dates for fluid milk products. Individual companies shall, in addition to requesting an extension by letter, demonstrate to this Department why it is impossible to comply with this regulation. Extension requests shall be accompanied by:

1. Copies of current labeling for which extension is requested;
2. A statement of the total number of units for each product of noncomplying labeling for which the extension is requested;
3. Specific reasons why it is impossible to comply with this regulation by December 31, 1974;
4. A statement as to the estimated date by which new labeling can be employed.

(h) Companies requesting an extension will be notified in writing whether or not their request is granted, together with a

statement of the limitations imposed, if any.

An order adopting this amendment was filed December 30, 1974, as R.1974 d.361 (Exempt, Emergency Rule) to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Notice of Public Hearing on Proposed Definition of Soap

Take notice that a public hearing respecting the proposed definition of soap which appeared in the November 7, 1974, issue of the New Jersey Register at 6 N.J.R. 431 (a) will be held on Friday, February 21, 1975, at 10:00 A.M. in Training Room B, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Interested persons may present oral or written statements relevant to the proposed action at this hearing.

Persons intending to attend this public hearing are requested to notify:

Lucius A. Bowser, Acting Chief  
Drug Control Program  
New Jersey State Department of Health  
113 West State Street  
Trenton, New Jersey 08608  
Telephone — (609) 292-5277

Interested persons may present statements or arguments in writing relevant to the proposed action prior to or during the hearing.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rule on Reimbursement Of Third-Party Claims

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a new rule in the Hospital Services Manual, concerning reimbursement of third-party claims for hospital services.

Full text of the proposed rule follows:

10:52-1.15 Medicaid reimbursement for third-party claims for hospital services.

On claims for hospital services rendered to Medicaid recipients who are also covered by another form of medical insurance, the New Jersey Health Services Program shall pay the

lower of the per diem rate established for the provider of services applied to the number of covered inpatient days claimed less the amount of third-party reimbursement received by the provider, or the amount of total charges claimed less the amount of third-party reimbursement received by the provider.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before February 26, 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 this rule substantially as proposed without further notice.

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a new rule in the Skilled Nursing Home Services Manual concerning services furnished by intermediate care facilities.

Full text of the proposed rule follows:

10:63-1.14 Services; intermediate care facilities

The Skilled Nursing Home Services Manual designed for use by providers billing for services furnished under the New Jersey Health Services Program, "Medicaid or Title XIX" has expanded its provisions to cover services furnished by intermediate care facilities in addition to skilled nursing facilities. Until such time that this entire manual is updated to reflect this and other changes occurring; all policies and procedures contained in the Skilled Nursing Home Services Manual and the subsequent circular letters promulgated and which are now entitled long term care facilities circular letters, apply in whole or in part to the intermediate care facilities level.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before February 26, 1975 to:

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

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt this rule 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 Amendment on Definition of Office Visits

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt an amendment to the Physician Services Manual concerning the definition of routine or follow-up office visit, brief.

Full text of the proposed amendment follows:

#### 10:54-1.1 Definitions

"Routine or follow-up office visit, brief" means routine care and treatment by the physician including significant written progress note on office record which demonstrates positive findings and treatment changes. Minimum average time is five minutes.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before February 26, 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 this amendment substantially as proposed without further notice.

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(b)

# INSTITUTIONS AND AGENCIES

## DIVISION OF PUBLIC WELFARE

### Proposed New Assistance Standards Handbook

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt a new Assistance Standards Handbook which will replace the current Financial Assistance Manual in Chapter 82 of Title 10 in the New Jersey Administrative Code.

The proposed rules concern public assistance allowances for needy families and children, methods for evaluating the resources available to such persons, procedures for determining the amount of assistance grant and the amount of and criteria for payments additionally allowable for recognized services and for emergency assistance.

The full text of the approximately 60 pages of the proposed new rules may be obtained from:

Division of Public Welfare  
129 East Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975 to the Division of Public Welfare at the above address.

The Department of Institutions and Agencies, upon its own

motion or at the instance of any interested party, may thereafter adopt these rules 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

### Revisions to Hearing Aid Manual

On January 7, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to portions of Chapter 64, Hearing Aid Manual, in Title 10 of the New Jersey Administrative Code, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 108(a).

An order adopting these revisions was filed and effective January 22, 1975, as R.1975 d.14.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

# INSTITUTIONS AND AGENCIES

## DIVISION OF YOUTH AND FAMILY SERVICES

### Rules on Adoption Complaint Investigation Fees

On January 22, 1975, James G. Kagen, Director of the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 9:3-32 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedure rules concerning adoption complaint investigation fees.

Full text of the adopted rules follows:

#### SUBCHAPTER 3. ADOPTION COMPLAINT INVESTIGATION FEES

##### 10:121-3.1 Adoption complaint investigation

(a) The Division of Youth and Family Services, as an approved adoption agency in New Jersey, is authorized to conduct adoption complaint investigations (ACIs) and required to charge to the plaintiffs in such cases the costs of conducting such investigations, pursuant to N.J.S.A. 9:3-32.

(b) Chapter 3 of Title 9 permits eligible persons or families to adopt a child in New Jersey in one of two ways: indirectly, through an approved adoption agency; or directly, from the natural parents in what is known as a private or independent adoption. The independent adoption process requires the adopting parent to file a complaint with the court to adopt the child, after which the court orders an approved adoption agency to conduct the adoption complaint investigation. This

consists of a preliminary investigation into the circumstances of the placement and an evaluation of the suitability and fitness of the prospective adoptive parent(s) to adopt the child, a report of which is submitted to the court for preliminary hearing; "next friend" supervision of the placement for a 6-to-12-month period of time, as specified by the court at the preliminary hearing; and preparation and submission to the court of a final report of supervision and recommendations concerning the adoption. The court may then decide to approve or disapprove the adoption.

(c) The Division of Youth and Family Services hereby increases the fees it charges to conduct adoption complaint investigations so that they reflect more accurately the actual costs to the agency for completing such investigations, and so that they are more in line with fees charged by the approved adoption agencies in the State for this service.

(d) Coupled with these fee revisions, the Division is also instituting a sliding-fee-scale on which the said Division will seek to recoup the costs of ACI fees on the basis of a person's or family's ability to pay, so that persons with limited financial resources are not denied an opportunity to adopt a child because of an inability to pay for the investigation fees, which are required by law.

#### 10:121-3.2 Fees for adoption complaint investigation

(a) The fees for adoption complaint investigation services provided by the Division of Youth and Family Services are as follows:

- |  |           |
|--|-----------|
| 1. Preliminary services<br>(Investigation and report): | \$174.00; |
| 2. Supervision (per month):                            | \$36.00;  |
| 3. Final report:                                       | \$44.00.  |

#### 10:121-3.3 Fee to be paid by plaintiff

A statement reflecting the fee for adoption complaint investigation services shall be presented to the plaintiff in each adoption case in which the Division of Youth and Family Services provides such services for payment pursuant to N.J.S.A. 9:3-32. Such fee shall, where necessary, be reduced to an amount which reflects the ability of the plaintiff to pay for such services.

#### 10:121-3.4 Reduced fees

(a) Reduced fees, when warranted, shall be assessed on a monthly basis. The actual amount charged to the plaintiff shall be the lesser of:

1. The capacity of the plaintiff to pay for such services, calculated according to established procedures, based upon family size, including in such family the child proposed to be adopted, and family income; or
2. The maximum monthly charge for the service rendered, calculated as provided in Section 5 of this Subchapter.

#### 10:121-3.5 Maximum monthly charge

(a) The maximum monthly charge for preliminary services shall be one-third of the total fee for preliminary services, as provided in Section 2 of this Subchapter. Such amount shall be chargeable monthly for three months.

(b) Following the initial three months of payment, the maximum monthly charge shall be the sum of:

1. The monthly fee for supervision, as provided in Section 2 of this Subchapter; plus
2. A fraction of the cost of the final report equal to the cost of the final report, as provided in Section 2 of this Subchapter, divided by the number of months of supervision ordered by the court.

(c) The number of such payments shall equal the number of months of supervision ordered by the court.

An order adopting these rules was filed January 22, 1975, as R.1975 d.15 (Exempt, Procedure Rule) to become effective February 6, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Revised State Plan for Titles IV-A and IV-B Service Programs for Families and Children

On December 20, 1974, 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 revisions to the State Plan for Title IV-A and IV-B of the Social Security Act, Service Programs for Families and Children.

The revisions concern general provisions, organization and administration, mandatory services applicable to Title IV, Part A, mandatory services applicable to Title IV, Part B, other requirements applicable to Title IV, Parts A and B, optional provisions regarding services in aid to families with dependent children and optional provisions concerning child welfare services. Such revisions may be cited as N.J.A.C. 10:123-1.1 et seq.

The full text of the 62 pages of these revisions may be obtained or reviewed by contacting:

Division of Youth and Family Services  
Department of Institutions and Agencies  
State and Montgomery Streets  
Trenton, New Jersey 08625

An order adopting these revisions was filed and effective December 26, 1974, as R. 1974d. 355 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF CORRECTION AND PAROLE

#### Standards of the Division

On December 24, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new and revised standards for the Division of Correction and Parole. The revisions concern N.J.A.C. 10:35-60.3 while the remaining rules are new rules.

Full text of the adopted standards follows:

10:35-18.7 Correspondence in a language other than English

(a) All State correctional institutions permit incoming and outgoing correspondence of the inmates or residents to be in a language other than English.

(b) The authority for this standard is P.L. 1973, Chapter 88, approved April 24, 1973.

10:35-19.12 Correspondence in a language other than English

(a) All State correctional institutions permit incoming and outgoing correspondence of the inmates or residents to be in a language other than English.

(b) The authority for this standard is P.L. 1973, Chapter 88, approved April 24, 1973.

10:35-28.7 Correspondence in a language other than English

(a) All State correctional institutions permit incoming and outgoing correspondence of the inmates or residents to be in a language other than English.

(b) The authority for this standard is P.L. 1973, Chapter 88, approved April 24, 1973.

10:35-60.3 (b) 1. The number of officers required will depend on the inmate's transportation classification as outlined in standards previously adopted. The fee per officer, is the maximum salary of a correction officer at time-and-one-half.

2. Fee for mileage as set in the current State of New Jersey travel regulations is charged for the use of a State car. The overall charge for the vehicle is based on this times the number of miles to each county seat, doubled.

3. The projected number of meals for inmates and escorts is established and the fee charged for each meal is based on the rate in the current State of New Jersey travel regulation.

10:35-60.5 Waiver of payment by court order

According to Rule 1:13-2 of the New Jersey Rules of Court, the courts have the right to waive the payment of fees by the inmate when that inmate has applied for relief by reason of poverty.

SUBCHAPTER 65. VOLUNTEERS IN PAROLE PROGRAM

10:35-65.1 Objectives

The objectives are to develop and maintain a program which permits interested individuals, in the community, on a voluntary basis, to aid parolees to readjust to society and to lead productive and law abiding lives; and to establish policies governing the orderly administration of the volunteers in parole program by the New Jersey State Bureau of Parole.

10:35-65.2 Group served

Inmates/parolees from all State Correctional Institutions, except the Training School for Boys, Skillman who demonstrate problems and needs are served by these standards.

10:35-65.3 Responsibilities of the Bureau of Parole

(a) The Division's Bureau of Parole has the responsibility to develop and maintain a comprehensive set of written regulations which enable responsible individuals to actively participate in the program. These regulations specify: The staffing of the program and attendant responsibilities; the selection of inmates/parolees for the program; scheduling; length of stay in the program; the keeping of files and records; recruitment of volunteers; responsibilities of volunteers and termination of supervision.

(b) Any changes in the procedures pertaining to the operation of the program are reflected in prompt changes in the written regulations.

SUBCHAPTER 66. PROBABLE CAUSE HEARINGS ON ADULT, JUVENILE AND INDETERMINATE SENTENCES

10:35-66.1 Introduction

The probable cause hearing is an administrative hearing before the parole authority or its representative(s) at which the parolee is given an opportunity to respond to alleged parole violations. The paroling authority is provided an opportunity to determine whether there is probable cause to believe that the parolee has committed a violation of parole.

10:35-66.2 Group served

All adults, juveniles and indeterminate sentence parolees are entitled to have a probable cause hearing.

10:35-66.3 Responsibility of the Bureau of Parole

(a) The Bureau of Parole is responsible for developing a comprehensive set of written regulations regarding the conduct of probable cause hearings. These regulations provide for district office review; notices (to parolee) of probable cause hearing and waiver; the conduct and circumstances of the probable cause hearing; the duties and responsibilities of the hearing officer; the notice and distribution of probable cause decision; missing cases; out-of-State cases; and other matters related to the administration and regulation of probable cause hearings by the Bureau of Parole.

(b) Any changes in the procedures of the conduct of probable cause hearings are reflected in prompt changes in the written regulations.

SUBCHAPTER 67. DISTRIBUTION OF MONEY AND PERSONAL BELONGINGS OF DECEASED INMATES

10:35-67.1 Objective

The objective is to establish the method of distributing money and personal belongings of deceased inmates.

10:35-67.1 Intestate

(a) When an inmate dies without a will (intestate), institutional officials turn over the deceased inmate's money and personal belongings to the person who is appointed administrator of the inmate's estate in exchange for a release or receipt therefor.

(b) If the inmate's estate does not exceed \$2,500, then pursuant to N.J.S.A. 3A:6-6, one of his next-of-kin may file an affidavit in lieu of administration. In such a situation institutional officials may turn over the deceased inmate's money and personal belongings to the holder of the affidavit upon receipt of a copy of the affidavit.

10:35-67.3 Testate

When an inmate dies and has a will (testate), the institutional officials turn over all money and personal belongings to the executor of the estate in exchange for a release or receipt.

10:35-67.4 Authority

An opinion of the Attorney General dated September 19, 1974, and N.J.S.A. 3A:6-6.

SUBCHAPTER 68. INMATES' PERSONAL SAVINGS ACCOUNTS

#### 10:35-68.1 Introduction

(a) It has been the administrative policy of the Prison Board of Trustees for some time to permit inmates to establish personal savings accounts outside the institution but withdrawals have not been permitted while the inmate remains confined in the institution. The Prison Board of Trustees passed a resolution on December 20, 1973, which would allow inmates to make deposits and withdrawals in their personal savings accounts with the approval of the superintendent of the institution. The inmate does not have a right to maintain such an account but it is a privilege granted at the discretion of the Board. The privilege of allowing inmates to maintain a personal savings account and to make withdrawals are subject to the approval of the superintendent of the institution.

(b) The Office of the Attorney General advised the Commissioner, Department of Institutions and Agencies on May 2, 1974, that the Prison Board of Trustees had the administrative power to permit withdrawals from inmates' personal savings accounts with the approval of the superintendent of the institution.

#### 10:35-68.2 Objectives

The objectives are to establish policies and procedures by which inmates may establish personal savings accounts and to which accounts deposits and withdrawals can be made upon approval of the superintendent of the institution.

#### 10:35-68.3 Establishing accounts

Inmates are permitted to establish separate bank accounts in banks outside the correctional institution with the approval of the superintendent.

#### 10:35-68.4 Deposits and withdrawals

Inmates are allowed to deposit in their personal savings accounts monthly and withdrawals can be made with the approval of the superintendent.

#### 10:35-68.5 Authority

The authority is a memorandum from the Director dated May 8, 1974, and an opinion from the Attorney General's office prepared by Deputy Attorney General Lawrence J. Greenberg dated May 2, 1974.

An order adopting these standards was filed and effective December 27, 1974, as R.1974 d.356 (Exempt, Exempt Agency).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Notice of Typographical Error in Prior Notice

Take notice that, in the Notice published January 9, 1975, at 7 N.J.R. 9(a), concerning the Department of Institutions and Agencies' adoption of rules concerning plans of correction for deficiencies, the last paragraph incorrectly stated the effective date and document citation of such rules. That

paragraph stated in error that such rules were filed and effective December 19, 1974, as R.1974 d.348 (Exempt, Procedure Rule).

The text should have stated that such rules were filed and effective December 17, 1974, as R.1974 d.343 and were not Exempt, Procedure Rules since they were previously proposed in the Notice published November 7, 1974, at 6 N.J.R. 431(b).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## LABOR AND INDUSTRY

### DIVISION OF WORKMEN'S COMPENSATION

#### Proposed Revisions to Division's Rules

Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-1 et seq., proposes to adopt revisions to the rules of the Division of Workmen's Compensation. Such revised rules, if adopted, will be included in a new Chapter 235 in Subtitle M of Title 12 in the New Jersey Administrative Code.

The proposed revisions concern definitions and general provisions, conduct of hearing officials, conduct of State physicians, procedures for filing petitions for formal hearings, procedures for conducting formal hearings, procedures for filing of petitions for informal hearings, procedures for conducting informal hearings, filing and procedure for second injury fund applications, commutation of award, accident reports and discrimination complaints.

Copies of the full text of 50 pages of the proposed revisions may be obtained, or made available for review, from:

Department of Labor and Industry  
Attn: Maryann Polaski  
Room 602  
Labor and Industry Building  
John Fitch Plaza  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to the Department of Labor and Industry at the above address.

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

Joseph A. Hoffman  
Commissioner  
Department of Labor and Industry

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF MEDICAL EXAMINERS

##### Rule on Minimum Standards for Eyeglasses

On September 5, 1974, John J. McGuire, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applica-

ble provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 13:35-5.1, concerning minimum standards for eyeglasses, substantially as proposed in the Notice published August 8, 1974, at 6 N.J.R. 324(a), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

An order adopting this rule was filed and effective December 20, 1974, as R.1974 d.353.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Revisions Concerning Accident Reporting

On December 19, 1974, Anthony J. Grossi, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 14:11-5.4 concerning accident reporting as proposed in the Notice published November 7, 1974, at 6 N.J.R. 451(c).

An order adopting these revisions was filed and effective January 17, 1975, as R.1975 d.8.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Revisions for Electrical Inspection Authorities

On January 2, 1975, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:7-14, 48:7-15 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to various Sections of Subchapter 7, Chapter 5, of Title 14 of the New Jersey Administrative Code concerning electrical inspection authorities, substantially as proposed in the Notice published September 5, 1974, at 6 N.J.R. 353(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Public Utilities.

The substantive changes mainly concern revised text of N.J.A.C. 14:5-7.10 Inspection procedure. New text of that Section follows in full:

14:5-7.10 Inspection procedure

(a) Each electrical inspection authority shall accept applications for electrical inspection only from a person, firm or corporation holding a permit pursuant to N.J.S.A. 45:5A-1 et seq., or from a person for such work exempted under N.J.S.A. 45:5A-18.

(b) Except when new service entrance equipment and internal wiring is installed, altered or changed, applications for electrical inspections made by any person required for pur-

poses such as safety, insurance, mortgage placement, etc. shall be accepted by all electrical inspection authorities.

(c) No electrical inspection for any stage of electrical construction shall be made by any electrical inspection authority until the applicant submits a written legible application, except where authorized by the Board.

(d) The application shall clearly indicate the postal address of the electrical construction, the stage of the electrical construction and whether the applicant has made application for any stage of the electrical construction to any other electrical inspection authority.

(e) No electrical inspection authority shall accept an application from a person, firm or corporation holding a permit pursuant to N.J.S.A. 45:5A-1 et seq. unless such application is signed by the applicant and clearly indicates the business permit number issued by the Board of Examiners of Electrical Contractors under which application is made.

(f) No electrical inspection authority shall accept an application from a person for electrical construction exempted under N.J.S.A. 45:5A-18 unless such application is signed by the applicant and accompanied by an affidavit stating that the electrical construction for which electrical inspection is sought was performed by the applicant or a member or members of his immediate family.

(g) An electrical inspection authority shall not accept an application if the customer had previously made application to another electrical inspection authority for inspection of any stage of the same electrical construction, except where authorized by the Board.

(h) When new service entrance equipment and internal wiring is installed, altered or changed, each electrical inspection authority shall forward to the utility and the municipality concerned:

1. Legible copies of applications for inspection within ten working days of the receipt of such applications;

2. Copies of violation notices, if any, and cut-in cards or approval certificates, as applicable, within 15 working days of such issuance.

(i) All notices of violations and cut-in cards or approval certificates shall be signed by the electrical inspector involved and shall clearly indicate his full name and license number issued by the Board.

(j) Temporary cut-in cards shall be valid for a period of 45 days. Renewal of temporary cut-in cards may be made once, not to exceed a date more than 90 days from the issuance of the initial temporary cut-in card. The utility concerned is prohibited from servicing the electrical construction on the basis of a temporary cut-in card beyond 90 days from the issuance of the initial temporary cut-in card, unless otherwise authorized by the Board.

(k) Violation and approval stickers shall be signed, dated and affixed to a conspicuous location on the electrical construction only by the electrical inspector involved at the time and place of the electrical inspection.

(l) Disputes between the applicants and the electrical inspection authorities on the interpretation of applicable codes shall be filed with the secretary of the Board for determination.

An order adopting these revisions was filed and effective January 21, 1975, as R.1975 d.12.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

# PUBLIC UTILITIES

## BOARD OF PUBLIC UTILITY COMMISSIONERS

### Notice of Electrical Inspector's Examinations

Take notice that the Board of Public Utility Commissioners has issued the following Notice concerning electrical inspector's examinations:

Pursuant to N.J.S.A. 48:7-14, 7-15 and N.J.A.C. 14:5-4.1 et seq., notice is hereby given that the Board of Public Utility Commissioners will hold the examinations for persons seeking electrical inspector licenses on Friday, April 18, 1975, Friday, August 22, 1975, and Friday, December 19, 1975, at Room 104, 80 Mulberry Street, Newark, New Jersey at 10:00 A.M.

Application forms may be procured from the Board's offices at Room 210, 101 Commerce Street, Newark, New Jersey or at the National State Building, Room 407, 28 West State Street, Trenton, New Jersey.

Completed application forms together with fees in the amount of \$25.00 for initial examination or \$15.00 for reexamination must be filed at the Board's office at 101 Commerce Street, Newark, New Jersey 07102, ten working days prior to the listed examination dates. All checks should be made payable to Treasurer, State of New Jersey, and such fees are not refundable.

This Notice is published as a matter of public information.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

# TRANSPORTATION

## THE COMMISSIONER

### Proposed Rules on Senior Citizens Half-Fare Bus Program

Alan Sagner, Commissioner of Transportation, pursuant to authority of Chapter 126, Laws of 1973, proposes to adopt new rules concerning the senior citizens half-fare bus program.

Full text of the proposed rules follows:

#### CHAPTER 51

#### SENIOR CITIZENS HALF-FARE BUS PROGRAM

#### FORWARD

In accordance with Chapter 126, Laws of New Jersey, 1973 approved May 10, 1973 the Commissioner of Transportation was authorized and directed to establish and implement, within 120 days of the effective date of this Act, a program to provide intrastate bus passenger service for persons 62 years of age or older during offpeak hours on regular routes of carriers within the State, at one-half the adult rate of fare; the reduced fare program for senior citizens was implemented and effective on September 10, 1973. The Commissioner of Transportation was further authorized to promulgate necessary rules and regulations pursuant to the provisions of this law.

The following rules and regulations formally establish the bus transportation program, and prescribe the procedures for determining the eligibility of persons to receive the reduced fare, for making such reduced fares available to eligible persons, and for making payments to the carriers for services provided to senior citizens under the program.

#### SUBCHAPTER 1. INTRODUCTION

##### 16:51-1.1 Definitions

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

"Commissioner" means the Commissioner of Transportation; provided, however, that he may delegate any of his powers or duties under C.126, P.L. 1973 to any subordinate division, agency or employee of the Department of Transportation.

"Carrier" means any individual, copartnership, joint stock company, public agency, trustee or receiver operating motor buses on established routes within the State.

"Half-fare" means exactly one-half the regular adult fare.

"Intrastate trip" means any regularly scheduled trip where the passenger may board the bus and leave the bus in the State of New Jersey without the possibility of leaving the bus in a foreign state.

"Motor bus - autobus" means as defined in R.S. 48:4-1, and includes those autobuses commonly called jitneys, as defined in R.S. 48:16-23.

"Odd nickel" means where the regular adult fare of the carrier ends in the integer five and the half-fare is rounded to the nearest fare divisible by five, the odd-nickel is the difference between the two possible integer fares divisible by five.

"Offpeak times" means the hours from 9:30 A.M. to 4:00 P.M. and from 7:00 P.M. to 6:00 A.M. during weekdays; and all day on Saturday, Sunday and holidays.

"Regular adult fare" means the regular adult one way or round trip fare as set forth in the tariffs of said carriers filed with the Board of Public Utility Commissioners or the Commuter Operating Agency or as provided under permit of municipal consent.

"Senior citizens" means any resident of this State of the age 62 years or older.

"Regular routes" means all routes of the carrier authorized by the Board of Public Utility Commissioners or the Commuter Operating Agency, and all jitney and other routes operated under a schedule along routes provided for by municipal consent.

##### 16:51-1.2 Excluded trips

Exclusions to this program are that persons 62 years or older are not permitted to ride at one-half fare on interstate, school, charter, demand activated, special or excursion bus services, and that portion of a trip on a regularly scheduled route for which a transfer is used.

##### 16:51-1.3 General information pamphlet

(a) The informational brochure contains the general provisions of the legislation, definitions and exclusions, and an application blank together with instructions for completion of the form and procedures for registration.

(b) The pamphlets are available from participating banks, and county offices on aging.

#### SUBCHAPTER 2. APPLICATION

(Continued on page 31)

# 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)
2:5-2.1(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)
2:54-3.3	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)
2:67-1.1	Prompt settlement	R. 1974 d.42	6 N.J.R. 96(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)
3:1-2.26	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)
3:8-3.1	Revisions on reserves of banks not members of Federal Reserve System	R. 1974 d.358	7 N.J.R. 45(b)
		R. 1974 d.357	7 N.J.R. 45(a)
3:8-5.1	Revisions on reserve required by savings banks	R. 1974 d.78	6 N.J.R. 168(a)
3:10-4.1 et seq.	Revisions in ratio of mortgage loan to appraised value	R. 1974 d.93	6 N.J.R. 168(b)
3:11-1.1	Revised listing of obligations	R. 1974 d.145	6 N.J.R. 256(a)
3:11-8.1	Investment securities; savings banks	R. 1974 d.314	6 N.J.R. 464(a)
3:12-1.1 et seq.	Rules on registrars and transfer agents	R. 1974 d.7	6 N.J.R. 51(a)
3:16-2.1	Revisions concerning pawnbroking service charges	R. 1974 d.135	6 N.J.R. 255(a)
3:18-8.1	Banking institution	R. 1974 d.199	6 N.J.R. 298(a)
3:18-9.1 et seq.	Interest rate regulation Number 1		
<b>CIVIL SERVICE — TITLE 4</b>			
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)
<b>COMMUNITY AFFAIRS — TITLE 5</b>			
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)

## EDUCATION — TITLE 6

6:1-2.2	Revisions concerning regular meetings	R. 1974 d.38	6 N.J.R. 100(b)
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)
7:6-5.2	Repeal rule on registration for livery vessels	R. 1974 d.102	6 N.J.R. 178(a)
7:7A-1(a)14.	Extend wetland order to portions of Salem County	R. 1974 d.188	6 N.J.R. 306(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.	Revised 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. 0000
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)
7:25-2.15	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)
7:25-9.2	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. 48(a)
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)
7:27-12.6	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)
7:27B-1.1 et seq.	Sampling and analytical procedures	R. 1974 d.360	7 N.J.R. 48(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)
8:32-1.1 et seq.	1974-75 State Plan for hospitals and related health care services	R. 1974 d.196	6 N.J.R. 310(f)
8:32-3.1	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)
8:33-1.12	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)
8:37-1.1 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)
8:65-2.4(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)
8:65-10.1	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)

## HIGHER EDUCATION — TITLE 9

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)

## INSTITUTIONS AND AGENCIES — TITLE 10

10:35-1.1 et seq.	Standards of the Division of Correction and Parole	R. 1973 d.349	6 N.J.R. 15(c)
10:35-7.4(b) et seq.	Revised standards	R. 1974 d.273	6 N.J.R. 432(b)
10:35-18.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-19.12	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-28.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.3(b)	Revised fee schedules	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.5	Waiver of payment by court order	R. 1974 d.356	7 N.J.R. 59(b)
10:35-63.1 et seq.	Inmate responsibility for personal property of substantial value	R. 1974 d.273	6 N.J.R. 432(b)
10:35-64.1 et seq.	Inmate marriages	R. 1974 d.273	6 N.J.R. 432(b)
10:35-65.1 et seq.	Volunteers in parole program	R. 1974 d.356	7 N.J.R. 59(b)
10:35-66.1 et seq.	Probable cause hearing	R. 1974 d.356	7 N.J.R. 59(b)
10:35-67.1 et seq.	Distribution of money and personal belongings of deceased inmates	R. 1974 d.356	7 N.J.R. 59(b)
10:35-68.1 et seq.	Inmates' personal savings accounts	R. 1974 d.356	7 N.J.R. 59(b)
10:37-6.1 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)
10:49-1.20	Multi-location providers	R. 1973 d.323	5 N.J.R. 420(b)
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)
10:54-1.19	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)
10:62-1.1 et seq.	Revisions to vision care manual	R. 1974 d.181	6 N.J.R. 312(c)
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)
10:63-3.1 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)
10:81-24.94	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)
10:81-28.3	Recoupment of overpayments	R. 1974 d.287	6 N.J.R. 435(b)
10:81-28.4	Periodic notice to client	R. 1974 d.287	6 N.J.R. 435(b)
10:82-1.1	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)
10:82-3.2	AFDC program	R. 1974 d.205	6 N.J.R. 312(b)
10:82-3.2(b)	Eligible unit	R. 1973 d.242	5 N.J.R. 341(b)
10:82-3.3	AFWP program	R. 1973 d.239	5 N.J.R. 340(e)
10:82-4.2(a)	Extensive personal services	R. 1973 d.237	5 N.J.R. 340(c)
10:82-4.3(b)	Adult eligibility	R. 1973 d.315	5 N.J.R. 415(c)
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)
10:82-5.4(e)	Calculated earned income	R. 1973 d.243	5 N.J.R. 341(c)
10:82-7.1(a)6.	Delete rule on income	R. 1973 d.241	5 N.J.R. 341(a)
10:82-8.1	Stepparents	R. 1973 d.240	5 N.J.R. 340(f)
10:82-10.1	Overpayments, underpayments	R. 1974 d.287	6 N.J.R. 435(b)
10:82-10.2(b)	Eligible unit; undue hardship	R. 1973 d.238	5 N.J.R. 340(d)
10:82-11.6(g)12.	Subsidization of adoption	R. 1973 d.235	5 N.J.R. 340(a)
10:82-11.10	Obligatory and nonobligatory contributions	R. 1973 d.244	5 N.J.R. 341(d)
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)
10:82-12.2(f)	Child care service	R. 1973 d.236	5 N.J.R. 340(b)
10:82-12.8	Temporary care arrangement for ADC children	R. 1973 d.236	5 N.J.R. 340(b)
10:82-12.9(a)	Homemaker service	R. 1973 d.237	5 N.J.R. 340(c)
10:85-11.6(a)	Revisions in payments to hospitals	R. 1974 d.288	6 N.J.R. 436(a)
10:98-1.4	Vocational rehabilitation services	R. 1974 d.76	6 N.J.R. 195(b)
10:100-1.1 et seq.	Service programs for the aged, blind or disabled persons	R. 1974 d.85	6 N.J.R. 195(d)
10:106-1.1 et seq.	Ruling Number 11	R. 1974 d.23	6 N.J.R. 117(a)
10:109-1.1 et seq.	Physical facilities	R. 1973 d.290	5 N.J.R. 379(b)
10:109-1.1 et seq.	Revisions concerning public assistance staff development program	R. 1974 d.179	6 N.J.R. 312(e)
10:109-1.6(a)	Revisions concerning educational leave stipends	R. 1974 d.248	6 N.J.R. 399(a)
10:109-2.1 et seq.	Ruling Number 11; classification and compensation plan	R. 1974 d.211	6 N.J.R. 351(a)

10:120-1.1 et seq.	Rules governing administrative hearings	R. 1974 d.160	6 N.J.R. 264(e)
10:121-3.1 et seq.	Adoption complaint investigation fees	R. 1975 d.15	7 N.J.R. 58(c)
10:122-1.2	Standards of approval for child care centers	R. 1974 d.97	6 N.J.R. 196(a)
10:122-2.1 et seq.	State Plan for services to families and children	R. 1973 d.279	5 N.J.R. 379(a)
10:123-1.1 et seq.	Service programs for families and children	R. 1974 d.85	6 N.J.R. 195(d)
10:123-1.1 et seq.	Repeal rules concerning intercounty adoptions	R. 1974 d.109	6 N.J.R. 245(b)
10:123-1.1 et seq.	Revised State Plan for services to families and children	R. 1974 d.232	6 N.J.R. 351(b)
10:123-1.1 et seq.	Revised State Plan for families and children	R. 1974 d.355	7 N.J.R. 59(a)
10:123-1.10	Revisions concerning staff development	R. 1974 d.164	6 N.J.R. 266(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)
10:140-1.1 et seq.	1975 State Plan annual revision	R. 1974 d.165	6 N.J.R. 266(c)
11:1-1.1	Revised Departmental organization chart	R. 1974 d.89	6 N.J.R. 199(a)
11:1-5.1	Deduction of exhaustion of Motor Vehicle Liability Security Fund	R. 1974 d.237	6 N.J.R. 351(d)
11:1-5.2	New Jersey Special Joint Underwriting Association	R. 1974 d.259	6 N.J.R. 407(a)
11:1-5.2(e)	Establishing means of proving coverage and eligibility for protection	R. 1974 d.274	6 N.J.R. 436(b)
11:2-1.3(f)	Ticket-selling insurance agents' education requirements	R. 1974 d.327	7 N.J.R. 10(a)
11:2-12.1 et seq.	Mass marketing of property and liability insurance	R. 1974 d.271	6 N.J.R. 408(a)
11:2-13.1 et seq.	Group coverage discontinuance and replacement	R. 1974 d.274	6 N.J.R. 409(a)
11:2-15.1	Cancellation of property and liability policies; insolvent insurers	R. 1974 d.190	6 N.J.R. 323(a)
11:2-16.1	Guaranteed arrest bond certificates of automobile club undertaking	R. 1974 d.282	6 N.J.R. 437(a)
11:3-6.2(b)4.viii.	Amend rules on insurance identification cards	R. 1973 d.247	5 N.J.R. 350(b)
11:3-6.3(b)5.iv.	Revisions concerning temporary identification cards	R. 1974 d.208	6 N.J.R. 322(b)
11:4-8.1 et seq.	Rules on charitable annuities	R. 1974 d.258	6 N.J.R. 399(c)
11:5-1.2	Amendment concerning salesmen applications	R. 1974 d.307	6 N.J.R. 478(e)
11:5-1.3	Amendment concerning broker applications	R. 1974 d.307	6 N.J.R. 478(e)
11:5-1.25(b)14.	Amend sales rule	R. 1974 d.71	6 N.J.R. 151(b)
11:5-1.27	Amendment concerning educational requirements	R. 1974 d.307	6 N.J.R. 478(e)

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12:15-1.3	Revised maximum weekly benefits rates	R. 1974 d.236	6 N.J.R. 352(b)
12:18-3.1(f) and (g)	Revisions of fees under State Plan for temporary disability benefits	R. 1974 d.284	6 N.J.R. 437(b)
12:122-1.1 et seq.	Repeal rules on local exhaust systems	R. 1974 d.136	6 N.J.R. 267(a)
12:146-1.1 et seq.	Repeal rules on machinery with rolls	R. 1974 d.138	6 N.J.R. 267(c)
12:171-1.1 et seq.	Repeal rules on short-rise material handling lifts	R. 1974 d.137	6 N.J.R. 267(b)

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13:2-6.3(c)	Repeal portion of ABC liquor transfer rule	R. 1974 d.4	6 N.J.R. 82(a)
13:2-13.1 et seq.	Employment of convicted persons; crimes of moral turpitude	R. 1974 d.40	6 N.J.R. 119(c)
13:2-21.30	Revisions concerning law enforcement officers	R. 1974 d.341	7 N.J.R. 13(a)
13:2-31.1	Revised schedule of retail prices filed with the Director	R. 1974 d.349	7 N.J.R. 13(b)
13:2-31.8	Revised trading areas for malt alcoholic beverages	R. 1974 d.349	7 N.J.R. 13(b)
13:2-31.9	Revised inspection of price schedules	R. 1974 d.349	7 N.J.R. 13(b)
13:2-34.2	Revisions concerning schedule filing dates and contents	R. 1974 d.239	6 N.J.R. 410(b)
13:2-37.1	Revised definitions	R. 1974 d.239	6 N.J.R. 410(b)
13:12-1.1	Admission procedures of volunteer fire departments	R. 1974 d.163	6 N.J.R. 269(b)
13:18-3.1 et seq.	Rules on overwidth vehicles	R. 1974 d.30	6 N.J.R. 120(a)
13:20-7.1	Adjustments, corrections or repairs of motor vehicles	R. 1974 d.28	6 N.J.R. 119(b)
13:21-14.8 et seq.	Bus driver licensing regulations	R. 1973 d.328	6 N.J.R. 21(b)
13:30-1.12(g)	Revisions in licensure of dental candidates	R. 1974 d.110	6 N.J.R. 246(d)
13:30-2.9(h)	Revisions in licensure of candidates in dental hygiene	R. 1974 d.111	6 N.J.R. 247(a)
13:33-1.13 et seq.	Revised rules for ophthalmic dispensers and technicians	R. 1974 d.66	6 N.J.R. 153(a)
13:33-1.38	Minimum standards and tolerances	R. 1974 d.262	6 N.J.R. 411(a)
13:33-1.41	Fee schedules	R. 1974 d.309	6 N.J.R. 487(a)
13:35-5.1	Minimum standards for eyeglasses	R. 1974 d.353	7 N.J.R. 61(c)
13:35-6.10	Countersigning of orders and prescriptions of unlicensed physicians	R. 1974 d.337	7 N.J.R. 12(a)
13:35-6.11	Prohibiting kickbacks or rebates for services not rendered	R. 1974 d.280	6 N.J.R. 451(a)
13:36-1.6	Revised fees and charges	R. 1974 d.281	6 N.J.R. 451(b)
13:37-2.7	Examinations	R. 1974 d.92	6 N.J.R. 201(a)
13:37-3.7	Delete rule on Puerto Rican nurses	R. 1974 d.92	6 N.J.R. 201(a)
13:37-9.5	Examinations	R. 1974 d.92	6 N.J.R. 201(a)
13:37-12.1	Fee schedule; Board of Nursing	R. 1974 d.189	6 N.J.R. 324(b)
13:39-9.16	Fee schedules	R. 1974 d.305	6 N.J.R. 486(a)
13:45A-9.1 et seq.	Rules for advertising and marketing practices	R. 1974 d.15	6 N.J.R. 82(b)

13:45A-10.1 et seq.	Servicing and repairing of home appliances	R. 1974 d.16	6 N.J.R. 82(c)
13:46-4.6(c)	Revised license fee	R. 1974 d.331	7 N.J.R. 12
13:47A-1.1(a) 3.	Revised fee for application for registration	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-3.1(c)	Revised fee for application	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-5.2	Revised fee for application renewal	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-6.1	Revisions on qualification of issue	R. 1974 d.278	6 N.J.R. 450(c)
13:47A-9.1	Repeal rule on requirements for qualification	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-9.14	Repeal rule on number of offers for exemption restriction	R. 1974 d.350	7 N.J.R. 13(d)
13:47A-10.2	Repeal rule on claims for exemption	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-10.3	Effective date of initial applications	R. 1974 d.352	7 N.J.R. 14(a)
13:47A-15.1	Revisions concerning prospectuses	R. 1974 d.279	6 N.J.R. 450(d)
13:47A-18.1	Revisions concerning prefilling materials and contents	R. 1974 d.351	7 N.J.R. 13(c)

## PUBLIC UTILITIES — TITLE 14

14:1-6.16(a)5.	Revisions concerning tariff filings	R. 1974 d.98	6 N.J.R. 202(a)
14:1-6.16(b)2.	Service on the Public Advocate	R. 1974 d.157	6 N.J.R. 269(c)
14:1-10.11	Rule on hearing procedures	R. 1974 d.313	6 N.J.R. 487(b)
14:5-7.1 et seq.	Revisions on electrical inspection authorities	R. 1975 d.12	7 N.J.R. 62(b)
14:6-1.4 et seq.	Rules on gas safety	R. 1974 d.87	6 N.J.R. 201(d)
14:11-5.4	Revisions on accident reporting	R. 1975 d.8	7 N.J.R. 62(a)

## STATE — TITLE 15

15:10-1.1 et seq.	Voter registration by mail	R. 1974 d.270	6 N.J.R. 412(b)
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## TRANSPORTATION — TITLE 16

16:27-1.3	Revisions in reduction of rates of speed	R. 1974 d.48	6 N.J.R. 155(a)
16:27-1.7	Control of traffic and parking on N.J.D.O.T. property	R. 1974 d.122	6 N.J.R. 250(b)
16:28-1.1	Rates of speed on State highways	R. 1974 d.115	6 N.J.R. 250(a)
16:28-1.25 et seq.	Revised 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)
16:28-1.63	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)
16:28-1.111	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)
16:28-1.157	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)
16:28-1.160	Speed limits on portions of Route I-78	R. 1974 d.340	7 N.J.R. 32(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 16:28-3.19	Rules on restricted parking on Routes 7, 28, US 46, 47 and 77	R. 1974 d.159	6 N.J.R. 276(c)
16:28-3.20 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)
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)
16:39-3.1 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)
17:2-1.13 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)
17:9-5.4	Revisions on local employer payment of dependent charges	R. 1974 d.229	6 N.J.R. 360(d)
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)
17:16-7.3	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)
17:20-5.10	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)
18:6-1.1	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-1.16	Electronic Data processing and tax assessment lists	R. 1974 d.242	6 N.J.R. 414(c)
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)
18:26-8.10	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. 19u4 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)
19:9-1.18	Noise limits on Turnpike	R. 1974 d.227	6 N.J.R. 370(c)
19:10-1.1	PERC amends employee definitions	R. 1974 d.56	6 N.J.R. 159(a)

(Continued from page 23)

16:51-2.1 Registration for identification card

(a) In order to participate in the reduced fare program, a form for a reduced fare identification card must be completed by all prospective senior citizens.

(b) Upon completion of the application, the senior citizen shall take the application, together with the following documents, to the closest bank or county office on aging:

1. Proof of age: that is driver's license, birth certificate, high school diploma, passport, military discharge papers (DD214) or any other valid legal document;

2. Proof of residence in New Jersey: that is bank statements, utility bills, department store charge plates, and so forth;

3. Social Security card.

(c) Authorized personnel of the local bank or county office on aging will examine the required papers and will then certify as to the eligibility of the applicant. The bank or county office on aging will then forward the completed application to the Department of Transportation for processing.

(d) The Department of Transportation will process the application, and mail to the individual senior citizen at their home address an authorized senior citizen reduced fare card.

16:51-2.2 Identification cards

(a) Senior citizens must present a properly validated identification card to the motor bus operator as proof of being qualified to participate in the reduced fare program.

(b) Upon presenting the identification card to the motor bus operator and one reduced fare ticket, the senior citizens will pay one-half of the regular one-way adult fare, adjusted downwards to the nearest five cents, and then be transported to their desired destination.

(c) The New Jersey senior citizens reduced fare card, which is not transferable, may be used only by the person to whom it is issued, and must be kept in that person's possession during the entire ride.

(d) If the identification card is lost or stolen, application for a new card may be made as prescribed in subsections (a), (b), (c) and (d) of Section 1 of this Subchapter.

16:51-2.3 Reduced fare tickets

(a) In order to use public transportation at one-half fare, the senior citizen must present to the motor bus operator one reduced fare ticket and a valid reduced fare identification card for each ride.

(b) To obtain a book of reduced fare tickets, the senior citizen

will complete an application for one book of reduced fare tickets at a cooperating bank or county office on aging and present the application with a valid reduced fare identification card. An authorized person will examine the application and issue a book of tickets.

(c) The New Jersey reduced fare ticket book and the tickets therein is nontransferable, and may be used only by the person to whom it is issued.

(d) The unauthorized transfer of reduced fare tickets is fraudulent and will be prosecuted in accordance with the laws of the State of New Jersey.

SUBCHAPTER 3. AGREEMENTS WITH CARRIERS FOR SERVICE AND PAYMENT

16:51-3.1 Operating contracts with carriers

The Department of Transportation shall enter into agreements with any carrier who desires to participate in the reduced fare program to provide bus passenger service for senior citizens. Each contract shall contain provisions for payments to the carriers based on data developed from a survey of senior citizen ridership.

16:51-3.2 Method of payments to carriers

(a) Reimbursement to the carrier shall be an amount equal to the number of eligible trips by senior citizens participating in the program on the carrier's buses multiplied by the average fare for such trips, provided, however, that the total payments to carriers do not exceed the total appropriation for this program.

(b) The number of senior citizens and the average fare shall be determined by a statistically validated survey of the carrier's operations.

16:51-3.3 Statistically validated survey

(a) The Department of Transportation may perform surveys from time to time as it determines necessary and combine the results with other data and statistics it deems pertinent to compute the average fare. The average fare shall reflect the operations of the carrier during the entire contract period.

(b) The carrier shall collect one reduced fare ticket for each eligible ride for service rendered at half-fare during off peak times only. The Department of Transportation shall provide requirements for the handling and reporting of ticket collections in agreements entered into pursuant to N.J.A.C. 16:51-3.1.

(c) The Department of Transportation may require by

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)
19:15-4.1	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)

agreements entered into pursuant to N.J.A.C. 16:51-3.1 that the participating carriers maintain records of eligible trips and senior citizen revenues independent of ticket collections and surveys performed by the Department of Transportation so as to provide a means of auditing and accounting to insure that the carrier does not receive payments in excess of the value of services actually rendered.

(d) The Department of Transportation may provide for discontinuance of the use of the reduced fare ticket system in agreements entered into pursuant to N.J.A.C. 16:51-3.1.

(e) The Department of Transportation may use the results of reduced fare ticket collections, surveys, auditable records and other accurate means for determining eligible trips as it may find necessary to assure that the carrier does not receive payments in excess of the value of services actually rendered.

**16:51-3.4 Fares**

(a) Each participating carrier shall collect a half-fare as defined in N.J.A.C. 16:51-1.1 except that in the instance of an odd-nickel the fare charged the senior citizen shall place the burden of the odd-nickel on the carrier at the time of fare collection. The carrier may provide an alternative to establish an exact half-fare system in an odd-nickel situation provided that such alternative is authorized by the Department of Transportation prior to its implementation.

(b) The Department of Transportation shall consider the extent to which the carrier has assumed the cost burden of the odd-nickel and provide for the reimbursement of such cost in the computation of the average fare in N.J.A.C. 16:51-3.3(a).

**SUBCHAPTER 4. DELEGATION OF POWERS FOR SENIOR CITIZENS HALF-FARE BUS PROGRAM**

**16:51-4.1 General provisions**

Pursuant to the authority delegated by N.J.S.A. 27:1A-65a, the Assistant Commissioner for Public Transportation is hereby authorized to exercise all the powers and duties conferred upon the Commissioner of Transportation by N.J.S.A. 27:1A-64 to 72 (L. 1973, c. 126), entitled "An act authorizing the Commissioner of Transportation to establish a program to provide motor bus transportation services to senior citizens at reduced fares, and making an appropriation therefor".

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

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

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these rules 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 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.	N.J.D.O.T. Code	N.J.A.C.
U.S. 9	RP-74-51	16:28-3.51
N.J. 17	RP-74-52	16:28-3.52
U.S. 9	RP-74-54	16:28-3.53
N.J. 73	RP-74-55	16:28-3.54
N.J. 154	RP-74-56	16:28-3.55
N.J. 70	RP-74-57	16:28-3.56
N.J. 36	RP-74-58	16:28-3.57
N.J. 4	RP-74-60	16:28-3.58
N.J. 21	RP-74-61	16:28-3.59
N.J. 168	RP-74-62	16:28-3.60
N.J. 47	RP-74-63	16:28-3.61
U.S. 46	RP-74-64	16:28-3.62

Copies of the full text of 14 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 February 26, 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**

**Proposed Revisions on Left Turns On Route U.S. 206 in Bedminster Township**

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6, proposes to revise N.J.A.C. 16:28-6.1, concerning turning movements of traffic along Route number U.S. 206 in Bedminster Township, Somerset County. The proposed revisions concern the deletion in its entirety of the current text of this Section and the adoption of new text therein.

Full text of the proposed new rule follows:

16:28-6.1 No Left Turn regulation along Route U.S. 206 in Bedminster Township, Somerset County.

(a) In accordance with the provisions of Title 39:4-183.6 of the Revised Statutes, turning movements of traffic on the certain parts of State Highway Route U.S. 206 described herein below are regulated as follows:

1. No left turns: South on Route U.S. 206 to east on Hillside Avenue.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

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

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

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions to Rates Of Speed on Route 439

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to revise N.J.A.C. 16:28-1.100 concerning rates of speed on Route 439 by deleting in its entirety the current text of that Section and adopting new text therein.

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

16:28-1.100 Route 439 in the City of Elizabeth, and the Townships of Union and Hillside, in Union 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 439 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 City of Elizabeth from the southerly end of Route 439 at the Route I-278 Interchange (vicinity of Brunswick Avenue) to South Broad Street; thence

ii. Zone 2: 35 mph in the City of Elizabeth to Linden Avenue; thence

iii. Zone 3: 25 mph in the City of Elizabeth to Route 28; thence

iv. Zone 4: 30 mph in the City of Elizabeth to Emerson Ave; thence

v. Zone 5: 35 mph in the City of Elizabeth extending through Union Township, Hillside Township and into the City of Elizabeth to the northernmost junction of Route 439 with Route 27;

vi. School Zones: 25 mph in the Theodore Roosevelt Public Schools zone, in Zones 1 and 2, in the Jewish Educational Center zone, in Zone 4, and in the Pingry School zone, in Zone 5, 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 February 26, 1975, to:

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

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

Alan Sagner  
Commissioner  
Department of Transportation

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Revisions in Fees for Highway Access Permits

On January 20, 1975, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-44.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 16:41-1.1 et seq., concerning fees for highway access permits, substantially as proposed in the Notice published December 5, 1974, at 6 N.J.R. 487(c), with only inconsequential structural or language changes, in the opinion of the Department of Transportation.

An order adopting these revisions was filed January 21, 1975, as R.1975 d.13 to become effective February 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Revised Rates of Speed on Route 15

On December 23, 1974, 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 emergency revisions to N.J.A.C. 16:28-1.76, concerning rates of speed on certain portions of Route Number 15. The current text of N.J.A.C. 16:28-1.76 Route Number 15 in the Town of Dover, Rockatext:

16:28-1.76 Route Number 15 in the Town of Dover, Rockaway Township, Wharton Borough and Jefferson Township in Morris County; Sparta Township, Lafayette Township and Frankford Township in Sussex 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 15 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: 25 mph in the town of Dover from its southerly junction with Route 46 at Mt. Hope Avenue to Fairview Avenue (milepost 0.5); thence
  - ii. Zone 2: 40 mph in the town of Dover extending through Rockaway Township and into Wharton Borough to the Route I-80 interchange (milepost 2.0).
2. For northbound traffic:
  - i. Zone 3: 55 mph in Wharton Borough extending through Rockaway Township, Jefferson Township and into Sparta Township to the northerly terminus of Route 181 (milepost 14.2).
3. For southbound traffic:
  - i. Zone 4: 55 mph in Sparta Township from the northerly terminus of Route 181 (milepost 14.2) extending into Jefferson Township to the bridge over Weown Lake (milepost 6.7); thence
  - ii. Zone 5: 50 mph in Jefferson Township to 2,000 feet north of Taylor Road (milepost 4.9); thence
  - iii. Zone 6: 55 mph in Jefferson Township extending through Rockaway Township and into Wharton Borough to the Route I-80 interchange (milepost 2.0).
4. For both directions of traffic:
  - i. Zone 7: 50 mph in Sparta Township from the northerly terminus of Route 181 extending into Lafayette Township to 500 feet north of Limecrest Road — Route 94 (milepost 16.8); thence
  - ii. Zone 8: 35 mph in Lafayette Township to the bridge over the Paulins Kill Creek (milepost 18.3); thence
  - iii. Zone 9: 50 mph in Lafayette Township extending into Frankford Township to Route 565 — Route US 206 (milepost 19.6).

An order adopting these revisions was filed and effective December 24, 1974, as R.1974 d.354 (Exempt, Emergency Rule).

Thomas F. Kistner  
 Director of Administrative Procedure  
 Department of State

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Rules on Restricted Parking Along Various State Highways

On December 27, 1974, 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 new rules on restricted parking along Routes 206, 27, 35, 71, 70, 9, 49 and 26, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 452(a).

Such rules may be cited as N.J.A.C. 16:28-3.28 through 16:28-3.41.

An order adopting these rules was filed and effective December 27, 1974, as R.1974 d.359.

Thomas F. Kistner  
 Director of Administrative Procedure  
 Department of State

(b)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rule for Gross Receipts From Municipal Electric Supply Operations

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:29A-6, proposes to adopt a new rule concerning gross receipts derived from transactions with municipal electric supply operations.

Full text of the proposed rule follows:

18:22-7.6 Gross receipts derived from transactions with municipal electric supply operations

(a) Gross receipts taxable under N.J.S.A. 54:30A-54 shall not include sums received in payment for electrical energy for resale through a transmission or supply operation conducted by a municipal corporation or agency thereof.

(b) Gross receipts taxable under N.J.S.A. 54:30A-54 of any electric supply or transmission operation conducted by a municipal corporation or agency thereof shall not include sums received from consumers located within the corporate limits of the operating municipality.

(c) Scheduled property, under N.J.S.A. 54:30A-58, of any electric supply or transmission operation conducted by a municipal corporation or agency thereof shall not include property located within the corporate limits of the operating municipality.

(The statutory cross reference is: N.J.S.A. 40:62-23, 54:30A-50(c), 54:30A-54, 54:30A-58.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

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

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

Sidney Glaser  
 Director, Division of Taxation  
 Department of the Treasury

(c)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Revisions to Rules For County Boards of Taxation

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14, proposes to revise N.J.A.C. 18:12A-1.6 through 18:12A-1.9 concerning county boards of taxation.

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

#### 18:12A-1.6 Petitions of appeal

(a) All complaints concerning property tax assessments, whether by an individual or corporation, shall be by written petition of appeal on forms prescribed by the Director, Division of Taxation, to be furnished to the boards. All petitions shall contain the name and address of the [owner] **taxpayer**, the block and lot number or account number of the property and the assessed value of the land and improvement respectively stated, and such other information as the Director may require.

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

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

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

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

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

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

(h) A petitioner must file a copy of each petition with the assessor, **clerk or attorney, personally or by regular mail**. Assessors must notify the clerk or attorney of all petitions filed wherein the subject property is situated. In case of appeal by the taxing district, a copy of the petition must be served on the record owner of the subject property and on the assessor, unless the tax collector has received written notice that the taxpayer is a person, partnership or corporation other than the record owner, in which event a copy of the petition must also be served on the taxpayer. Where petitioner files a petition with respect to another owner's property, he shall furnish a copy of the petition to such owner in addition to all other parties.

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

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

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

There shall be annexed to a petition of appeal from an assessment of a commercial, an industrial property or a multi-dwelling; that is, more than a four-family dwelling, an itemized statement showing all sources of income and expenses with respect to such property for the [tax year of appeal, the prior tax year] **most recently completed accounting year** and for such additional years as the board may request.

#### 18:12A-1.9 Hearings

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

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

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

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

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

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

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

(h) If a petitioner relies on expert testimony in the prosecution of his appeal, three copies of the appraisal shall be furnished to the board and a copy to the assessor [at least one week] prior to the hearing. The petitioner shall have the right to inspect the property record card of the property under appeal prior to the hearing. The board in its discretion may waive the requirement [herein] **of a written appraisal**.

(i) Any settlement agreed upon between the parties shall be in writing, on a form approved by the Director, Division of Taxation and signed by the parties or their attorneys. Such proposed settlement shall include the basis for the settlement and shall be submitted to the board for approval without necessity of appearance by the parties or their attorneys un-

less the board otherwise requires their appearances. If the board approves the settlement, judgment shall be entered in accordance with the terms thereof. If the board disapproves the settlement, the parties shall be notified of such disapproval and a new date set for the hearing of the appeal.

(j) The board may, as occasion shall require, by order, refer any appeal or other matter pending before it to one or more of its members for the purpose of taking testimony and reporting thereon to the board for appropriate action.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

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

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### STATE HEALTH BENEFITS COMMISSION

#### Proposed Revisions on Definition of Full Time And Major Medical Separate Plans

The State Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 et seq., proposes to revise a portion of its rules concerning State; full time defined and major medical; separate plans.

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

#### 17:9-2.15 Major medical; separate plans

**If the State or local employer adopts separate plans for all employees or for some portion of covered employees for prescription drug reimbursement, vision care or other health care benefits, largely duplicating or minimizing the benefits provided under the major medical program, such services or benefits for the participants of such separate plans will no longer be considered eligible for reimbursement under the major medical program.**

17:9-4.2 State; full-time defined

(a) For purposes of State coverage, "full-time" shall mean:

1. The normal full-time weekly schedule for the particular class title, and in any case not less than 35 hours per week;
2. Employment for 12 months, except in the case of those

employees engaged in activities where the regular and normal work schedule is ten months;

3. Sabbaticals where the compensation paid is 50 per cent or more of the salary granted just prior to the leave and the period of eligibility terminates with the end of the fiscal year;

4. Public defenders who are paid on the basis of an average 30-hour week work schedule, notwithstanding Section 4 of this Subchapter;

5. Employees of the New Jersey College of Medicine and Dentistry, **the Newark College of Engineering and Rutgers —The State University**, who are paid for a minimum of [20] 15 hours per week, notwithstanding Section 4 of this Subchapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

State Health Benefits Commission  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

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

Clifford A. Goldman  
Deputy State Treasurer  
Department of the Treasury

(b)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Revisions in Classification of Funds

On January 13, 1975, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, and on behalf of the State Investment Council in the Department of the Treasury, adopted revisions to N.J.A.C. 17:16-5.4 Demand group, concerning classification of funds.

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

#### 17:16-5.4 Demand group

(a) The demand group shall include:

##### 1. Emergency Services Fund;

[1] 2. Escheat Reserve Fund - Unclaimed Bank Deposits;

[2] 3. Higher Education Assistance Fund;

[3] 4. Motor Vehicle Liability Security Fund;

5. Motor Vehicle Security Responsibility Fund;

[4] 6. New Jersey Insurance Development Fund;

7. Outstanding Checks Account;

[5] 8. State Disability Benefits Fund;

9. Unclaimed Personal Property Trust Fund;

10. Unemployment Compensation Auxiliary Fund;

[6] 11. Unsatisfied Claim and Judgment Fund;

[7] 12. Workmen's Compensation Security Fund - Mutual;

[8] 13. Workmen's Compensation Security Fund - Stock.

An order adopting these revisions was filed and effective January 21, 1975, as R.1975 d.11 (Exempt, Procedure Rule).  
Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Rule on Filing of Monthly Remittance and Quarterly Returns

On January 13, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 18:24-11.2, concerning the filing of monthly remittance and quarterly returns, substantially as proposed in the Notice published December 5, 1974, at 6 N.J.R. 494(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of the Treasury.

The substantive changes concern principally the change in the filing and payment date from the 7th day of the month to the 20th day of the month.

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

18:24-11.2 Filing of monthly remittance and quarterly returns

(a) All vendors required to collect and remit sales and use tax are required to file a quarterly return (Form ST-50) with the Division of Taxation **on or before the 20th day of April 1975, and quarterly thereafter** on or before the [28th] **20th** day of the month following the quarter covered by the return. In calculating the amount of tax to be remitted to the Division of Taxation for the quarterly period, the vendor shall be entitled to a credit in the amount of tax remitted as monthly remittances for the months of the quarter covered by the quarterly return.

(b) Effective April 1, 1975, with respect to sales and use tax liabilities incurred on and after April 1, 1975, every vendor whose liability exceeds \$100.00 for the first [,] **or second** [or third] month of a quarterly filing period shall, on or before the [7th] **20th** day of the month following each such month, file with the Director a monthly remittance statement (Form ST-51) and pay over an amount equal to his liability for the month:

1. Example - **January, February, March, 1975:** Taxpayer's sales and use tax liability for [April, May and June,] **January and February, 1975,** exceeds \$100.00 for each of said months. Thus, taxpayer files a monthly remittance on [May 7] **February 28, 1975** for [April,] **January, 1975** and pays the tax at said time. He does the same on [June 7 and July 7, 1975] **March 28, 1975 for February, 1975 and pays the tax at said time.** On [July 28,] **April 20, 1975,** he files his quarterly return and takes credit for payments made on [May 7, June 7 and July 7] **February 28 and March 28.**

2. Example - **April, May, June, 1975 and thereafter:** Taxpayer's sales and use tax liability for **April and May, 1975 exceeds \$100.00 for each of said months. Thus, taxpayer files a monthly remittance on May 20, 1975 for**

**April, 1975 and pays the tax at said time. He does the same on June 20, 1975 for May, 1975 and pays the tax at said time. On July 20, 1975, he files his quarterly return and takes credit for payments made on May 20 and June 20.**

[(c) Any vendor who shall fail to timely file a quarterly return or a monthly remittance statement or to pay over any amount due or who shall otherwise make a monthly remittance of less than 80 per cent of the amount due or whose monthly remittances for the quarter are less than 80 per cent of the amount due for that quarter, shall be subject to a penalty of five per cent of the amount of the underpayment of tax due plus interest at the rate provided by applicable provisions of law.]

Note: The foregoing rule revises previous rule appearing in instructions - Form ST-50A.

An order adopting this rule was filed and effective January 13, 1975, as R.1975 d.4.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

## OTHER AGENCIES

(b)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### New York City Passenger Ship Terminal's Visitor Fee

On November 27, 1974, the Committee on Operations of the Port Authority of New York and New Jersey adopted a visitor fee concerning the New York City passenger ship terminal.

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

Resolved, that effective on or about December 1, 1974, there is hereby established at the New York City passenger ship terminal, a visitor's fee of \$1.00 per person over 14 years of age.

An order adopting this rule was filed January 6, 1975, as R.1975 d.3 (Exempt, Exempt Agency).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## TURNPIKE AUTHORITY

### Proposed Deletion of Rule On Certain Vehicles on Turnpike

The New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 et seq., proposes to delete N.J.A.C. 19:9-1.9 (a)26. concerning limitations of use on the Turnpike.

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

**19:9-1.9(a)** [26. Vehicles with any vertical exhaust stack whose discharge is directed toward the right side of the vehicle.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 26, 1975, to:

New Jersey Turnpike Authority  
Turnpike and Highway 18  
New Brunswick, New Jersey

The New Jersey Turnpike Authority, upon its own motion or at the instance of any interested party, may thereafter adopt this deletion substantially as proposed without further notice.

Lillian M. Schwartz  
Secretary  
New Jersey Turnpike Authority

(a)

## **PUBLIC EMPLOYMENT RELATIONS COMMISSION**

### **Revisions on Negotiations and Impasse Procedures, Scope of Negotiations Proceedings And Unfair Practice Proceedings**

On January 16, 1975, the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to Chapters 12, 13, 14 and 14A of Title 19 in the New Jersey Administrative Code.

The previous text of Chapter 12, Impasses, is to be deleted, with the exception of Subchapter 3, Arbitration, which will now be cited as Subchapter 5 of the new Chapter 12, Negotiations and Impasse Procedures.

Chapter 13, previously reserved, is now to contain new rules and such Chapter 13 is to be entitled Scope of Negotiations Proceedings.

The text of the previous Chapter 14, Hearings, of Title 19 is now to be cited as the new Chapter 14A with no changes in text.

The new Chapter 14 is entitled Unfair Practice Proceedings and contains new rules.

Also, all references to the "Executive Director" or to the "Commission or its named designee" shall be deemed to refer to Jeffrey B. Tener until further notice.

**Full text** of the new Chapters 13 and 14 follows. Copies of the remaining rules affected by this adoption may be obtained from the Public Employment Relations Commission, Labor and Industry Building, P.O. Box 2209, Trenton, New Jersey 08625.

### **CHAPTER 13 SCOPE OF NEGOTIATIONS PROCEEDINGS**

#### **SUBCHAPTER 1. NATURE OF PROCEEDINGS**

##### **19:13-1.1 Nature of proceedings**

N.J.S.A. 34:13A-5.4(d) provides that the Commission shall at all times have the power and duty, upon the request of any public employer or majority representative, to make a deter-

mination as to whether a matter in dispute is within the scope of collective negotiations. The procedure set forth in this Chapter is intended to effectuate that which the Commission views as legislative intent to avoid protracted administrative litigation with respect to disputes which normally will involve solely questions of law and policy. It is accordingly anticipated that scope of negotiations proceedings will normally lend themselves to expeditious disposition on the basis of the parties' submissions, which the procedure set forth in this Chapter is intended to accommodate.

#### **SUBCHAPTER 2. INITIATION OF PROCEEDINGS**

##### **19:13-2.1 Who may file**

Any public employer or recognized or certified public employee majority representative, either individually or jointly, may initiate scope of negotiations proceedings by filing with the Commission an original and four copies of a petition for scope of negotiations determination, together with proof of service of a copy of such petition upon the other party to the collective negotiations relationship. A copy of each such petition filed shall be retained in a public docket until the case is closed.

##### **19:13-2.2 Contents of petition for scope of negotiations determination\***

(a) A petition for scope of negotiations determination shall be in writing and signed, and either shall be sworn to before a person authorized by laws of this State to administer oaths or shall contain the following dated certification immediately preceding the signature of the person or persons 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". Such petition shall contain the following:

1. The full name, address and telephone number of the public employer who is a party to the collective negotiations relationship;

2. The full name, address and telephone number of the recognized or certified public employee majority representative who is a party to the collective negotiations relationship;

3. A clear and concise statement of the matter or matters in dispute concerning which a determination by the Commission is sought; and

4. A statement that the dispute has arisen:  
i. During the course of collective negotiations, and that one party seeks to negotiate with respect to a matter or matters which the other party contends is not a required subject for collective negotiations; or

ii. With respect to the negotiability of a matter or matters sought to be processed pursuant to a collectively negotiated grievance procedure; or

iii. Other than in subparagraphs i. or ii. of this paragraph with an explanation of the circumstances.

\* A blank form for filing such a petition will be supplied upon request. Address requests to: Public Employment Relations Commission, P.O. Box 2209, Trenton, New Jersey 08625.

#### **SUBCHAPTER 3. PROCEDURE**

##### **19:13-3.1 "Petitioner" and "respondent"**

As used in this Subchapter, the term "petitioner" shall refer to the party initiating the proceeding or, in the case of a joint petition, the party contending that the disputed matter is

within the scope of collective negotiations; the term "respondent" shall refer to the other party to the proceeding.

#### 19:13-3.2 Intervention

A motion for leave to intervene in proceedings under this Chapter shall be filed in writing with the Commission or its named designee, stating the grounds upon which an interest in the proceeding is claimed and stating the extent to which intervention is sought. An original and nine copies of such motion shall be filed, together with proof of service of a copy of such motion upon the parties. The Commission or its named designee may by order permit intervention to such extent and upon such terms as may be deemed just.

#### 19:13-3.3 Briefs

Within seven days from the filing of a petition for scope of negotiations determination, the petitioner shall file with the Commission or its named designee an original and nine copies of his brief, together with proof of service of a copy of such brief upon the respondent. Within 14 days after the service of the petitioner's brief, the respondent shall file with the Commission or its named designee an original and nine copies of his brief, together with proof of service of a copy of such brief upon the petitioner. The petitioner may file with the Commission or its named designee an original and nine copies of a reply brief within five days after the service of the respondent's brief, together with proof of service of a copy of such reply brief upon the respondent. No other briefs shall be served or filed without leave of the Commission or its named designee. The Commission or its named designee may grant written requests for extension of time within which to file briefs. Such request shall set forth the reasons for the request and the position of the other party regarding the requested extension.

#### 19:13-3.4 Request for evidentiary hearing

Any party desiring an evidentiary hearing shall file with the Commission or its named designee an original and nine copies of a written request therefor, together with proof of service of a copy of such request upon the other party. Such request shall either be incorporated in, or shall be filed simultaneously with, the requesting party's first brief filed pursuant to N.J.A.C. 19:13-3.3 (Briefs).

Failure to file a timely request for evidentiary hearing shall constitute a waiver of any right to such hearing. Any such request shall set forth in detail the specific factual issues which the requesting party contends are substantial and material disputed factual issues necessitating an evidentiary hearing. Upon the timely filing of such a request, the other party may file with the Commission or its named designee an original and nine copies of a written statement in response to the request, together with proof of service of a copy of such statement upon the requesting party.

Such statement shall either be incorporated in, or shall be filed simultaneously with, such party's responsive brief filed pursuant to N.J.A.C. 19:13-3.3 (Briefs).

#### 19:13-3.5 Evidentiary hearings

(a) If a timely request for evidentiary hearing has been filed pursuant to N.J.A.C. 19:13-3.4 (Request for evidentiary hearing), the Commission or its named designee shall issue a notice of hearing in compliance with N.J.S.A. 52:14B-9.

(b) Evidentiary hearings pursuant to this Subchapter shall be conducted by a hearing examiner designated by the Commission or its named designee, unless the Commission

or any member thereof presides. Evidentiary hearings conducted pursuant to this Subchapter shall be governed by the provisions of Subchapter 6 (Hearings) of Chapter 14 of this Title (Unfair practice proceedings) insofar as applicable.

(c) After completion of the evidentiary hearing, or upon the consent of the parties prior to the conclusion of the evidentiary hearing, the hearing examiner shall prepare a recommended report and decision which shall contain findings of fact, conclusions of law, and recommendations as to what disposition of the case should be made by the Commission.

The hearing examiner shall file the original thereof with the Commission, and shall cause a copy to be served upon the parties. Upon service thereof upon the parties, which shall be complete upon mailing, the case shall be deemed transferred to the Commission.

The record in the case shall consist of the parties' briefs, the request for evidentiary hearing and any statement filed in response thereto, the notice of hearing, the official transcript of the evidentiary hearing, stipulations, exhibits, documentary evidence and depositions, together with the hearing examiner's recommended report and decision and any exceptions, cross-exceptions, briefs and answering briefs filed in response thereto.

The filing of any such exceptions, cross-exceptions, briefs and answering briefs shall be governed by the provisions of N.J.A.C. 19:14-7.3 (Exceptions; cross-exceptions; briefs; answering briefs).

#### 19:13-3.6 Oral argument

Unless an evidentiary hearing has been conducted pursuant to N.J.A.C. 19:13-3.5 (Evidentiary hearings), proceedings under this Chapter shall be submitted for the Commission's consideration without argument, unless argument is requested by one of the parties within seven days after service of the respondent's brief or is ordered by the Commission or its named designee. Such request shall be made by a separate paper, ten copies of which shall be filed with the Commission, together with proof of service of a copy of such request upon the other party.

The Commission or its named designee shall notify the parties of the assigned argument date. The petitioner shall open and conclude argument. The Commission may terminate the argument at any time it deems the issues adequately argued.

#### 19:13-3.7 Final determination

Based upon the parties' submissions and oral argument, if any, or where an evidentiary hearing has been conducted, based upon the record in the case as set forth in N.J.A.C. 19:13-3.5 (c) (Evidentiary hearings), the Commission shall issue and cause to be served upon the parties its findings of fact and conclusions of law, including its determination as to whether the disputed matter is a required, permissive or illegal subject for collective negotiations and, where appropriate, an order for remedial or affirmative action reasonably designed to effectuate the purposes of the Act.

### CHAPTER 14. UNFAIR PRACTICE PROCEEDINGS

#### SUBCHAPTER 1. CHARGE

##### 19:14-1.1 Who may file

A charge that any public employer or public employee organization has engaged or is engaging in any unfair practice listed in N.J.S.A. 34:13A-5.4 (a) and (b) may be filed by any

public employer, public employee, public employee organization or their representative.

#### 19:14-1.2 Where to file

Such charge shall be filed with the Commission. Upon receipt, such charge shall be date stamped and assigned a docket number, preceded by a letter designation indicating that the charging party is a public employer (CE), one or more individual public employees (CI), or a public employee organization (CO). A copy of each charge filed shall be retained in a public docket until the case is closed.

#### 19:14-1.3 Form; contents\*

(a) Such charge 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." Such charge shall contain the following:

1. The full name, address and telephone number of the public employer, public employee or public employee organization making the charge (the charging party);

2. The full name, address and telephone number of the public employer or public employee organization against whom the charge is made (the respondent); and

3. A clear and concise statement of the facts constituting the alleged unfair practice, including, where known, the time and place of occurrence of the particular acts alleged and the names of respondent's agents or other representatives by whom committed and a statement of the portion or portions of the Act alleged to have been violated.

#### 19:14-1.4 Number of copies; service

The charging party shall file an original and four copies of such charge, and simultaneously shall serve a copy thereof upon the respondent. Proof of such service shall be filed. The Commission will, as a matter of course, cause a copy of such charge to be furnished to the respondent, but it shall not be deemed to assume responsibility for formal service thereof.

#### 19:14-1.5 Amendment; withdrawal; dismissal

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.

#### 19:14-1.6 Investigation

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.

#### 19:14-1.7 Investigatory conference

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.

\* A blank form for making a charge will be supplied upon request. Address requests to: Public Employment Relations Commission, P.O. Box 2209, Trenton, New Jersey 08625.

## SUBCHAPTER 2. COMPLAINT WITH NOTICE OF HEARING

#### 19:14-2.1 Contents; service

(a) After a charge has been filed, if it appears to the Commission or its named designee prima facie that the respondent has engaged or is engaging in an unfair practice and that formal proceedings in respect thereto should be instituted, 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, 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;

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).

(b) Upon its own motion or upon proper cause shown, the Commission or its named designee may extend the date of such hearing.

#### 19:14-2.2 Amendment; withdrawal

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.

#### 19:14-2.3 Refusal to issue or reissue; appeal

If, after a charge has been investigated, 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 such 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.

### SUBCHAPTER 3. ANSWER

#### 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 be filed. The respondent shall specifically admit, deny or explain each of the facts alleged 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".

#### 19:14-3.2 Where to file; number of copies; service

An original and nine copies of the answer shall be filed with the Commission. Simultaneously therewith a copy shall be served upon all other parties and proof of such service shall be filed with the Commission.

#### 19:14-3.3 Amendment

The respondent may amend his answer at any time prior to the hearing. During or after the hearing the answer may, in the discretion of the hearing examiner or the Commission, upon motion, be amended upon such terms and within such periods as may be fixed by the hearing examiner or the Commission. Filing, service and proof of service of an amended answer shall conform to the provisions of these rules relating to the original answer.

### SUBCHAPTER 4. MOTIONS

#### 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 prior to the hearing, shall be filed in writing with the Commission or its named designee. All motions for summary judgment made 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.

#### 19:14-4.2 Contents; number of copies; service

All motions, other than those stated orally at the hearing, shall be made in writing, shall briefly state the order or relief applied for, and shall be accompanied by affidavits setting forth the grounds therefor. The moving party shall file an original and nine copies of his motion papers, together with proof of service of a copy thereof upon the other parties.

#### 19:14-4.3 Answering affidavits

Answering affidavits, if any, shall be served and filed within five days after service of the motion papers. Filing, service and proof of service of answering affidavits shall conform to the provisions of these rules relating to the motion papers.

#### 19:14-4.4 Rulings

Rulings and orders by the Commission or its named designee on motions shall be issued in writing and a copy served upon each of the parties. Rulings and orders by the hearing examiner, if announced at the hearing, shall be stated orally on the record; in all other cases the hearing examiner shall issue such rulings and orders in writing and shall cause a copy thereof to be served upon each of the parties, or shall make his ruling in his recommended report and decision, provided that whenever the hearing examiner has reserved his ruling and the case is thereafter transferred to and continued before the Commission, the Commission shall rule thereon. Any motion filed prior to the hearing may be referred to the hearing examiner, in which case the parties shall be notified in writing of such reference.

#### 19:14-4.5 Motions and rulings part of the record; appeal on special permission

All motions, rulings and orders shall become part of the record, except that rulings on motions to quash a subpoena shall become a part of the record only upon the request of the party aggrieved thereby. Unless expressly authorized by these rules, rulings and orders by the Commission's named designee, if any, and by the hearing examiner on motions, and by the hearing examiner on objections, shall not be appealed directly to the Commission except by special permission of the Commission, but shall be considered by the Commission in reviewing the record, if exception to the ruling or order is included in the statement of exceptions filed with the Commission pursuant to N.J.A.C. 19:14-7.3 (Exceptions; cross-exceptions; briefs; answering briefs).

Requests to the Commission for such special permission to appeal shall be filed in writing within five days from the service of written rulings or statement of oral rulings, as the case may be, and shall briefly state the grounds relied on. An original and nine copies of such request shall be filed with the Commission, and simultaneously a copy shall be served upon each other party and, if the request involves a ruling by a hearing examiner, upon that hearing examiner. Proof of such service shall be filed with the Commission. In the event the Commission grants an appeal on special permission, the proceedings shall not be stayed thereby unless otherwise ordered by the Commission.

#### 19:14-4.6 Motion to dismiss complaint; review

If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the hearing examiner before filing his recommended report and decision, the charging party may obtain a review of such action by filing an original and nine copies of a request therefor with the Commission,

stating the grounds for review and immediately on such filing shall serve a copy thereof upon the other parties. Proof of such service shall be filed with the Commission. Unless such request for review is filed within ten days from the date of the order of dismissal, the case shall be closed.

## SUBCHAPTER 5. INTERVENTION

### 19:14-5.1 Intervention

A motion for leave to intervene shall be filed in writing or, if made at the hearing, made orally on the record, stating the grounds upon which an interest in the proceeding is claimed and stating the extent to which intervention is sought. Filing, service, and proof of service shall conform to Subchapter 4 (Motions) of this Chapter. The Commission or its named designee, or the hearing examiner, as the case may be, may by order permit intervention to such extent and upon such terms as may be deemed just.

## SUBCHAPTER 6. HEARINGS

### 19:14-6.1 Who shall conduct; to be public unless otherwise ordered

The hearing for the purpose of taking evidence upon a complaint shall be conducted by a hearing examiner designated by the Commission or its named designee, unless the Commission or any member thereof presides. At any time a hearing examiner may be designated by the Commission or its named designee to take the place of the hearing examiner previously designated to conduct the hearing. The hearing shall be public unless otherwise ordered by the Commission or the hearing examiner.

### 19:14-6.2 Prehearing conference

The hearing examiner assigned to conduct such hearing, or an alternate designee, may hold a prehearing conference for the purpose of clarification of issues. All of the parties shall attend any such prehearing conference, either in person or by authorized representative.

### 19:14-6.3 Duties and powers of hearing examiner

(a) It shall be the duty of the hearing examiner to hear fully the facts as to whether the respondent has engaged or is engaging in an unfair practice as set forth in the complaint or amended complaint. The hearing examiner shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the Commission, subject to these rules and the Act:

1. To administer oaths and affirmations;
2. To grant applications for subpoenas;
3. To rule upon motions to quash subpoenas;
4. To rule upon offers of proof and receive relevant evidence;
5. To take or cause to be taken depositions whenever the ends of justice would be served thereby;
6. To regulate the course of the hearing, and if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all related testimony of witnesses refusing to answer any proper question;
7. To hold conferences for the settlement or simplification of the issues;
8. To dispose of procedural requests, motions or similar matters, including prehearing motions referred to him and motions for summary judgment or to amend pleadings; also to dismiss complaints or portions thereof; to order hearings

reopened; and upon motion order proceedings consolidated or severed prior to issuance of his recommended report and decision;

9. To approve a stipulation voluntarily entered into by all parties which will dispense with a verbatim written transcript of record of the oral testimony adduced at the hearing, and which will also provide for the waiver by the respective parties of their right to file with the Commission exceptions to the findings of fact (but not to conclusions of law or recommended order) which the hearing examiner shall make in his recommended report and decision;

10. To make and file recommended reports and decisions in conformity with N.J.S.A. 52:14B-10;

11. To 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;

12. To take any other action necessary under the foregoing and authorized by these rules.

### 19:14-6.4 Unavailability of hearing examiner

In the event the hearing examiner designated to conduct the hearing becomes unavailable to the Commission after the hearing has been conducted and before the filing of his recommended report and decision, the Commission may transfer the case to itself for the purposes of further hearing or issuance of a proposed decision and order on the record as made, or both, or may cause the designation of another hearing examiner for such purposes.

### 19:14-6.5 Rights of parties

Any party shall have the right to appear at such hearing in person or by authorized representative 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 examiner. Ten copies of documentary evidence shall be submitted, unless the hearing examiner permits a reduced number of copies upon good cause shown.

### 19:14-6.6 Rules of evidence not controlling

The parties shall not be bound by rules of evidence whether statutory, common law or adopted by the rules of court. All relevant evidence is admissible, except as otherwise provided herein. The hearing examiner may in his discretion exclude any evidence if he finds that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion. The hearing examiner shall give effect to the rules of privilege recognized by law. Notice may be taken of judicially noticeable facts.

In addition, notice may be taken of generally recognized facts within the Commission's specialized knowledge. The material noticed shall be referred to in the hearing examiner's recommended report and decision, and any party may contest the material so noticed by filing timely exceptions thereto pursuant to N.J.A.C. 19:14-7.3 (Exceptions; cross-exceptions; briefs; answering briefs).

### 19:14-6.7 Stipulations of fact

In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue. The parties may submit a stipulation of facts to the Commission for a decision without a hearing.

#### 19:14-6.8 Prosecution by charging party; burden of proof

In any such proceeding, the charging party either in person or by authorized representative shall prosecute the case and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

#### 19:14-6.9 Objection to conduct of hearing

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.

#### 19:14-6.10 Oral argument at hearing; briefs; proposed findings

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. 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 examiner who may fix a reasonable time for such filing. Requests for extensions of time for good cause shown shall be made to the hearing examiner. 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 hearing examiner.

Notice of the request for an extension shall be served simultaneously upon all other parties, and proof of service shall be furnished. Five copies of any brief or proposed findings and conclusions shall be filed with the hearing examiner, copies shall be served on the other parties, and proof of service shall be furnished.

#### 19:14-6.11 Continuance or adjournment

In the discretion of the hearing examiner, 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 examiner, or by other appropriate notice to the parties.

#### 19:14-6.12 Misconduct at hearing

Misconduct at any hearing before a hearing examiner or before the Commission shall be ground for summary exclusion from the hearing. Such misconduct of an aggravated character, when engaged in by a representative of a party, shall be ground for suspension or disbarment by the Commission from further practice before it after due notice and hearing.

### SUBCHAPTER 7. HEARING EXAMINER'S DECISION AND TRANSFER OF CASE TO THE COMMISSION

#### 19:14-7.1 Hearing examiner's decision; transfer of case to the Commission

After the hearing for the purpose of taking evidence upon a complaint, or upon the consent of the parties prior to the conclusion of the hearing, the hearing examiner shall prepare a recommended report and decision which shall contain findings of fact, conclusions of law and recommendations as to what disposition of the case should be made including, where appropriate, a recommendation for such affirmative action by the respondent as will effectuate the policies of the Act. The

hearing examiner shall file the original thereof with the Commission, and shall cause a copy to be served upon the parties. Upon service thereof upon the parties, which shall be complete upon mailing, the case shall be deemed transferred to the Commission.

#### 19:14-7.2 Record in the case

The record in the case shall consist of the charge and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, order, official transcript of the hearing, stipulations, exhibits, documentary evidence and depositions, together with the hearing examiner's recommended report and decision and any exceptions, cross-exceptions, briefs and answering briefs.

#### 19:14-7.3 Exceptions; cross-exceptions; briefs; answering briefs

(a) Within ten days, or within such further period as the Commission may allow, from the date of the service of the hearing examiner's recommended report and decision, any party may file with the Commission an original and nine copies of exceptions to such recommended report and decision or to any other part of the record or proceedings (including rulings upon motions or objections), together with an original and nine copies of a brief in support of the exceptions.

Any party may, within the same period, file an original and nine copies of a brief in support of the recommended report and decision. Requests for extension of time to file exceptions or briefs shall be in writing and copies thereof shall be served simultaneously upon the other parties and proof of such service furnished. Such requests must be received by the Commission no later than three days prior to the due date.

(b) Each exception shall set forth specifically the questions of procedure, fact, law or policy to which exception is taken; shall identify that part of the recommended report and decision to which objection is made; shall designate by precise citation of page the portions of the record relied on; and shall state the grounds for the exception and shall include the citation of authorities unless set forth in a supporting brief. Any exception 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.

(c) Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions and shall contain 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.

(d) Within five days, or such further period as the Commission may allow, from the last date on which exceptions may be filed, a party opposing the exceptions may file an original and nine copies of an answering brief, which shall be limited to the questions raised in the exceptions and in the brief in support thereof. Filing, service and proof of service of requests for extension of time shall conform to the provisions of subsection (a) of this Section relating to requests for extension of time.

(e) Any party who has not previously filed exceptions may, within five days, or such further period as the Commission may allow, from the last date on which exceptions may be filed, file an original and nine copies of cross-exceptions to any portion of the recommended report and decision, together with a supporting brief, in accordance with the provisions of subsection (b) of this Section.

(f) Within five days, or such further period as the Commis-

sion may allow, from the last date on which cross-exceptions may be filed, any other party may file an original and nine copies of an answering brief in accordance with the provisions of subsection (c) of this Section, limited to the questions raised in cross-exceptions. Filing, service and proof of service of requests for extension of time shall conform to the provisions of subsection (a) of this Section relating to requests for extension of time.

(g) No further briefs shall be filed except by special leave of the Commission. Requests for such leave shall be in writing, accompanied by proof of service upon the other parties.

(h) No matter not included in exceptions or cross-exceptions may thereafter be urged before the Commission, or in any further proceeding.

## SUBCHAPTER 8. PROCEDURE BEFORE THE COMMISSION

### 19:14-8.1 Action by the Commission

Upon receipt of the record, the Commission shall adopt, reject or modify the hearing examiner's recommended report and decision. The Commission may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before the entire Commission, a member or members thereof, or other designated officer.

### 19:14-8.2 Oral argument

Should any party desire permission to argue orally before the Commission, request therefor must be made in writing to the Commission simultaneously with the statement of exceptions or cross-exceptions filed pursuant to N.J.A.C. 19:14-7.3 (Exceptions; cross-exceptions; briefs; answering briefs) together with proof of service thereof upon the other parties. The Commission shall notify the parties of the time and place of oral argument, if such permission is granted.

### 19:14-8.3 Hearings before the Commission

Whenever the Commission deems it necessary in order to effectuate the purposes of the Act or to avoid unnecessary costs or delay, it may, at any time after issuance of a complaint, order that such complaint and any proceeding which may have been instituted with respect thereto be transferred to and continued before it or any member or members of the Commission. In such case, the provisions of this Chapter shall govern insofar as applicable.

### 19:14-8.4 Settlement or adjustment of issues

All interested parties shall have opportunity to submit to the Commission or its named designee for consideration facts, arguments, offers of settlement or proposals of adjustment.

These emergency revisions will be in effect until the Commission shall have completed a comprehensive revision of its entire series of rules, including the adoption of final rules with respect to the subject matters covered by the aforesaid emergency rules. The Commission intends to conduct a formal public hearing prior thereto, to be announced at a later date.

An order adopting these revisions was filed and effective January 20, 1975, as R.1975 d.10 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

## SALES TAX COLLECTION DATE IS ADVANCED BY EIGHT DAYS

State Treasurer Richard C. Leone has announced that the Division of Taxation has adopted a regulation moving the sales tax collection date from the 28th to the 20th of each month.

The sales tax on transactions in a given month are due the following month.

The Treasurer explained that the change would allow the State to deposit sales tax receipts eight days earlier, thus earning an additional \$1.5 million in interest annually.

The regulation takes effect April 1 and applies to all vendors whose sales tax liability exceeds \$100.00 a month.

Each of the State's 165,000 sales tax vendors has received notice of the change.

Leone said that an original proposal to move the collection date back three weeks, to the 7th of the month, had been revised in response to appeals from the business community. He noted that many retail businesses extend credit to their customers, and must borrow money to pay sales taxes due on transactions.

"The new collection date strikes a balance between the needs of the State in the current fiscal crisis, and those of retailers, who are also suffering from the effects of the economic recession," said Leone.

## FEDERAL FUNDS EXTEND UNEMPLOYMENT BENEFITS BY 13 WEEKS, ADD MANY WORKERS

Expanded unemployment insurance benefits provided by the Federal Emergency Jobs and Unemployment Assistance Act of 1974 began early in January for the State's unemployed.

Joseph A. Hoffman, Commissioner of the State Department of Labor and Industry, said that the new Federal legislation provides the following:

- An additional maximum of 13 weeks of unemployment compensation to insured individuals who had exhausted all rights under regular and extended compensation. This means that a worker who had received 26 weeks of regular unemployment compensation and 13 weeks of extended benefits is eligible for an additional 13 weeks of emergency benefits. This emergency compensation is 100 per cent Federally funded.

- A maximum of 26 weeks of special compensation to workers who became unemployed and are not eligible for unemployment benefits under any other Federal or State law. This program is also 100 per cent Federally funded.

"It means that those who have not received unemployment benefits, such as government workers, domestics and agricultural workers, may now be eligible for 26 weeks of benefits," Commissioner Hoffman said.

The Commissioner continued, "All workers in the State except those who are self-employed are now eligible for unemployment benefits if they meet the employment and wage qualifying requirements in the State."

All unemployed claimants receiving emergency compensation or participating in the new coverage program are required to register for work at the nearest New Jersey Employment Service office.

Commissioner Hoffman estimated that approximately 40,000 individuals will be affected by the new 13-week benefit program, including 30,000 now on extended benefits and 10,000 more who had previously exhausted these benefits.

Under present State law to qualify for unemployment insurance the claimant must have had wages of at least \$30 in each of 20 weeks, or have earned \$2,200 or more in the year preceding the date of filing. Applicants must file a claim in the unemployment insurance office and report to the office as directed.

Unemployment claimants must be able and available for work at all times and must make an active search for work. Facilities of the New Jersey Employment Service are available for those who seek help in finding a job.

### **STATE MINIMUM WAGE NOW UP TO \$2.20 PER HOUR, HOFFMAN NOTES**

Employers throughout the State have been reminded of the regulations which took effect Jan. 1 under the new State minimum wage law which raised the minimum wage to \$2.20 an hour, according to Joseph A. Hoffman, Commissioner of the State Department of Labor and Industry.

"Minimum wages in New Jersey were raised from \$1.75 to \$2 an hour last Aug. 3, and now are at \$2.20 an hour," Hoffman said. "This January raise puts the State above the Federal minimum wage."

"It should be noted that employers regulated by both the Federal and State law, such as those engaged in interstate commerce, must comply with the State law when the State minimum wage is higher," the Commissioner pointed out.

"The new statutory minimum rate now also covers all migrant workers and farm laborers, who have not been protected under the Federal law," he added. "An estimated 300,000 domestic workers are also included, bringing the total number of persons covered to some 2.3 million."

The Department's Wage and Hour Bureau Director, Isabelle Newmark, said that those exempt from the statutory rate are outside salesmen, salesmen of motor vehicles, and part-time employees primarily engaged in the care and tending of children in the home of the employer.

"Minors under 18 are also exempt," Miss Newmark explained, "except those employed in the first processing of farm products, hotels, motels and restaurants, and vocational school graduates with special permits under the child labor law."

The notification to employers included a reminder of overtime regulations. Overtime is payable at the rate of one and one half times the employee's actual hourly rate for hours worked in excess of 40 in any week, except where otherwise specifically provided by wage order.

Executive, administrative and professional employees are exempt from the overtime entitlement, as are employees engaged in labor on a farm or labor relative to the raising or care of livestock. Employees of a common carrier of passengers by motorbus are also exempt.

According to William J. Clark, Assistant Commissioner for Labor Relations and Workplace Standards, the minimum wage law also applies to farm piece-rate laborers. "For each day worked, employees engaged on a piece-rate basis for farm labor must be paid not less than the minimum hourly

wage rate multiplied by the total number of hours worked, Clark stated.

Anyone interested in obtaining more information on the new minimum wage law may call a local Wage and Hour office, Monday through Friday, between 8:30 A.M. and 4:30 P.M. In Trenton the number is (609) 292-2337. The Newark office number is (201) 648-2730, and in Paterson, (201) 684-1922.

### **STATE UNEMPLOYMENT BENEFITS AT \$90**

"The maximum weekly benefit for unemployment insurance and State Plan temporary disability insurance went to \$90 on Jan. 1," Joseph A. Hoffman, Commissioner of the State Department of Labor and Industry, said.

"The new maximum, a \$5 increase over last year's maximum, will be applied to all new unemployment insurance benefit years and all periods of disability which started on or after Jan. 1, 1975," the Commissioner said.

Commissioner Hoffman also announced that the new maximum weekly benefit rate for workmen's compensation temporary disability, permanent total disability and death benefits for injuries incurred in 1975 is now \$119. This new maximum is a \$7 increase over last year.

The maximum weekly benefit for unemployment insurance and State Plan temporary disability insurance is set by law at 50 per cent of the average weekly wage figure for 1973. The 1973 average was \$178.19. Fifty per cent of this is \$89.10, which rounds out to \$90.00. The law stipulates that for the purpose of these benefits the round should be upwards to the next whole dollar.

The weekly benefit rate for workmen's compensation payments is set by law at two-thirds of average weekly wages during 1973. In this case two-thirds of \$178.19 is \$118.79 which rounds to \$119.

### **STATE'S SENIOR CITIZENS ARE AIDED BY \$428,000 IN FEDERAL GRANTS**

Commissioner Patricia Q. Sheehan of the State Department of Community Affairs recently announced that \$428,117 in State grants has been awarded to finance 21 senior citizens' programs. The grants are funded through the Federal Older Americans Act.

Receiving the grants are county and municipal groups, including service organizations, churches, a hospital and other groups which work with senior citizens. The programs funded range from transportation projects to nutrition programs to senior citizen surveys.

In announcing the grants, Commissioner Sheehan said the programs "are designed to help senior citizens continue productive lives within the community, as well as to supply basic needs as transportation and proper meals."

"The thrust of the Older Americans Act is to fund programs that will improve the quality of the lives of the elderly. We are dedicated to the task of seeing this program fully implemented in New Jersey. For too long too many of our senior citizens were ignored or overlooked in having government recognize their current needs as well as their past contribution to our society."

All told, the Department is funding \$2.5 million in grants during the 1975 fiscal year for 150 programs. This is 74 more than last year and 120 more than the 1973 fiscal year.

In one of the programs, as of the close of 1974 more than 6,700 low-income elderly persons in New Jersey were eating better as a result of a Federal nutrition program.

The program is in operation week days at 73 sites across the State, providing a daily average of 6,745 hot, nutritionally-balanced meals.

The Federal funds have been channeled by the Department's Human Resources' Office on Aging to the governing bodies of 20 New Jersey counties and the cities of Irvington, Jersey City and Newark.

### **LIST OF STATE ACCEPTANCE DATES IS REPORTED BY BUILDING DIVISION**

Another monthly listing of "final completion" dates, by trade, on State projects was issued by the Division of Building and Construction in the Department of the Treasury.

By statute, a subcontractor or material supplier must file a claim with the contractor's surety at any time during the contract but not later than 80 days after date of "final completion" and acceptance of the project by the State, or be forever barred as against the surety. The creditor's right against the contractor directly is not affected, however, by this statute.

Listed below for the period Dec. 13, 1974 to Jan. 12, 1975 are project numbers, description, location, acceptance date, trade and contractor:

DBC 6324-5, Units A & B at Greystone Park Psychiatric Hospital, Jan. 2, general construction, Hall Construction Co., Inc.

DBC 6750-10, physical plant service building at Stockton State College, Dec. 23, general construction, Romeo Gelsi, Inc.

DBC 7119, day training center at Ocean County, Dec. 18, plumbing, D.T. Leeds, Inc.

DBC 7119, day training center at Ocean County, Dec. 13, structural steel, Brandenberger Iron Co., Inc.

DBC 7900-10, Fire alarm system at Martland Hospital, Newark, Dec. 23, electrical, Broadway Maintenance Corp.

DBC 8146, maintenance facility at the Department of Transportation, Freehold, Dec. 23, heating and ventilating, Proctor Co.

DBC 8730, renovating of washroom and toilets, cottages and lower school at Katzenbach School for the Deaf, Dec. 23, plumbing, Robert B. Berwick Co.

DBC 8872, new brick walls, Wallace House at Washington Place, Somerville, Dec. 13, general construction, Three Brothers Construction Co.

DBC 8893, alterations to College Hall at Montclair State College, Dec. 18, general construction, T.V. Leo and Sons, Inc.

DBC 9039, drains for manholes at Youth Reception and Correction Center, Yardville, Dec. 13, general construction, Joseph Jingoli and Son, Inc.

DBC 1024, resurface six tennis courts at Kean College, Dec. 13, tennis courts, the Vestull Co.

### **NEW DIRECTOR IN ADVOCATE OFFICE TO HANDLE LOCAL GOVERNMENT DISPUTES**

Peter P. Curtin Jr., former administrative assistant to Governor Brendan T. Byrne, is now in the Department of the Public Advocate as Director of the Office of Dispute Settlement at a \$28,000 salary.

Part of the Division of Citizen Complaints and Dispute Settlement, the new office is designed to provide mediation, conciliation and other third-party services to municipal and county governmental agencies and community organizations in disputes which involve the public interest.

The provision for dispute settlement was included in the

enabling legislation for the Department but lack of funds had delayed its formal establishment. The Department now is seeking Ford Foundation funds to operate the office, which should be ready to handle disputes by mid-summer. It will in no way overlap with functions provided by the State Board of Mediation, the Public Employee Relations Council or the State Board of Education, it was said.

A Jersey City native, Curtin, 33, is a graduate of Seton Hall University and a U.S. Navy veteran. Before joining the Governor's staff a year ago, he had spent more than three years as a special assistant to Newark Mayor Kenneth A. Gibson, specializing in intergovernmental, public education and labor relations activities.

Curtin has done graduate work and has been an adjunct instructor of political science at Rutgers University and is now a mid-career fellow at Princeton University's Woodrow Wilson School of Public and International Affairs. He resides with his wife, the former Margaret Sharkey, in Lawrenceville.

### **GUIDE SHOWS FISCAL IMPACT OF PLANNED UNIT DEVELOPMENTS**

A practical guide to "Evaluating the Fiscal Impact of the Planned Unit Development" has been prepared for local officials, county planners, educational institutions and concerned citizens by the State Department of Community Affairs.

The publication is a fundamental approach to reviewing cost revenue elements of development proposals. It is the second in a series of informational documents designed to present a comprehensive but simplified approach to understanding contemporary land development concepts; the first publication, "Another Way: Clustering, Planned Unit Developments and New Communities", is a survey of these basic concepts.

Community Affairs Commissioner Patricia Q. Sheehan explained that "our research efforts are geared towards exploring all the features and benefits and disadvantages of various development approaches.

"We are seeking to insure that local policymakers are equipped with all available facts and evaluative tools in making important land use decisions for their communities."

The 18-page publication includes formulas for analyzing cost-revenue data provided by the developer and also comparative statistics from a survey prepared for the Division of State and Regional Planning.

A complete methodology, including a check list of required data, simplified formula format and practical examples is provided. Since Planned Unit Developments (PUDs) include a mix of uses, the methodology includes formulas applicable to commercial and industrial uses as well as the various residential types usually found in a PUD.

Copies of the report are available free of charge from the New Communities Section, Division of State and Regional Planning, P.O. Box 2768, Trenton, N.J. 08625, phone (609) 292-8410 or 8411.

### **NEW HEALTH CARE MEETING SCHEDULE**

The Health Care Administration Board has inaugurated a new meeting schedule - the first Thursday of each month, with public sessions beginning at 10:15 A.M.

The Health Care Administration Board, created by the Legislature in 1971, acts in an advisory capacity to the Commissioner of Health, with public members appointed by the Governor.

# GOVERNOR TELLS LEGISLATURE OF MANY PROBLEMS

Governor Brendan Byrne last month urged the State Legislature to devote its attention this year to four critical areas.

"I come here today to urge action on our most immediate priorities," Byrne said Jan. 14 in his first Annual Message delivered before the Legislature. "These priority areas will require legislative enactment; they will require executive management and implementation."

The Governor listed as the four most pressing areas to which the Legislature should address itself:

- Jobs and economic development - to ease the burdens of inflation and recession on the people of New Jersey within the limits of the State's power and resources.
- Resource management, growth and cities - to provide a rational system of deciding together the quality of life in the State, and to use the State's authority under the law to restore urban neighborhoods.
- Government integrity and law enforcement - to continue efforts to build public confidence and curb the abuses of official misconduct.
- Reform of State institutions - to address comprehensively the plight of unfortunate persons who need State care and assure to the full extent their personal rights to effective treatment.

## Attack on Unemployment

The Governor said that while the problems of unemployment and inflation are not of the State's making, it is essential to take steps to relieve the burdens of a harsh economy.

To stimulate the economy and create new jobs, he said he would do the following:

- Appoint a special task force of distinguished citizens to review proposals to create jobs and attract business.
- Submit legislation to revise business taxes and provide greater incentive for business to locate in New Jersey.
- Urge legislation to increase access to capital for New Jersey business, including the possibility of a State Reconstruction Finance Corporation.
- Recommend expansion of the Economic Development Authority to increase its reach in guaranteeing loans and issuing pollution control bonds.
- Support legislation expanding the Mortgage Finance Agency to enable it to purchase existing mortgages from lending institutions. This would add \$100 million to the supply of mortgage funds in New Jersey at no cost to the State.
- Recommend expansion of the Housing Finance Agency so it can work with municipal officials and private industry to promote large-scale development.
- Urge passage of a Uniform Construction Code.

To aid the unemployed, Byrne said, he is proposing an Emergency Employment Incentive program under which employers would receive inducements to hire unemployed workers. The Governor also said he will submit legislation to overhaul the workmen's compensation system to assure injured workers maximum benefits in the least possible time.

## Management of Resources

In the area of resource management, the Governor said he will ask for enactment of a comprehensive bill to administer land-use decisions for the largest developments with regional impact. This would cover major facilities such as power plants, petrochemical facilities, the largest commercial and industrial developments, and zones surrounding major highways and State facilities.

"The plan I urge will be designed to balance social needs

and encourage development in some zones while regulating chaotic growth in other areas of the State," he said.

He said his plan would give "maximum recognition to a municipality's right to its own personality and zoning objectives."

Byrne said he will establish a Governor's Law Enforcement Policy Council to bring together representatives of police, prosecutors, courts and corrections, including Federal officials, to continue the close cooperation developed between the Attorney General and the United States Attorney in the last year.

He also said he will convene a Governor's Conference on Criminal Justice Standards and Goals to develop and apply performance standards for all components of the criminal justice system.

## Institutional Reform

In the area of institutional reform, the Governor said the State's institutional care system falls short of the standard of providing patients with a safe, clean and humane environment.

Among his proposals in this field were:

- Evaluation of all patients in mental institutions to determine the most appropriate level of care.
- Development of a comprehensive mental health system which will provide a continuum of care with emphasis on treatment in the community.
- Efforts to improve the administration and operation of mental hospitals.

Byrne said the Legislature should measure its success not in the number of bills passed, but should concentrate on the following eight priority areas:

1. Jobs and economic development, including a business incentives bill and capital needs program.
2. Model penal code.
3. Conflict of interest law revision.
4. Comprehensive growth and land-use bill.
5. Housing and neighborhood preservation, including expansion of Mortgage Finance and Housing Finance Agencies, a uniform building code and a rehabilitation incentives bill.
6. An emergency energy act for planning, information and allocation.
7. Workmen's compensation reform.
8. Autonomous authorities reform bill.

The Governor also asked the Legislature to reform its own procedures by opening all of its deliberations to public view.

He called for an immediate end to the practice of Senatorial courtesy regarding approval of gubernatorial nominees for State posts.

## NEW FARM STATISTICS AVAILABLE

The current "New Jersey Agricultural Statistics", has been published by the State Department of Agriculture. Compiled by the New Jersey Crop Reporting Service, the 60-page circular gives data on almost every phase of New Jersey agriculture.

An introductory section gives the rank of New Jersey counties and New Jersey's rank among all states in selected items. It also contains crop summaries for 1972 and 1973.

The seven main portions of the book deal with weather and

field crops, vegetables, fruits and berries, livestock and dairy, poultry, farm income and prices, and farm labor.

Statistics on all major crop and livestock products are given on a county as well as Statewide basis plus comparisons with previous years.

Single copies are available from: Department of Agriculture, P.O. Box 1888, Trenton, N.J. 08625. Ask for Circular 472, "Agricultural Statistics".

## REGISTER BOUND VOLUME AGAIN AVAILABLE AT \$10

Orders are being accepted from subscribers for the annual bound volume of 1974 issues of the New Jersey Register.

In addition to the 12 issues, the reference volume contains an index of all rules adopted during the year - and of rules proposed but not yet adopted at year-end. A similar cumulative index for 1973 is also included.

Price is \$10 per copy, payable in advance, with shipment postpaid.

Similar bound volumes for the years 1973 and 1972 are also available at the same price.

Checks should be made out to, and orders placed with: Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608.

### ADMINISTRATIVE CODE TITLES

Titles available in the New Jersey Administrative Code cover all State Departments, with Treasury broken into two Titles for Taxation and General rules.

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