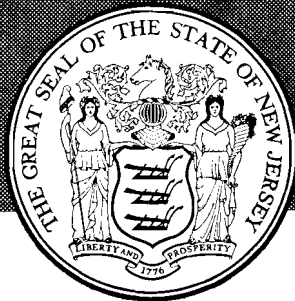


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Amendment on Limits of Indemnities For Brucellosis Reactors

Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22 and 4:5-93.32, proposes to amend N.J.A.C. 2:2-2.15(b), concerning limits of indemnities for brucellosis reactors.

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

2:2-2.15(b) For each bovine animal slaughtered to prevent the spread of brucellosis, the owner shall receive the net proceeds, if any, of the sale of the animal and in addition thereto, shall subject to the provisions of N.J.S.A. 4:5-93.32, be paid an indemnity not to exceed [\$600.00] \$1,000.00 of the appraised value of a purebred animal and [\$500.00] \$750.00 of the appraised value of a grade animal. Nonregistered or grade bulls or animals considered by the Department to be of no breeding value shall be appraised at slaughter prices. In the case of registered animals, the owner shall furnish the certificate of registration to the Department. The indemnity paid by the Federal government plus the indemnity of the State plus the salvage, if any, shall not exceed the appraised value of the animal. The cost of disposal of animals destroyed because of brucellosis, shall be borne by the owner.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Robert E. Horton
Director, Division of Animal Health
Department of Agriculture
P.O. Box 1888
Trenton, N.J. 08625

The State Board of Agriculture may thereafter adopt rules concerning this subject without further notice.

Phillip Alampi
Secretary
Department of Agriculture

(b)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Amendments on Seal of Quality Egg Expiration Date

On July 5, 1978, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:10-19, 4:20-20 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:73-2.5(d) concerning the seal of quality egg expiration date, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 218(a).

An order adopting these amendments was filed and became effective on July 6, 1978, as R.1978 d.222.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

BANKING

THE COMMISSIONER

Proposed Amendments Concerning Home Mortgage Disclosure Rules

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:16F-11, proposes to adopt amendments to the rules concerning home mortgage disclosures.

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

3:1-9.4[(c)] The data supplied by the depository institutions pursuant to this section shall be compiled by the Department in the format acceptable for compliance with Regulation C. This form shall be sent by the Department to the depository institution no later than March 31 of each year and may be used by said depository institution to comply with the provisions of Regulation C.]

Editor's Note: The forms mentioned in N.J.A.C. 3:1-9.5 and 3:1-9.6 are proposed to be updated.

3:1-9.7(a) 1. Each depository institution shall make available to the public, in the format prescribed by subsection

NEW JERSEY REGISTER

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C hereof, the mortgage loan disclosure statements required to be compiled pursuant to [this regulation] the Act within ninety days of the end of the calendar year during which the data were compiled.

Editor's Note: A new format of public disclosure statement is proposed to be cited as N.J.A.C. 3:1-9.7(c).

3:1-9.8 Filing requirements; processing fee

(a) Annual filings rules are:

[(a)] 1. Beginning in [1978] 1979, every depository institution shall file with the Department of Banking on [April 15, July 15, October 15, and] January 15 [each quarter's] the preceding year's mortgage loan data required by section 4 of this regulation.

2. Beginning in 1979, every depository institution shall file with the Department of Banking on March 31 the preceding year's mortgage loan data required by section 7 of this regulation.

3. For purposes of this section, the mortgage loan data shall be deemed to be filed if it is either delivered in person or postmarked by the above dates. All information so filed shall be submitted on forms or in the format prescribed by the Department.

(b) Failure to file the mortgage loan data by the required dates may result in a penalty of \$200 being assessed against the depository institution.

(c) A processing fee of [\$25.00] \$150.00 shall accompany each [quarterly] annual report [when it is filed with the Department] required by section 4. The fee shall be made payable to the Treasurer, State of New Jersey.

(d) [The Department of Banking will, on behalf of the reporting depository institutions, forward a copy of the quarterly reports submitted to the Division of Civil Rights.]

Optional quarterly filings rules are:

1. A depository institution may, in lieu of required annual filings pursuant to subsection (a) of this section, submit the mortgage loan data required by section 4 of this subchapter on a quarterly basis. The reporting dates for voluntary submissions are April 30, July 30, October 30, and January 15 for the preceding calendar quarter's data. A processing fee of \$25.00 shall accompany each quarterly report when it is filed with the Department of Banking.

2. The Department of Banking will prepare for each institution which reports quarterly the annual public disclosure statement required by section 7 hereof and provide the respective institutions with a copy of the annual public disclosure report within ninety days of the end of the calendar year to be used for compliance with section 7 hereof as well as Federal Reserve Board Regulation C.

(e) For fiscal years ending on or before December 31, 1977, copies of the public disclosure statement required by Regulation C shall be deemed compliance with the Act and this regulation. The processing fee for the submission of [each] the 1976 and 1977 annual reports shall be \$25.00.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Angelo R. Bianchi
Commissioner of Banking
P.O. Box CN 040
Trenton, N.J. 08625

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

Angelo R. Bianchi
Commissioner
Department of Banking

(a)

BANKING

THE COMMISSIONER

Emergency Amendment on New Usury Rate

On June 20, 1978, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 31:1-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency amendment which raises the usury ceiling to 9½ per cent on one- to six-family dwellings with or without commercial uses.

Full text of the amended rule follows:

3:1-1.1 Interest rate

(a) The maximum rate of interest to be charged, taken or received, upon a loan of any money, wares, merchandise goods and chattels, made on or after June 23, 1978, shall be eight per cent per year, except as hereinafter provided. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended.

(b) The maximum rate of interest to be charged on loans secured by real estate on which is erected or to be erected a structure containing one, two, three, four, five or six dwelling units, a portion of which structure may also be used for nonresidential purposes, consummated on or after June 23, 1978, shall be 9½ per cent per annum. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended. Any provision in a mortgage commitment contracted prior to the effective date of this regulation providing for an increase in interest rates to be charged based on the highest lawful interest rate shall be null and void.

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

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

2. Loans or advances of credit made by savings and loan associations, banking institutions or any Department of Housing and Urban Affairs or Federal Housing Administration approved mortgagees which are subsequently purchased, in whole or in part, by the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, and any successor thereof or by any organization authorized by the Emergency Home Finance Act of 1970 to purchase such loans or by any State or Federal governmental or quasi-governmental organizations.

3. If such loan is not purchased within 395 days from the date the loan instruments are executed, the maximum rate of interest which may be charged on such loan shall not be in excess of that authorized by the commissioner under the provisions of this section and such rate of interest, if in excess of that rate, shall be reduced to the rate in effect at the date of the execution of the loan instruments. No such reduction shall change the maturity date of the loan without the written consent of the borrower nor shall such reduction affect the lien of the mortgage which secures the loan.

(d) The rates established herein shall be effective at 12:01 A.M. June 23, 1978, and shall remain in force until such time as this regulation is rescinded or until said rate or rates are revised by a subsequent regulation.

An order adopting this amendment was filed on June 20, 1978, as R.1978 d.204 (Exempt, Emergency Rule) to become effective on June 23, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

BANKING

THE COMMISSIONER

Amendments on Loan and Investment Approval And List of Obligations

On June 23, 1978, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-62H and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:11-1.1(a)2.i., concerning loan and investment approval and the list of obligations subject to the provisions of N.J.A.C. 3:11-1.1(a)2.

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

3:11-1.1(a)2.i. Following is the current listing of obligations subject to the provisions of this paragraph:

- (1) Banks for Cooperatives;
- (2) Commodity Credit Corporation;
- (3) Export-Import Bank (Participation Certificates or Debentures);
- (4) Farmers Home Administration;
- (5) Federal Home Loan Bank System;
- (6) Federal Intermediate Credit Banks;
- (7) Federal Land Bank;
- (8) Federal National Mortgage Association;
- (9) Government National Mortgage Association;
- (10) New Jersey Health Care Facilities Financing Authority (Provided that no more than 10 per cent may be invested in one obligor (individual hospital) which is responsible for the payment of the particular issue).

An order adopting these amendments was filed and became effective on July 6, 1978, as R.1978 d.221.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendments on Disability Leave And Sick Leave Injury

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-17.9 concerning sick leave injury benefits.

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

4:1-17.9 Disability leave: sick leave injury

(a) In State service, any employee who is disabled because of [occupational] injury or disease causally related to his/her employment may on the recommendation of the appointing authority and approval of the Civil Service Department, be granted a leave of absence with full pay, with reduced pay or with full pay for a certain period and reduced pay thereafter[, contingent upon the availability of departmental funds legally usable for this purpose]. Any amount of salary or wages paid or payable to an employee for disability leave shall be reduced by the amount of workmen's compensation award under the New Jersey Workmen's Compensation Act for temporary disability:

1. Such leave shall not be granted beyond one year from the date of injury or illness;

2. The appointing authority shall furnish the Department of Civil Service with such medical or other proof relating to the injury or illness and the continued disability of the employee.

(b) In local government service, disability leave shall be provided in accordance with N.J.S.A. 11:24A-4.

(c) An employee may appeal to the Civil Service Commission within 20 days of denial by the appointing authority of sick leave injury benefits. The Commission shall then determine whether the sick leave injury claim was properly denied.

(d) In cases where an employee appeals the denial of sick leave injury, the burden shall be on the employee to show by a preponderance of the evidence that the injury or illness was clearly work related and that the appointing authority's action amounted to an abuse of its discretion.

(e) This rule shall expire five years following the date of its adoption.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 30, 1978, to:

Joseph Lavery
Director of Hearings and Regulations
Department of Civil Service
215 East State Street
Trenton, N.J. 08625

The Civil Service Commission may thereafter adopt rules concerning this subject without further notice.

Joseph Lavery
Director of Hearings and Regulations
Department of Civil Service

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to Local Jurisdictions Personnel Manual for Police Officers and Special Police Officers

On July 14, 1978, the State 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, adopted amendments to Subpart 6-3.105 in the Civil Service Personnel Manual (Local Jurisdictions), concerning the determination of position as classified police officer or as unclassified special police officers.

Full text of the adoption follows:

Subpart 6-3.105 Policy Regarding Determination of Position as Classified Police Officer or as Unclassified Special Police Officers.

6-3.105a Subject

This subpart sets forth the policy of the Department of Civil Service regarding the determination of whether a position is that of a classified full or part-time Police Officer, or that of an unclassified Special Police Officer.

6-3.105b Policy

Where an individual appointed by a municipality to perform the regular responsibilities of a municipal police department on a continuous basis or on a full or part-time basis, that officer shall be considered to be a police officer and in the classified service, even where the appointment was initially stated to be that of a Special Police Officer in the unclassified service. Such regular responsibilities of a municipal police department include, but are not limited to, general police work, police dispatching and routine traffic control.

Special Police Officers may not be used to perform on a full or part-time basis the usual and ordinary responsibilities of a regular member of a municipal police department. The use of special police officers as dispatchers or school traffic guards, or for regular spectator and traffic control or other police related activities on a regular basis is impermissible unless emergency or exceptionally unusual circumstances exist. An unusual condition is defined to include unpredictable events such as major fire, riot or natural disaster. In addition, certain predictable situations are also covered, such as seasonal influx of visitors in a resort community, and crowd and traffic control at regularly scheduled sporting events, rock concerts and parades. Therefore, special police officers may be used only in individual cases for intermittent or unusual crowd or traffic control, or to provide extra security supplementing the regular police force.

6-3.105c Authority

This policy is based upon Formal Opinion #22-1977 of the Attorney General, dated December 1, 1977, and the statute and cases cited therein.

An order adopting these amendments was filed on July 17, 1978, as R.1978 d.234 (Exempt, Procedure Rule) to become effective on July 24, 1978. Take notice that, these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Interpretation Number 5

Take notice that, Philip Caton, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs, has issued Interpretation Number 5, which concerns day nurseries use group I-2 and child care centers use group A-4 in the Building Subcode of the Uniform Construction Code regulations.

The substantive text of the Interpretation No. 5 follows:
Day Nurseries are specifically referenced in section 207.3 of the Building Subcode (1976 Supplement). This section pertains to Use Group I-2 covering all buildings used for housing people suffering from physical limitations because of health or age.

The Commissioner has determined that the definition of Day Nurseries, by interpretation, is a center for the care of infants or children requiring constant attention in carrying out normal daily functions. This pertains to children incapable of walking or following instructions to evacuate a building in the event of a fire.

Further, the Commissioner has determined that the classification for Child Care Center is Use Group A-4 (Section 203.5), provided all children are at least 2½ years of age, fully ambulatory and capable of following evacuation instructions in the event of a fire.

Construction Officials are required to obtain and keep on file a letter from the owner of the Child Care Center stating all children in attendance will be at least 2½ years of age. Centers housing children under 2½ years of age shall be Use Group I-2 (Section 207.3).

This Notice is published as a matter of public information only.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

DIVISION OF LOCAL GOVERNMENT SERVICES

LOCAL FINANCE BOARD

Procedures and Form of Emergency Ordinance Under the CAP Law

On June 22, 1978, the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new procedure rule concerning the procedures and form of the emergency ordinance under the CAP law (N.J.S.A. 40A:4-45.3(c)).

Full text of the adoption follows:

5:30-15.2 Procedure and form of emergency ordinance under N.J.S.A. 40A:4-45.3(c)

(a) The Local Finance Board approved the form of an emergency ordinance to be submitted to the Local Finance Board by the municipalities of the State of New Jersey. These ordinances require approval of the Local Finance Board in accordance with the provisions of N.J.S. 40A:4-45.3(c). The Local Finance Board also considered the form of a statement regarding the emergency ordinance, which must be filed with the municipal clerk prior to the adoption of the emergency ordinance and filed with the Director of Local Government Services at the time of filing the emergency ordinance.

(b) The following procedures should be adhered to in the processing of the emergency ordinances:

1. Introduction and first reading of the emergency ordinance by the governing body;
2. Publication at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating

in the municipality at least seven days prior to consideration for final adoption;

- 3. Hearing on the emergency ordinance as advertised;
- 4. Final adoption of the emergency ordinance: At least ten days after the introduction and first reading of the emergency ordinance;
- 5. Submission of three certified copies of the emergency ordinance to the Local Finance Board for its review.

Editor's Note: The form of emergency ordinance requiring approval of the Local Finance Board 40A:4-45.3(c) was filed with these rules but are not reproduced herein.

An order adopting this rule was filed on June 22, 1978, as R.1978 d.211 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

**Amendments on the Expiration
Of Tenants' Property Tax Rebate Act
And Collector Certification**

On July 16, 1978, the Department of Community Affairs, pursuant to authority of N.J.S.A. 54:4-6.3 et seq., Executive Order No. 66 (1978) and in accordance with applicable provisions of the Administrative Procedure Act, deleted in its entirety the current text of N.J.A.C. 5:30-16.11, Expiration of Tenants' Property Tax Rebate Act, and adopted as a new Appendix a 1978 Tax Collector Certification of Property Tax Reduction to Property Owner.

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

5:30-16.11 [Expiration of Tenants' Property Tax Rebate Act] (Reserved)

APPENDIX B

**1978 Tax Collector Certification
Of Property Tax Reduction to Property Owner**

- I. a) 1976 Property Tax Paid or Payable on a "Qualified Real Rental Property" (see definition below) \$.....
- b) 1978 Property Tax for same property* \$.....
- II. Property Tax Reduction Certification** (Line Ia minus Line Ib) \$.....
- III. Certification of 65 per cent of Line II. This is the amount to be Rebated/Credited to Tenants by Owner \$.....

*Exclusive of improvements not included in the assessment on the real property for 1976.

**Reductions resulting from judgment entered by county boards of taxation, the Division of Tax Appeals in the Department of Treasury or by courts of competent jurisdiction are excluded from the calculation.

Instructions to Residential Property Owner:

- 1. Amount on Line III is the total amount to be rebated

to calendar year 1978 tenants, subject to the following modifications:

a. If any part of the property is not rented or is rented for purposes other than residential the amount may be reduced in the proportion that the non-residential rental property bears to the property as a whole, preferably on the basis of assessed valuation. Your local tax assessor should be consulted.

b. If any dwelling units in this property are occupied by the owner or his/her employees, the amount may be reduced by the proportion that the number of such units bears to the total number of units in the property. (For example, if one unit of a four-unit structure is occupied by the owner or an employee, one-quarter may be deducted from line III above.)

2. The amount to be rebated is to be divided proportionally, according to the annual rent of each apartment unit. Where tenancy is less than the entire annual period (January 1 - December 31, 1978) prorate the apartment unit's annual rebate on a monthly or daily basis. (For example, if there were two tenants residing in a unit during the year, each for six months, each tenant would be eligible for 50 per cent of the rebate due for the unit.)

3. Commercial tenants are not entitled to receive rebates under this program.

4. Within 30 days of date of receipt of this form, you must file a statement* with the local rent control/rent leveling board or tax collector, showing:

- Total amount to be rebated (Line III);
- An explanation of modifications, if any, made to that amount;
- The actual amount being rebated;
- The amount of rebate per year and per rent payment for each category of rent payable.

*This statement must also be posted and maintained in a prominent place within the qualified rental property, within 30 days of date receipt of this form.

**IF YOU DO NOT RENT THIS PROPERTY,
DISREGARD THIS FORM**

This form applies only to owners of "Qualified Real Rental Property", which is defined as any real property containing a mobile home park or two or more spaces which are rented or leased or offered for rent or lease for occupancy by mobile homes, or any building or structure or complex of buildings or structures in which housing units are rented or leased or offered for rental or lease for residential purposes, except hotels, motels or other guest-houses serving transient or seasonal guests, residents of a residential cooperative or mutual housing corporation who are entitled to a homestead rebate pursuant to section 1 of P.L. 1976, c.72 (c.54:4-3.80), and owner-occupied structures of three units or less.

For further information or assistance, call the Tenant Rebate Hotline at (609) 394-0440.

An order adopting these amendments was filed and became effective on July 17, 1978, as R.1978 d.233. The amendment deleting the text of N.J.A.C. 5:30-16.11 was treated as a Mandatory Rule; the adoption of the new certificate form was treated as a Procedure Rule.

Director of Administrative Procedure
Department of State
G. Duncan Fletcher

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Rule on Dedication by Rider to Local Unit's Budget

On July 21, 1978, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, concerning the dedication by rider to local unit's budget, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 223(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

Full text of the adoption follows:

5:30-3.3(c) Rules concerning dedication by rider to the budget of the local unit are:

1. Fees received by the constituent municipalities of the Hackensack Meadowlands Development Commission are to be placed in a trust fund and such trust fund shall be considered a "dedication by rider" to the budget of the constituent district per N.J.S.A. 40A:4-39 for the sole purpose stated above.

2. Moneys received by the municipality on Outside Employment of Off-Duty Municipal Policemen are to be placed in a specific trust fund and such trust fund shall be considered a "dedication by rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.

3. Such moneys received by the municipality on interest earned on Unemployment Compensation Insurance are to be placed in a specific trust fund and such trust fund shall be considered a "dedication by rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.

4. Such revenue received by the municipality or county for Reimbursement for Sale of Gasoline to State Automobiles are to be placed in a specific trust fund and such trust fund shall be considered a "dedication by rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.

5. Such fees received by the municipality on State Training Fees Uniform Construction Code Act are to be placed in a specific trust fund and such trust fund shall be considered a "dedication by rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.

An order adopting this rule was filed and became effective on July 21, 1978, as R.1978 d.240.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

DIVISION OF LOCAL GOVERNMENT SERVICES

LOCAL FINANCE BOARD

Rules on Urban Aid Reporting System

On July 21, 1978, the Local Finance Board in the Di-

vision of Local Government Services in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 5:30-1.15, concerning the urban aid reporting system, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 223(a).

An order adopting these rules was filed and became effective on July 21, 1978, as R.1978 d.241.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Emergency Amendments on School Bus Chassis, Body and Equipment Specifications

On July 6, 1978, 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, Public Law 93-492 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to the rules concerning school bus chassis specifications and school bus body and equipment specifications.

The adopted rules replace the current text of Subchapters 5 and 6 in Chapter 21 of Title 6 of the New Jersey Administrative Code and include the new Federal motor vehicle safety standards. These new rules will enable the State of New Jersey to enter into a Statewide program for the purchase of Type I school buses for the 1979-80 school year.

Copies of the full text of 73 pages of this adoption may be obtained from or made available for review by contacting:

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

An order adopting these amendments was filed and became effective on July 7, 1978, as R.1978 d.226, and are applicable to buses manufactured after October 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

EDUCATION

STATE BOARD OF EDUCATION

Rule on Evaluation of Tenured Teaching Staff Members

On July 6, 1978, 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:6-10 et seq., 18A:7A-1 et seq., 18A:29-14 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 6:3-1.21, concerning the evaluation of tenured teaching staff mem-

bers, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 226(a).

An order adopting this rule was filed on July 7, 1978, as R.1978 d.227 to become operational on September 1, 1979.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments to Procedures for Hearings Before Water Policy and Supply Council

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3, 13:1D-1 et seq. and 58:1-3, proposes to amend N.J.A.C. 7:21-4.1 et seq., regarding the procedures for public hearings before the Water Policy and Supply Council.

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

Editor's Note: The current text of N.J.A.C. 7:21-4.1(c), 7:21-4.2(c), 7:21-4.3(c), 7:21-4.4(c), 7:21-4.5(c) and 7:21-4.8(c) are proposed to be deleted. The subsequent subsections in each of the sections cited above are proposed to be reclassified as subsections (c) through (p) rather than the current citations of subsections (d) through (o) therein. Full text of the text of subsection (c) proposed to be deleted in each of the above-cited sections follows:

[(c) If less than a quorum is present, inquiry shall be made as to whether anyone objects to proceedings with taking of testimony by a minority, as permitted by law (N.J.S.A. 58:1-8)].

7:21-4.1 (j) [(k)] A statement by the opposition, if any, shall be given. The presiding officer shall call for [a] statements by each objector in turn in the same order as read under subsection [(g)] (f) of this section.

(k) [(1)] The presentation of evidence shall be as follows:

1. Testimony will be presented first by the applicant. After presentation of direct testimony, each witness shall be immediately subject to cross-examination by all adversaries properly represented, [by counsel.] followed by redirect and recross. This is subject to relaxation at the discretion of the presiding officer.

2. After complete presentation of applicant's case, adversaries will proceed in turn in the same order as read under subsection [(g)] (f) of this section to present direct testimony, each witness to be immediately subject to cross-examination, followed by redirect and recross. This is subject to relaxation at the discretion of the presiding officer.

...
(n) [(o)] All [attorneys] parties shall be warned at the hearings that they should not make comments, give interviews or discuss the conduct of hearings before the Council before decision is rendered.

7:21-4.2 (h) [(i)] Proofs [are] required for findings:

1. The [following] applicant must show:

...
iii. That diversion is not likely to exceed the natural replenishment of such waters, nor that it threatens to exhaust such waters or to render them unfit for use by

intrusion of salt water or from other causes; and

...
(j) [(k)] A statement by the opposition, if any, shall be given. The presiding officer shall call for statements by each objector in turn in the same order as read under subsection [(g)] (f) of this section.

(k) [(1)] The presentation of evidence shall be as follows:

1. Testimony will be presented first by the applicant. After presentation of direct testimony, each witness shall be immediately subject to cross-examination by all adversaries properly represented, [by counsel.] followed by redirect and recross. This is subject to relaxation at the discretion of the presiding officer.

2. After complete presentation of applicant's case, adversaries will proceed in turn in the same order as read under subsection [(g)] (f) of this section to present direct testimony, each witness to be immediately subject to cross-examination, followed by redirect and recross. This is subject to relaxation at the discretion of the presiding officer.

...
(n) [(o)] All [attorneys] parties shall be warned at the hearings that they should not make any comments, give interviews or discuss the conduct of hearings before the Council before decision is rendered.

7:21-4.3 [(i)] (h) 1. iv. Whether the reduction of the dry season flow of any stream will be caused to an amount likely to produce unsanitary conditions or otherwise injure public or private interests; or that diversion does not deplete flow of stream below "low flows" as defined by N.J.S.A. 58:1-35; and

(j) [(k)] A statement by the opposition, if any, shall be given. The presiding officer shall call for statement by each objector in turn in same order as read under subsection [(g)] (f) of this section.

(k) [(1)] The presentation of evidence shall be as follows:

1. Testimony will be presented first by the applicant. After presentation of direct testimony, each witness shall be immediately subject to cross-examination by all adversaries properly represented, [by counsel.] followed by redirect and recross. This is subject to relaxation at the discretion of the presiding officer.

2. After complete presentation of applicant's case, adversaries will proceed in turn in the same order as read under subsection [(g)] (f) of this section to present direct testimony, each witness to be immediately subject to cross-examination, followed by redirect and recross. This is subject to relaxation at the discretion of the presiding officer.

...
7:21-4.3 (m) [(n)] A conclusion shall be reached. The matter will be referred to Council for determination, and if further testimony is required the parties shall be notified. [The council shall also take into consideration, if the applicant was diverting prior to the date of delineation, the extent to which the prior use of water was reasonably necessary to meet his needs.]

(n) [(o)] All [attorneys] parties shall be warned at the hearings that they should not make any comments, give interviews, or discuss the conduct of hearings before the Council before decision is rendered.

7:21-4.4 (h) [(i)] 2. Provide for suitable modification thereof to provide for the safe passage of the flood peak discharge to be anticipated for changes in the current flood regimen due to [improved] modified channel conditions or other flood relief measures and for the increased development of the tributary drainage area to be anticipated within the life of the structure;

4. Provide/for mitigation of any adverse impacts likely to result from the project relating to quantity, quality and biological function of the water resource.

7:21-4.4 (j) [(k)] A statement by the opposition, if any, shall be given. The presiding officer calls for statements by each objector in turn in the same order as read under subsection [(g)] (f) of this section.

(k) [(l)] The presentation of evidence shall be as follows:

1. Testimony will be presented first by the applicant. After presentation of direct testimony, each witness shall be immediately subject to cross-examination by all adversaries properly represented, [by counsel,] followed by redirect and recross. This is subject to relaxation at the discretion of the presiding officer.

2. After complete presentation of applicant's case, adversaries will proceed in turn in the same order as read under subsection [(g)] (f) of this section to present direct testimony, each witness to be immediately subject to cross-examination, followed by redirect and recross. This is subject to relaxation at discretion of the presiding officer.

7:21-4.4 (n) [(o)] All [attorneys] parties shall be warned at the hearings that they should not make comments, give interviews, or discuss the conduct of hearings before the Council before decision is rendered.

7:21-4.5 (h) [(i)] Proofs [are] required for findings:

7:21-4.5 [(i)] (h) 4. Adverse environmental impacts resulting from the project relating to quantity and quality and biological function of the affected water resource;

5. [4] Measures proposed for modification of illegal stream encroachment to provide the required channel capacity for the safe passage of flood waters[,] and mitigation of any adverse environmental impacts; and

6. [5] Conformance of said measures to a comprehensive plan for the safe passage of flood waters and the alleviation of flood damage and hazard to life.

7:21-4.5 (k) [(l)] 1. Testimony will be presented first by the complainant or complainants in order read under subsection [(g)] (f) of this section. After presentation of direct testimony, each witness shall be immediately subject to cross-examination by all adversaries properly represented, [by counsel, unless requirement for representation by counsel is waived by presiding officer,] followed by redirect and recross. This procedure is subject to relaxation at the discretion of the presiding officer.

2. After presentation of the complainant's case, the defendant or defendants will proceed in order read under subsection [(g)] (f) of this section to present direct testimony, each witness to be immediately subject to cross-examination, followed by redirect and recross. This is subject to relaxation [both as to procedure and requirement for representation by counsel] at the discretion of the presiding officer.

7:21-4.5 (n) [(o)] All [attorneys] parties shall be warned at the hearings that they should not make any comments, give interviews or discuss the conduct of hearings before the Council before decision is rendered.

7:21-4.8 (j) [(k)] A statement by the opposition, if any, shall be given. The presiding officer shall call for statements by each objector in turn in the same order as read under subsection [(g)] (f) of this section.

7:21-4.8 (k) [(l)] The presentation of evidence shall be as follows:

1. Testimony will be presented first by the applicant. After presentation of direct testimony, each witness shall

be immediately subject to cross-examination by all adversaries properly represented, [by counsel,] followed by redirect and recross. This is subject to relaxation at the discretion of the presiding officer.

2. After complete presentation of applicant's case, adversaries will proceed in turn in the same order as read under subsection [(g)] (f) of this section to present direct testimony, each witness to be immediately subject to cross-examination, followed by redirect and recross. This is subject to relaxation at the discretion of the presiding officer.

7:21-4.8 (n) [(o)] All [attorneys] parties shall be warned at the hearings that they should not make any comments, give interviews or discuss the conduct of hearings before the Council before decision is rendered.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Linda D'Amico, Secretary
Water Policy and Supply Council
Division of Water Resources
Department of Environmental Protection
1474 Prospect Street
Trenton, N.J. 08625

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

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF RADIATION PROTECTION

Proposed Rules on Analytical X-Ray Installations

The Commission on Radiation Protection and the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 26:2D-1 et seq., propose to adopt new rules concerning analytical X-ray installations. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 031-78-07.

Full text of the proposal follows:

SUBCHAPTER 21. ANALYTICAL X-RAY INSTALLATIONS

7:28-21.1 Scope

(a) This Subchapter applies to installations using analytical x-ray equipment and establishes requirements for their use.

(b) The provisions of this Subchapter are in addition to, and not in substitution for, the other applicable provisions of this Chapter.

7:28-21.2 Definitions

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

"Analytical x-ray equipment" means any device or combination of devices used to determine the microscopic structure or composition of material utilizing x-rays, including but not limited to x-ray diffraction, x-ray spectroscopy, x-ray fluorescence, or fluorescence x-ray spectroscopy equipment.

"Enclosed beam x-ray system" means analytical x-ray

equipment in which all possible x-ray paths are fully enclosed according to the requirements of Section 5 of this Subchapter, so that any part of the body cannot enter the enclosure.

"Fail-safe characteristics" means that all failures of warning and safety systems that can reasonably be anticipated will cause the equipment to fail in a mode such that personnel are safe from exposure to radiation.

"Open beam x-ray system" means analytical x-ray equipment other than enclosed beam x-ray system.

"Safety interlock" means a device or system of devices intended to prevent either the generation of x-rays or the emergence of the primary beam from the tube housing.

"X-ray accessory apparatus" means any portion of an analytical x-ray installation which is external to the x-ray tube housing and into which an x-ray beam is directed for making x-ray measurements or for other uses.

7:28-21.3 General equipment requirements

(a) No person shall cause, suffer, allow or permit the possession or use of any analytical x-ray equipment unless it is equipped with the following:

1. A clearly visible label bearing the conventional radiation symbol and the words: "CAUTION: THIS EQUIPMENT PRODUCES X-RAYS WHEN ENERGIZED—TO BE OPERATED ONLY BY AUTHORIZED PERSONNEL" or other words having similar meaning which shall be attached near any switch which energizes an x-ray tube.

2. A clearly visible label bearing the conventional radiation symbol and the words: "CAUTION: HIGH INTENSITY X-RAY BEAM" or other words having similar meaning which shall be located in a conspicuous location near the x-ray tube housing.

3. A clearly visible warning light with fail-safe characteristics labeled with the words: "X-RAY ON" or other words having similar meaning which shall be located near any switch that energizes an x-ray tube and shall be illuminated only when the tube is energized. The provisions of this paragraph shall be effective February 1, 1980.

4. A clearly visible warning light or indicator with fail-safe characteristics which shall indicate when the x-ray tube is producing x-rays or the port of the radioactive source is open. The warning light or indicator shall be located in a conspicuous position near the x-ray tube, and shall be clearly visible to any person aligning or adjusting the x-ray accessory equipment. The provisions of this paragraph shall be effective February 1, 1980.

5. A clearly visible label bearing the conventional radiation symbol and the words: "CAUTION: THIS EQUIPMENT CONTAINS RADIOACTIVE MATERIAL—TO BE OPERATED ONLY BY QUALIFIED PERSONNEL" or other words having similar meaning which shall be attached to any switch which energizes analytical x-ray equipment which contains a radioactive source.

6. A clearly visible label which shall be attached to each radiation source housing that contains a radioactive source. The label shall include the following information:

- i. The conventional radiation symbol; and
- ii. The type of radioactive material; and
- iii. The activity in curies or millicuries; and
- iv. The date of measurement of activity.

(b) No person shall cause, suffer, allow or permit the possession or use of any analytical x-ray equipment unless such operation is in accordance with the following procedures and within the following dose rates:

1. Written operating and alignment procedures provided by the manufacturer of the x-ray system, or by the person in charge of use of the system if the radiation source

housing and x-ray accessory apparatus are not compatible components supplied by the same manufacturer.

2. Written operating procedures shall be such that a qualified operator following instructions will not receive in any one hour dose equivalent in excess of 37.5 mrem to the hands and forearms or 2.5 mrem to the whole body, gonads, blood-forming organs or lens of the eye.

3. Alignment procedures shall be such that a qualified worker aware of the radiation hazards will not receive in any one hour a dose equivalent in excess of 37.5 mrem to the hands and forearms or 2.5 mrem to the whole body, gonads, blood-forming organs, or lens of the eye while following these instructions. If either of these dose rates is likely to be exceeded, a definite warning shall be included in the alignment instructions.

4. The dose due to unwanted radiation from components such as high voltage rectifiers shall not exceed 10 mrem in a week in any accessible region 5 cm from the outside surface of the generator cabinet. Where an individual may be in the vicinity if the equipment while it is operating for as long as 40 hours per week, the dose rate shall not exceed 0.25 mrem/hr.

5. The x-ray accessory apparatus shall include a beam trap or other barrier with sufficient shielding so that the dose rate due to the transmitted primary beam does not exceed 0.25 mrem/hr under normal operating conditions. In the presence of scattered radiation this requirement shall be considered met for x-ray tube sources if the inherent shielding of the trap or barrier is at least equivalent to the thickness of lead specified in the following table for the maximum rated anode current and potential. In the case of isotope sources that required barrier thickness shall be determined by a qualified expert.

Thickness of Lead Required for a Primary

Beam Barrier Located 5 cm from the Focal Spot

Anode Current (ma)	Thickness of lead (mm)		
	50 kVp	70 kVp	100 kVp
20	1.5	5.6	7.7
40	1.6	5.8	7.9
80	1.6	5.9	—
160	1.7	—	—

7:28-21.4 Additional equipment requirements for open beam x-ray systems

(a) No person shall cause, suffer, allow or permit the possession or use of any open beam analytical x-ray equipment unless it is equipped with the following in addition to the requirements of Section 3 of this Subchapter:

1. A clearly visible warning light or indicator which shall be located near each individual x-ray tube shutter and shall indicate when the shutter is open.

2. A suitable barrier to clearly delineate the boundary between the radiation area and the controlled area.

3. A system barrier surrounding each radiation area with sufficient inherent shielding so that the dose equivalent received by individuals in the surrounding controlled area does not exceed 5 mrem in any one hour or 100 mrem in any 5 consecutive days.

4. A beam shutter for each port of the radiation source housing. Such beam shutter shall be interlocked with the x-ray accessory apparatus coupling, or collimator, in such a way that the port will be open only when the collimator or coupling is in place. Shutters at unused ports shall be secured to prevent casual opening.

5. A guard or interlock which prevents entry of any part of the body into the primary beam path should be utilized.

6. The provisions of paragraphs 3, 4 and 5 of this subsection shall apply to new open beam analytical x-ray equipment after February 1, 1980. Open beam analytical x-ray equipment in use prior to February 1, 1980 shall be exempt from the provisions of paragraphs 3, 4 and 5 of this subsection unless such equipment is sold, leased, loaned or otherwise transferred from one user to another whether gratuitously or for consideration.

(b) No person shall cause, suffer, allow or permit the possession or use of any open beam analytical x-ray equipment unless it is operated in accordance with the following procedures and within the following dose rates:

1. The x-ray generator, the control panel and all other parts of the analytical x-ray system, except the x-ray tube housing, shall be so constructed that with all the shutters closed, the stray radiation measured at a distance of 5 centimeters from its surface is not capable of producing a dose in excess of 0.25 millirem in one hour at any specified tube rating.

2. The x-ray tube housing shall be so constructed that with all shutters closed, the leakage radiation measured at a distance of 5 centimeters from its surface is not capable of producing a dose in excess of 2.5 millirem in one hour at any specified tube rating.

3. Radiation exposure levels in the vicinity of controls and adjustments of the x-ray accessory apparatus used during routine operation shall not exceed 37.5 mrem/hr to the hands or 2.5 mrem/hr to the whole body, gonads, blood-forming organs, or lens of the eye.

4. The provisions of paragraphs 1 and 2 of this subsection shall be effective immediately.

7:28-21.5 Additional equipment requirements for enclosed beam x-ray systems

(a) No person shall cause, suffer, allow or permit the possession or use of any enclosed beam analytical x-ray equipment unless it is equipped with the following:

1. A sufficient number of safety interlocks so that the opening of any section of the enclosure during normal operation, or routine alignment, or routine maintenance will prevent either the generation of x-rays or the emergence of the primary beam from any x-ray tube housing port.

2. A chamber or coupled chambers to enclose the radiation source, sample, detector and analyzing crystal. Any such chamber shall be constructed so that it can not be entered by any part of the body during normal operation. The provisions of this paragraph shall be effective February 1, 1980.

3. A sample chamber closure which shall be interlocked with either the x-ray tube high voltage supply or with a shutter in the primary beam so that no x-ray beam can enter the sample chamber while it is open. Such interlock shall be of fail-safe design. The provisions of this paragraph shall be effective February 1, 1980.

(b) No person shall cause, suffer, allow or permit the possession or use of any enclosed beam analytical x-ray equipment unless it is constructed in such manner as to limit the leakage x-rays at a distance of 5 centimeters from any accessible surface during normal operation to less than 0.25 millirem in one hour at any specified tube rating.

7:28-21.6 Operating procedures

(a) No person shall cause, suffer, allow or permit the possession or use of any analytical x-ray equipment unless it is operated in accordance with the following procedures:

1. All safety devices, including but not limited to, warning lights, warning indicators, and safety interlocks as required by this Subchapter shall be maintained in a fully functional operating condition. These safety devices shall be tested for proper functioning as recommended by the manufacturer or once every six months and records kept of all such testing.

2. All safety devices, including but not limited to, warning lights, warning indicators, and safety interlocks originally provided at the time of the installation of the analytical x-ray equipment, but not otherwise specified by this Subchapter, shall be maintained in a fully functional operating condition. An exemption may be made, subject to the approval by the Department, when the operational procedures prohibit the normal functioning of these safety devices. Records of these exemptions shall be kept.

3. Analytical x-ray equipment shall not be operated when any of the safety devices required in subsection (a) of this Section are not functioning as designed.

4. In addition to and not in substitution for the applicable requirements of Subchapter 7 (Radiation Surveys and Personnel Monitoring) of this chapter, all personnel operating, repairing and aligning analytical x-ray equipment shall be provided with appropriate finger or wrist personnel monitoring equipment. The reported dose equivalent shall be recorded on Form BRP-26, "Current Occupational External Radiation Exposure", or on a clear and legible form containing all the information required on BRP-26. This reported dose equivalent shall be clearly identified as resulting from exposure to analytical x-rays.

5. A radiation survey shall be made before a new installation is placed in routine operation and whenever changes are made that could adversely affect radiation protection, as required by Subchapter 7 (Radiation Surveys and Personnel Monitoring). Records shall be maintained showing the results of such surveys as required by Subchapter 8 (Records).

A public hearing respecting this proposal will be held on October 18, 1978, at 9:00 A.M. and continuing until the close of testimony at the New Jersey State Museum Auditorium, 205 West State Street in Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1978, to:

Eugene J. Fisher, Acting Chief
Bureau of Radiation Protection
Department of Environmental Protection
380 Scotch Road
Trenton, N.J. 08628

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

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed 1979 Fish Code

The Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt the Fish Code for 1979. Such Code is known within the Department of Environmental Protection as Docket No. DEP 029-78-07.

Copies of the proposed Fish Code have been prepared and a summary supplied to newspapers throughout the State. The proposed Fish Code states when, under what circumstances, in what localities, by what means and in what amounts fish may be taken, killed or had in possession.

Copies of the 20 pages of full text of the proposed Fish Code may be obtained from:

Division of Fish, Game and Shellfisheries
Post Office Box 1809
Trenton, New Jersey 08625

A public hearing respecting this proposal will be held on September 12, 1978, at 8:00 P.M. in the office of the Division of Fish, Game and Shellfisheries, 363 Pennington Avenue, Trenton, New Jersey.

Take notice that the 1979 Fish Code is considered to consist of temporary rules not subject to codification and it will not appear in Title 7 of the New Jersey Administrative Code.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 12, 1978, to the Division of Fish, Game and Shellfisheries at the above address.

The Fish and Game Council may thereafter adopt rules concerning this subject without further notice.

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

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Amendments Concerning Nongame and Exotic Wildlife

Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:2A-5, 23:4-63.3 et seq. and with the approval of the Commissioner of Environmental Protection and the Fish and Game Council, proposes to repeal the current text of N.J.A.C. 7:25-4.1 et seq. and adopt new rules therein

concerning nongame and exotic wildlife. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 030-78-07.

Full text of the proposed new rules follows:

SUBCHAPTER 4. NONGAME AND EXOTIC WILDLIFE

7:25-4.1 Possession of wildlife prohibited; liberation of wildlife; person defined

(a) Except as provided in N.J.A.C. 7:25-4.3 or as may be provided in any other provision of law, no person shall have in possession within this state any exotic, defined as not indigenous to New Jersey, or native, defined as indigenous to New Jersey, wild nongame mammal, bird, reptile or amphibian unless such person has first received a permit from the Division as hereinafter provided.

(b) Except as may be provided in any other provision of law, no person shall liberate within this state any exotic, defined as not indigenous to New Jersey, or native, defined as not indigenous to New Jersey, wild nongame mammal, bird, reptile or amphibian unless such person has first received a permit from the Division as hereinafter provided.

(c) For purpose of N.J.A.C. 7:25-4.1 et seq., the term "person" shall be defined to include but not limited to corporations, companies, associations, societies including non-profit organizations, firms, partnerships, joint stock companies and individuals.

7:25-4.2 Species not requiring a permit for possession; housing to prevent liberation

(a) Any person may have in possession without a permit, provided that they are housed to prevent liberation, the following:

1. Birds:

- i. Budgerigar - *Melopsittacus undulatus*;
- ii. Cockatiel - *Nymphicus hollandicus*;
- iii. Lovebird - *Agapornis* sp.;
- iv. Orange-chinned parakeet - *Aratinga canicularis*;
- v. Canary-wing parakeet - *Brotogeris versicoloris*;
- vi. Nanday Conure - *Nandayus nenday*;
- vii. Mealy Parrot - *Amazona farinosa*;
- viii. Bullfinch - *Pyrrhula pyrrhula*;
- ix. Chaffinch - *Fringilla coelebs*;
- x. Brambling - *Fringilla montifringilla*;
- xi. Green finch - *Carduelis chloris*;
- xii. Serin - *Serinus serinus*;
- xiii. Chaffinch finch - *Poephila personata & acuticauda*;
- xiv. Peafowl - *Pavo cristatus*;
- xv. Ring neck dove - *Setrptopelia risoria*;
- xvi. Rock dove - *Columba livia*;
- xvii. Canary - *Serinus cararia*;
- xviii. English sparrow - *Passer domesticus*;
- xix. European starling - *Sturnis vulgaris*;
- xx. Zebra finch - *Poephila guttatus*;
- xxi. Society finch - *Lonchura domestica*;
- xxii. Mannikins - *Lonchura* sp. *Munia* sp.;
- xxiii. Green singing finch - *Serinus mozambicus*;
- xxiv. Fire finch - *Lagonosticta* sp.;
- xxv. Cordonbleu - *Uraeginthus* sp.;
- xxvi. Common waxbill - *Estrilda* sp.;
- xxvii. Strawberry finch - *Amandava amandava*;
- xxviii. Lady Gould finch - *Chloebia gouldiae*.

2. Mammals:

- i. Hamster - *Mesocricetus auratus*;
- ii. Gerbil - *Meriones mongolinensis*;
- iii. Guinea pig - *Cavia porcellus*;
- iv. Pigmy goats - *Capra hircus*;

- v. Mice and Rats - *Mus* spp. and *Rattus* spp.;
- vi. Chipmunk - *Tamias* spp. & *Eutamias* spp.;
- vii. Red Squirrel - *Tamiasciurus hudsonicus* & *douglasii*;
- viii. Flying squirrel - *Glaucomys* spp.

3. Reptiles:

- i. American anole - *Anolis carolinensis*;
- ii. Common iguana - *Iguana iguana*;
- iii. Boa constrictor - *Constrictor constrictor*;
- iv. Eastern painted turtles - *Chrysemys picta picta*;
- v. Snapping turtles - *Chelydra serpentina*;
- vi. Fence lizard - *Sceloporus occidentalis* & *undulatus*;
- vii. Garter snake - *Thamnophis* spp.¹;
- viii. Tokay gecko - *Gekko gekko*;
- ix. Ribbon snake - *Thamnophis* spp.¹.

¹ Except *T. sirtalis tetrataenia*

4. Amphibians:

- i. Leopard frogs - *Rana pipiens*;
- ii. Green frogs - *Rana clamitans*;
- iii. American toad - *Bufo americana fowleri*;
- iv. Bullfrogs - *Rana catesbiana*;
- v. Red Newts - *Notophthalmus viridescens*;
- vi. Dusky salamanders - *Desmognathus fuscus*.

7:25-4.3 Species requiring a permit for possession; written application required

(a) Upon written application and proof of satisfaction of all conditions required by this regulation, the Division may issue a permit which authorizes possession of:

1. Birds:

- i. Red-fronted parrot - *Amazona viridigenalis*;
- ii. Turquoise-fronted parrot - *Amazona aestiva*;
- iii. Yellow-cheeked parrot - *Amazona a. autumnalis*;
- iv. Half-moon conure - *Aratinga canicularis eburnirostrum*;
- v. Jenday parrot - *Aratinga jendaya*;
- vi. African gray parrot - *Psittacus erithacus*;
- vii. Macaws - *Ara* spp.² & *Anodorhynchus* spp.²

² Except endangered forms.

2. Mammals:

- i. Ferrets - *Mustela putorius furo*;
- ii. Kinkajou - *Potos flavus*;
- iii. Coatimundi - *Nasua* spp.;
- iv. European hedgehog - *Erinaceus europeus*;
- v. Llama - *Lama glama*;
- vi. Exotic Sheep - except *Ovis aries*;
- vii. Exotic Goats - except *Capra hircus*.

3. Reptiles:

- i. Pythons-family - *Pythonidae*;
- ii. Rat Snakes - *Elaphe* spp.;
- iii. Boas-family - *Boidae* (other than *Boa Constrictors*);
- iv. King Snakes - *Lampropeltis* spp.;
- v. Racers - *Coluber* spp.;
- vi. Ringneck Snakes - *Diadophis punctatus*;
- vii. Green Snakes - *Opheodrys* spp.;
- viii. Collared Lizard - *Crotaphytus collaris*;
- ix. Monitor - *Varanus* spp.;
- x. Skinks-family - *Scincidae*;
- xi. Ameiva - *Ameiva* spp.;
- xii. Chuckwalla - *Sauromalus obesus*;
- xiii. Alligator Lizard - *Gerrhonitus* spp.;
- xiv. Geckos-family - *Gekkonidae* other than Tokay Gecko;
- xv. Armadillo Lizard - *Cordylus cataphractus*.

7:25-4.4 Permits for possession of additional species not listed; possession of dangerous animals prohibited; exceptions; dangerous animals defined

(a) The Division, in its discretion, may issue a permit for the possession of any exotic or native wild bird, mammal, reptile or amphibian not covered by N.J.A.C. 7:25-4.2, 7:25-4.3, and 7:25-4.5 after a clear showing that all requirements of N.J.A.C. 7:25-4.1 et seq. have been met and that the wildlife is not potentially dangerous as defined in subsection (b) of this section; provided however that the Division, in its discretion, may issue a permit for a dangerous animal after a clear showing that the criteria for possession of a dangerous animal contained in N.J.A.C. 7:25-4.8 have been met.

(b) For the purposes of N.J.A.C. 7:25-4.1 et seq., potentially dangerous wildlife means; and shall include, but not be limited to:

Order	Family
Primates	Cebidae - New World Monkeys Cercopitheciidae - Old World Monkeys and Baboons
	Pongidae - Apes
Carnivora	Canidae - Nondomestic dogs Ursidae - Bears Felidae - Nondomestic cats
Saura (Venomous)	Helodermatidae - Gila monsters
Serpentes (Venomous)	Elapidae - Coral snakes and Cobras Viperidae - Vipers Crotalidae - Pit Vipers
	Also: Psittaculidae spp. - Ring-necked Myiopsitta spp. - Monk parakeet Cyanoliseus patagonus - Patagonian conure

and any other wildlife which, in the opinion of the division, is capable of inflicting serious or fatal injuries or which has the potential to become an agricultural pest.

7:25-4.5 Endangered species prohibited

No permit shall be issued for the possession of any exotic or native wild bird, mammal, reptile or amphibian designated as endangered by the United States Fish and Wildlife Service or the New Jersey Department of Environmental Protection; provided however that the Division may, in its discretion, issue a permit after a clear showing that the criteria for possession of endangered species (N.J.A.C. 7:25-11.2) and all requirements of N.J.A.C. 7:25-4.1 et seq. have been met.

7:25-4.6 Categories of permits, expiration, fees, sales receipt required, records and reports required

(a) The Division may issue, but shall not be limited to, the following categories of permits:

1. Individual hobby — issued to individuals holding wildlife for hobby purposes or as pets.
2. Individual scientific holding — issued to qualified individuals holding wildlife for scientific observation, captive breeding attempts and other scientific or educational study.
3. Zoological — issued to private and public institutions which exhibit exotic and nongame wildlife.
4. Pet Shop — issued to individuals and establishments dealing in the retail sale of wildlife.
5. Animal Dealer — issued to individuals and establishments dealing in the wholesaling of wildlife.
6. Animal Exhibitor — issued to exhibitors of wildlife other than zoos. Traveling exhibits and small exhibitions not qualifying as zoos are included.

7. Animal Theatrical Agencies — issued to owners of animals to be hired for advertising, acting, or theatrical appearances.

(b) All possession permits shall expire on December 31, of the year of issue.

(c) The possession permits shall require an initial fee of \$10.00 and an annual renewal fee of \$5.00.

(d) Pet Shop, animal dealer, zoo, nature center and animal theatrical agency possession permits must be displayed in a prominent place. Wildlife sales to individuals must be accompanied by a Wildlife Sales Receipt, the form of which shall be described by the Division.

(e) Pet shops and animal dealers shall submit to the Division an annual inventory of sales and exchanges upon expiration of their permits. Failure to comply with this section shall result in nonrenewal of the possession permit.

(f) Zoos and nature centers must submit quarterly reports of births, deaths, acquisitions and disposals. Failure to comply with this section shall result in the immediate revocation or nonrenewal of the possession permit.

7:25-4.7 Criteria for the possession of wildlife, generally

(a) Prior to the issuance of any permit authorized under N.J.A.C. 7:25-4.1 et seq., an applicant shall show to the satisfaction of the Division that:

1. The wildlife will be fed an adequate diet; and

2. The wildlife is housed or caged in a manner that:

i. Allows the animal to perform the normal behavior patterns of its species; and

ii. Prevents disease, liberation or accidental injury to the wildlife and/or the public; and

3. The wildlife was obtained in a manner consistent with the laws and regulations of this State, its sister states and the federal government; and

4. There is available competent and adequate veterinary services for the care and treatment of the wildlife; and

5. The wildlife is free of infectious diseases and parasites which may be dangerous to the wildlife, livestock or people of the State, provided that the Division may request certification that the wildlife, for which the permit is being sought, is free from infectious diseases and parasites from a person recognized as qualified to make such certification by Director of the Division of Fish, Game and Shellfisheries.

7:25-4.8 Criteria for the possession of potentially dangerous wildlife

(a) Education and Background: Individuals wishing to apply for a permit to possess potentially dangerous wildlife must have extensive experience in maintaining the species desired or related species.

(b) Knowledge: Individuals wishing to apply for a permit to possess potentially dangerous wildlife species must demonstrate a working knowledge and expertise in handling and caring for the species desired. The individual must be able to demonstrate this experience and ability to the satisfaction of the Division.

(c) Other Licenses and Permits: Individuals applying to possess potentially dangerous wildlife species must obtain, in addition to state exotic or native nongame species permit, and/all other applicable permits covering the possession of wildlife species. Local ordinances covering the possession of "wild" animals must be observed.

(d) Purpose and Intent: Individuals applying to possess potentially dangerous wildlife species must submit a written statement of the purpose and intent of keeping the species.

(e) Housing and Feeding: Individuals applying for a

permit to possess a potentially dangerous wildlife species must supply a written description of the housing and caging facilities for the species requested. A summary must be submitted of a continuous feed source available for the specific diet of the animals. Division personnel will inspect the completed facilities and determine if the facilities are suitable for the animal. Facilities must be constructed to prevent the possible escape of the animal, and also to prevent public access to and contact with the animal.

(f) Protection of the Public: The housing facilities must be constructed to prevent public access to and contact with the animal. The facilities should be separated from the living area of the owner, and the animal may not be kept as a household pet, except when necessary during infancy for specific care. The public must not be allowed access to the animal including animals used for exhibition purposes. The individual must demonstrate to the satisfaction of Division personnel the security of the housing and caging facilities protect the animal and the public.

(g) Veterinarian Services: Qualified veterinarian service must be readily available to the animal at all times.

7:25-4.9 Forfeiture of permits; nonissuance of permits, reinspection allowed; confiscation of wildlife; report required of wildlife transfer

(a) In addition to the penalties provided for in N.J.S.A. 23:4-63.4 any person who violates any provision of this regulation shall forfeit the permit issued under the authority of N.J.A.C. 7:25-4.1 et seq.

(b) No person shall be issued a permit who does not comply with all the relevant portions of N.J.A.C. 7:25-4.1 et seq.

(c) All possession permits issued under the authority of N.J.A.C. 7:25-4.1 et seq. are issued subject to the right of the Division to reinspect at any reasonable time.

(d) Any person who transfers any wildlife for which a permit is required shall report to the Division such transfer and the name and address of the person to whom the wildlife has been transferred.

(e) Wildlife in possession contrary to N.J.A.C. 7:25-4.1 et seq. may be confiscated by the Division and disposed of as determined by the Division.

7:25-4.10 Notice of a denial of permit, procedure, review, time limitations, hearing

(a) In the event of a denial of a permit required by N.J.A.C. 7:25-4.1 et seq., or the revocation of any permit issued pursuant to N.J.A.C. 7:25-4.1 et seq, the Division shall issue to the applicant a written statement setting forth his reasons for the denial or revocation.

(b) Any person who is denied a permit required by N.J.A.C. 7:25-4.1 et seq. or who has a permit revoked which was issued pursuant to N.J.A.C. 7:25-4.1 et seq. may, within 30 days from the time of the mailing of the written notification of such revocation or denial of a permit, request a hearing for review of such determination.

(c) A request for a hearing for review shall be made in writing, addressed to the Chairman of the Nongame Committee, Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, New Jersey 08625, and shall contain and detail how the denial or revocation of the permit was improper, and how the requirements and conditions of N.J.A.C. 7:25-4.1 et seq. have been met.

(d) Provided that a request for a hearing for review shall be reviewed seven days prior to a regularly scheduled meeting of the Nongame Committee, a requested hearing shall be held at the next regularly scheduled

Nongame Committee meeting or at any other time provided by the Nongame Committee, but in no event more than 60 days from the date a request was received or less than seven days from the date the request was received.

(e) The Nongame Committee shall issue a written statement explaining the determinations made.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Russell A. Cookingham, Director
Division of Fish, Game and Shellfisheries
Department of Environmental Protection
P.O. Box 1809
Trenton, N.J. 08625

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

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

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Public Hearing on Water Resources Project Priority List for 1979-1980

Take notice that, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and in accordance with the provisions of 40 CFR 35, proposes to adopt and file with the United States Environmental Protection Agency by September 30, 1978 the annual Project Priority List. This Notice is known within the Department of Environmental Protection as Docket No. DEP 032-78-07.

The Construction Grant Priority System and Project List describes the methodology and establishes a list, in order of priority, of municipal water pollution control projects which may be eligible to receive financial assistance for planning and construction.

On or about August 23, 1978, copies of the preliminary project document will be mailed for review and comment to units of local and county governments, sewerage authorities, environmental and conservation groups, members of the Legislature, and other organizations having an interest in water pollution control in the State.

Copies of the project document may be obtained by writing to:

Anthony R. Ricigliano
Division of Water Resources
Department of Environmental Protection
P.O. Box 2809
Trenton, N.J. 08625

In accordance with the provisions of 40 CFR 35.915, a public hearing on the priority list will be held September 13, 1978 at 10:00 A.M. in Room 106 of the Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons or organizations may make oral presentations at the hearing, or provide written statements relevant to the proposed action prior to or up to eight

days after the hearing to the Division of Water Resources at the above address. There will be given due consideration in preparing the final document.

This document will be adopted by the Department of Environmental Protection subsequent to approval by the United States Environmental Protection Agency, Region II, New York.

This Notice is published as a matter of public information only.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Closing of Natural Seed Beds in Delaware Bay

Take notice that, Daniel J. O'Hern, Commissioner of Environmental Protection, has issued the following notice, known within the Department of Environmental Protection as Docket No. DEP 026-78-06, concerning the closing of natural seed beds in the Delaware Bay.

Full text of the Notice follows:

The Division of Fish, Game and Shellfisheries in the Department of Environmental Protection and the Maurice River Cove Shellfisheries Council have ordered the closing of the natural seed beds above what is commonly known as the Southwest Line in Delaware Bay for the taking of seed oysters. This closure is effective June 16, 1978, pursuant to N.J.S.A. 50:1-5 and is necessary for the preservation and improvement of the shellfish industry.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Reinstatement of Prior Fee Schedule of Solid Waste Administration

On June 20, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which reinstated the prior fee schedule of the Solid Waste Administration. Such rules will replace the current text of N.J.A.C. 7:26-4.1 et seq. and are known within the Department of Environmental Protection as Docket No. DEP 027-78-06.

As part of the fiscal year 1977 and 1978 general appropriations acts, the New Jersey Legislature authorized the Department of Environmental Protection to impose additional fees on the collection and disposal of solid waste, sufficient to implement the provisions of P.L. 1975, Chapter 326. Pursuant to this authorization, the Department of Environmental Protection promulgated a revised fee

schedule, Docket No. DEP 020-76-07, adopted on October 18, 1976 and effective on November 1, 1976. This included a tipping fee.

The current fee schedule will lapse as of June 30, 1978 and this action is intended to reinstate the prior fee schedule of the Solid Waste Administration, Docket No. DEP 021-75-02, which was in effect between April 29, 1975 and October 31, 1976. This prior fee schedule was adopted on April 29, 1975 after notice of the proposed schedule was published in the New Jersey Register on March 6, 1975 (7 N.J.R. 101(a)) and a public hearing was held on March 31, 1975.

Copies of the full text of the reinstated fee schedule may be obtained by contacting:

Beatrice S. Tylutki, Director
Solid Waste Administration
Department of Environmental Protection
32 East Hanover Street
Trenton, N.J. 08625

Any interested person may present written comments regarding these reinstated rules on or before September 1, 1978, to Beatrice S. Tylutki, Director, Solid Waste Administration, at the above address.

An order reinstating these rules was filed on June 20, 1978, as R.1978 d.205 (Exempt, Emergency Rule) to become effective on July 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Condemnation Of Certain Shellfish Beds

On June 30, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 24:2-1 et seq., 24:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:12-1.1 et seq., concerning the condemnation of certain shellfish beds, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 184(b), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 014-78-04.

An order adopting these amendments was filed and became effective on June 30, 1978, as R.1978 d.219.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments Concerning Sulfur in Coal

On July 5, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted

amendments to N.J.A.C. 7:27-10.1 et seq., concerning sulfur in coal, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 98(a), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

An order adopting these amendments was filed on July 6, 1978, as R.1978 d.220 to become effective on September 15, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments to Standards for Sewerage Facilities And Water Supply Systems for Realty Improvements

On July 10, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:11-23 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:9-2.5, 7:9-2.19, 7:9-2.51, 7:9-2.60, 7:9-2.61 and 7:9-2.98, concerning the standards for construction of sewerage facilities and water supply systems for realty improvements, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 230(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 011-77-02.

A summary of the substantive changes follows:

1. N.J.A.C. 7:9-2.19 has been further amended to explain that the distances provision for disposal fields does not apply for dual systems on single lots.
2. N.J.A.C. 7:9-2.60 has been changed back to its original form by deleting the proposed "witnessing" clause.
3. N.J.A.C. 7:9-2.61 now provides that hand augers may be used as long as the test hole remains open and does not cave or slump.
4. N.J.A.C. 7:9-2.61 has been revised to permit alternate forms of data for ground water tests in accordance with our discussions with the Builders Association.
5. N.J.A.C. 7:9-2.98 has been added to provide for the "grandfather issue" for tests taken prior to the effective date of the regulations.

An order adopting these amendments was filed on July 12, 1978, as R.1978 d.231.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Natural Areas System

On July 13, 1978, Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.

S.A. 13:1B-15.4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:2-11.1 et seq. concerning natural areas system substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 6(d) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 065-77-12.

An order adopting these amendments was filed and became effective on July 14, 1978, as R.1978 d.232.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Delineated Floodways In Raritan Basin

On July 19, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:16A-50 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11(d)2. concerning delineated floodways in the Raritan Basin, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 227(d).

These amendments are known within the Department of Environmental Protection as Docket No. DEP 017-78-05.

An order adopting the amendments was filed and became effective on July 19, 1978, as R.1978 d.237.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Delineated Floodways In Raritan Basin

On July 19, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:16A-50 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11(d)21., concerning delineated floodways in the Raritan Basin, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 228(a).

These amendments are known within the Department of Environmental Protection as Docket No. DEP 016-78-05.

An order adopting the amendments was filed and became effective on July 19, 1978, as R.1978 d.238.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Proposed Amendments to Standards For Licensure of Ambulatory 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 amend N.J.A.C. 8:43A-1.1 et seq. concerning the standards for licensure of ambulatory care facilities.

The proposed amendments concern revised definitions, staff procedures, infection control, housekeeping services and the renumbering of certain existing sections.

Copies of the eight pages of full text of this proposal may be obtained from or made available for review by contacting:

Wanda J. Marra
Coordinator, Standards
State Department of Health
501 John Fitch Way
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(d)

HEALTH

THE COMMISSIONER

Proposed Amendment Concerning Medications And Treatment Prescribed by Podiatrists

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend the manual of standards for hospital facilities regarding medications and treatment prescribed by podiatrists.

Full text of the proposed new rule follows:

8:43B-6.4(c) Medications and treatment may also be prescribed by podiatrists when such medication or treatment is given to treat ailments of the human foot in accord with N.J.S.A. 45:5-7 and as specified in the hospital's medical staff by-laws.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Wanda J. Marra
Coordinator, Standards
Department of Health
501 John Fitch Way
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Amendment Concerning Codeine-Based Cough Preparations

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-15c, proposes to amend N.J.A.C. 8:65-7.18(a) by adopting new text therein, concerning codeine-based cough preparations being sold only on a prescription basis.

Take notice that, this proposal appeared in the July 6, 1978, issue of the New Jersey Register at 10 N.J.R. 280(a), but such Notice did not indicate the time and place of the public hearing to be held regarding this proposal.

Full text of the proposal follows:

8:65-7.18(a)1. Except when dispensed directly in good faith by a practitioner, other than a pharmacist, in the course of his professional practice only, to an ultimate user, no codeine-based cough preparations subject to the provisions of Schedule V of the New Jersey Controlled Dangerous Substance Act may be dispensed without a written or oral prescription. Such prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription, unless renewed by the practitioner.

A public hearing respecting this proposal will be held August 16, 1978, at 11:00 A.M. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Donald J. Foley
Chief
Drug, Device and Cosmetics
Department of Health
1911 Princeton Avenue
Trenton, N.J. 08648

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Rules to Charge Architectural And Mechanical Plan Review Fees

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 the charging of architectural and mechanical plan review fees. These requirements are stipulated in the Uniform Construction Code (See N.J.A.C. 5:23-4.8). Such rules, if adopted, will be cited as N.J.A.C. 8:43D-2.1 et seq.

The proposed rules concern building, plumbing, electrical subcode fees, elevator fees and energy subcode fees.

Copies of the five pages of full text of this proposal may be obtained from or made available for review by contacting:

Joseph A. DiCara
Chief, Health Facilities Construction
and Monitoring Program
Department of Health
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Amendments to Standards For Licensure of Residential And Inpatient Drug Treatment 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 amend N.J.A.C. 8:42-2.1 et seq., concerning the standards for licensure of residential and inpatient drug treatment facilities.

The proposed amendments concern revised definitions, treatment plans, dental services, sanitation, infection control, housekeeping services and physical plant requirements.

Copies of the nine pages of full text of this proposal may be obtained from or made available for review by contacting:

Wanda J. Marra
Coordinator, Standards
State Department of Health
501 John Fitch Way
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Amendments Concerning Hill-Burton Uncompensated Care

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 update the eligibility poverty guidelines to be used for Hill-Burton-funded facilities in order to comply with their uncompensated care requirements.

Take notice that, these amendments are not subject to codification and will not appear in Title 8 of the New Jersey Administrative Code.

Copies of the full text of the proposed amendments may be obtained from or made available for review by contacting:

Joseph A. DiCara
Chief, Health Facilities Construction
and Monitoring Program
Department of Health
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendments to Minimum Standards of Performance

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A2-1 et seq. and with the approval of the Public Health Council, proposes to amend the rules concerning minimum standards of performance.

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

8:51-1.2(b) Personnel requirements for the activity "provide public health nursing services" are satisfied when the program is administered by:

1. A "public health nurse director" [means] who is a registered professional nurse currently licensed in New Jersey and who has:

[1.] i. Completed a Master's Degree program accredited by the National League for Nursing with a nursing major in supervision, teaching, consultation or administration and advanced study in a clinical specialty; or has completed a Master's program in public health in an institution accredited by the American Public Health Association, and

[2.] ii. Five years of experience in public health nursing, one year of which shall have been a supervisory experience. or

2. A "public health nurse supervisor" [means] who is a registered professional nurse currently licensed in New Jersey and who has:

[1.] i. Completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation or post-baccalaureate study which includes content approved by the National League for public health nursing preparation, and

[2.] ii. Three years of experience in public health nursing under qualified nursing supervision.

(c) Personnel requirements for the activity "administer a planned health education program" are satisfied when the program is administered by:

1. A full-time employee who has a degree of Master of Public Health in health education, or its equivalent, e.g. a Masters of Arts in community health education from an accredited program; or

2. A full-time employee with a bachelors degree, preferably in community health education, who receives part-time direction from a person with a Masters degree (see above). If documented efforts, satisfactory to the State Department of Health, made to employ or contract for this part-time person are not successful, the local health agency may receive guidance in health education from the State Department of Health until such time that this person can be obtained.

8:51-1.3 Revisions

This document will be revised within three years following the effective date of this revision.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

John H. Harrison
Director, Health Aid Services
Department of Health
Room 703
Health-Agriculture Building
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Amendments to Manual Of Standards for Licensure of Long-Term-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 adopt amendments to N.J.A.C. 8:39-1.1 et seq., concerning the manual of standards for licensure of long-term-care facilities, regarding delayed implementation dates of the regulations until January 1, 1979, and the retention of parts of existing regulations from September 1, 1978, through January 1, 1979.

(a)

HEALTH

COMMUNITY HEALTH SERVICES

Proposed Rules on Standards for Outpatient Care of Tuberculosis Patients

Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:4-70, proposes to adopt new rules concerning the standards for the outpatient care of tuberculosis patients. Such rules, if adopted, will be cited as a new subchapter 1 in the new chapter 58, Tuberculosis Control Services, in Title 8 of the Administrative Code.

The proposed rules concern availability of services, required services, treatment, reporting, records, control, evaluation, financial reimbursement and auditing requirements.

Copies of the 28 pages of full text of this proposal may be obtained from or made available for review by contacting:

Hugh D. Palmer
Director, Tuberculosis Services
Department of Health
Box 1540
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978 to: the Department of Health at the above address.

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

Watson E. Neiman
Acting Commissioner
Department of Health

The proposal concerns the implementation of the long-term-care manual as of September 1, 1978, with the exception of N.J.A.C. 8:39-1.14(f)15.i. and v., 8:39-1.16(c), (e) and (l) and 8:39-1.18(g). On January 1, 1979, these exempted items will become effective.

The following rules are to remain in effect during the period between September 1, 1978, through January 1, 1979:

1. Manual of Standards for Nursing Homes Section 501-A-2, 3, 4, 5, 6, 7.
2. Manual of Standards for Intermediate Care Facilities, Chapter I section 106-A-1, 2, 3.
3. Manual of Standards for Intermediate Care Facilities, Chapter 6 section 60-A-4.

Full text of these items follows:

501-A NURSING SERVICE

2. Of the total nursing personnel, the ratio of registered professional nurse hours to auxiliary nursing hours shall not be less than 1 to 5, with 25 per cent credit for licensed practical nurse hours.

3. Registered or licensed nursing personnel shall be provided around-the-clock on a daily basis. Such personnel shall be currently registered or licensed to practice nursing in New Jersey.

4. There shall be no less than one registered professional nurse on the day tour of duty, seven days each week.

5. There shall be available at all times at least two nursing personnel to act effectively in the event of fire or other emergency.

6. Professional and licensed nurse personnel shall be distributed on each tour of duty in order to insure that the quality of care required by the patient census is provided.

7. The amount of nursing time provided for direct patient care shall be limited to nursing duties.

106. DIRECTOR OF DIETARY SERVICES

A Director of Dietary Services is a person who is:

1. A qualified ADA dietitian, or
2. A graduate dietitian, or
3. A person suited by training and experience in foods and nutrition, dietetics, quantity food service, or institutional management for planning and supervision of menus and preparation of meal services. This individual if requiring further education and preparation should complete the 90-hour course in dietetics approved by the Department of Health within nine months after assuming her duties.

Section 601

Level A (Upper level-Medical)

IV. In a Free Standing Facility of less than 50 beds, the hours of care of the Director of Nursing may be counted as direct resident care.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Wanda J. Marra
Coordinator, Standards
Department of Health
501 John Fitch Way
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

Proposed Rules on Interim Drug Evaluation and Acceptance Criteria

The Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-5 and 6, proposes to adopt rules on interim drug evaluation and acceptance criteria.

Take notice that, rules on this topic were adopted on June 19, 1978, as R.1978 d.202 (See: 10 N.J.R. 280(b)) but have been repealed by R.1978 d.248 (See this issue of the Register), because the adoption was procedurally defective.

Full text of the proposed new rules follows (additions to the prior rules are indicated in boldface thus; deletions to the prior rules are indicated in brackets [thus]):

CHAPTER 70. DRUG UTILIZATION REVIEW COUNCIL

SUBCHAPTER 1. INTERIM DRUG EVALUATION AND ACCEPTANCE CRITERIA

8:70-1.1 Drug Utilization Review Council

(a) The Drug Utilization Review Council shall establish and maintain an approved list of drugs entitled, "The Drug Utilization Review Council Formulary". The formulary shall be used in the implementation of New Jersey Assembly Bill No. 2021, known as the "Prescription Drug Price and Quality Stabilization Act". Its purpose is to assure quality medications at the most reasonable costs.

(b) In evaluating and accepting drugs into the formulary, all products will be compared to reference standards [which shall be established by the council. The minimum reference standards will be those of] such as, but not limited to, those available from the Food and Drug Administration, the United States Pharmacopoeia and the National Formulary. [For certain products the council may decide that manufacturers, labelers and distributors will be expected to comply with reference standards as stated in a food and drug administration approved full or abbreviated new drug application.]

(c) Drug products submitted to the council for evaluation will be required to conform to the following criteria in relation to the minimum reference standards.

1. Chemical and physical equivalence;
2. Bioavailability equivalence where appropriate standards and methodology have been established by the Food and Drug Administration, or therapeutic equivalence in terms of adequate and well-controlled clinical studies in the absence of appropriate standards, or where otherwise deemed necessary by the council;
3. Product criteria;
4. Manufacturer, labeler and distributor criteria;
- [5. Economic Criteria.]

(d) The following statements are provided to detail and explain the evaluation criteria.

8:70-1.2 Bioavailability data

(a) Bioavailability has been defined as the extent and rate of absorption from a dosage form, as reflected by the

time-concentration curve of the administered drug in any appropriate biological fluid. Bioequivalents are those chemical equivalents which, when administered to the same individuals in the same dosage regimen, will result in comparable bioavailability. Three parameters describing a single-dose blood concentration curve are considered important for comparison in evaluating bioequivalence. These are the maximal concentration, the time of maximal concentration and the area under the concentration/time curve.

(b) A general explanation of bioequivalence parameters would include such items as:

1. Maximal concentration is that concentration of drug attained in the blood following a single standard dose, and for single dose drugs, must be above the minimum effective concentration and below the minimum toxic concentration. This is also true for multiple dose drugs which do not accumulate, such as penicillin G. For drugs which do accumulate, and for which only single dose data are available, multiple dose kinetics must be used to establish the steady state concentration range.

2. Time until maximal concentration is an indirect measure of time to onset of action, since the faster a drug reaches its maximal concentration, the faster it is likely to provide an effect.

3. Area under the curve is an indication of the extent of absorption of a drug from a dosage form. This should be available for as much time as it takes until the concentration in the body fluid being evaluated is down to 10 per cent of the maximal concentration. Area under the curve is critical for drugs given on a multiple dosing schedule and must be considered when comparing such products.

8:70-1.3 Physical criteria

(a) Physical criteria (tablets and capsules) are:

1. Uniformity of weight, color and coating;
2. Adequacy of markings;
3. Integrity.

8:70-1.4 Manufacturer, labeler and distributor criteria

(a) The actual manufacturer of the drug product [and the sources of materials] must be identified. All components of the drug product, both active and inactive, must be listed and the component's specific purpose (e.g. binder, lubricant, coloring agent, etc.) and source (whether foreign or domestic) must be given. In addition, the manufacturer, labeler and distributor, if any, must certify that the active and inactive ingredients, sources and the final dosage form are approved by the federal Food and Drug Administration, the Drug Utilization Review Council or the New Jersey Department of Health. Products for which a manufacturer, labeler or distributor refuses to provide this information will not be approved. [This information is required for all active and inactive ingredients as well as all other components of the product.] Information regarding proprietary formulations will be held strictly confidential within the limits of applicable law.

(b) The manufacturer and labeler must provide verification of their compliance with the quality control standards established by the current Good Manufacturing Practices Act for the reference product.

(c) Additional rules are:

1. Production facilities for submitted products must be inspected not less than every two years by an appropriate and acceptable Federal or State agency as determined by the council. When product is submitted for formulary

consideration, the inspection records for the prior two years must be included. In addition, copies of all violation citations and records of violation corrections must be made available for review by the committee.

2. A record of [Federal] federal Food and Drug Administration drug product recalls, together with the reason for the recall, shall be maintained in the office of the Chief of Pharmaceutical Services, Division of Medical Assistance and Health Services, State Department of Human Services. This information will be made available to the council for review as needed.

(d) Placement of an identification mark (such as NDC and trade mark) on [all solid dosage forms,] drug labels, package inserts and catalogs is [considered by the council to be desirable.] required.

(e) Adequate company policies and procedures for accepting returned products from all wholesale distributors, health care institutions, physicians, pharmacists and pharmacies are required should recall be necessary.

(f) References for adequate emergency consultation should be provided by the manufacturer.

(g) There must be adequate production capabilities and Statewide distribution capabilities which will ensure product availability to meet patients' needs at all authorized dispensing locations. This standard should provide all patients with uninterrupted continuity of care.

[8:70-1.5

All products which will be considered for approval by the council will be reviewed in terms of the potential economic savings to the individuals for whom the products have been prescribed.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Thomas T. Culkin
Executive Director
Drug Utilization Review Council
Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

PUBLIC HEALTH COUNCIL

Amendments on Immunization of Pupils in Schools

On July 17, 1978, Jane B. Robinson, Chairman of the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments on immunization of pupils in schools, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 246(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

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

8:57-4.8 Reports to be sent to State Department of Health

(a) A report of the immunization status of the pupils in every school shall be sent each year to the Department of Health by the principal or other person in charge of a school.

(b) The form for the report shall be provided by the Department of Health.

(c) [During the academic years 1975-1976 and 1976-1977, t]This report shall include all students and shall be submitted by [February 1] December 1 of the respective academic year. [Thereafter, the report shall be limited to the immunization of school entrants and transfer students and shall be submitted by December 1 of each academic year.]

(d) A copy of this report shall be sent to the local board of health in whose jurisdiction the school is located.

8:57-4.11 Poliomyelitis vaccine

(a) Every pupil shall have received at least three doses of poliomyelitis vaccine, live, oral, trivalent and the last dose must have been administered not less than six months after the previous dose.

(b) If a pupil has received poliomyelitis vaccine, live, oral, type 1; poliomyelitis vaccine, live, oral, type 2; and poliomyelitis vaccine, live, oral, type 3; this will be accepted in lieu of the first two doses of poliomyelitis vaccine, live, oral, trivalent.

(c) If a pupil has received four doses of inactivated poliomyelitis vaccine, this will be accepted in lieu of oral poliomyelitis vaccine, provided that the last dose must be administered not less than six months after the previous dose, and that all of the inactivated poliomyelitis vaccine was received in 1968 or thereafter.

8:57-4.14 Providing immunization

(a) A board of education and/or a local board of health may provide, at public expense, the necessary equipment, materials and services for immunizing pupils with the following immunizing agents, either singly or in combination:

1. Diphtheria toxoid;
2. Pertussis vaccine;
3. Tetanus toxoid;
4. Measles virus vaccine, live, attenuated;
5. Rubella virus vaccine, live;
6. Poliomyelitis vaccine, [live, oral trivalent];
7. Mumps virus vaccine, live;

[7.] 8. Other immunizing agents when specifically authorized to do so by the Department of Health.

8:57-4.16 Mumps vaccine

Every pupil, six years of age or younger, shall have received mumps virus vaccine, live, or any vaccine combination containing mumps vaccine, live. Pupils with a history of having had the disease mumps shall not be required to receive mumps vaccine. This section shall become effective on September 1, 1979.

An order adopting these amendments was filed and became effective on July 24, 1978, as R.1978 d.244. Take notice that, N.J.A.C. 8:57-4.16 will become effective on September 1, 1979.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Continued on N.J.R. 341)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

It includes ALL rules adopted from the date of the last individual Title updating through July 24, 1978.

Since the last updates, the various State departments and agencies 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 IN PRINT IN CODE:

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
AGRICULTURE — TITLE 2			
2:2-1.1	Amendments on contagious equine metritis reporting	R.1978 d.122	10 N.J.R. 182(d)
2:48-2.1	Amendments on advertising of milk products	R.1978 d.57	10 N.J.R. 92(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.108	10 N.J.R. 182(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.145	10 N.J.R. 218(b)
2:54-3.7	Suspension to Federal Order No. 4	R.1978 d.149	10 N.J.R. 218(c)
2:69-1.11	Amended commercial values	R.1978 d.197	10 N.J.R. 270(a)
2:70-1.8	New rules on slurries and suspensions	R.1978 d.81	10 N.J.R. 135(a)
2:71-1.30	Amendments on certificates of grade	R.1978 d.115	10 N.J.R. 182(c)
2:71-2.26 to 2.31	Inspection and grading of fruits and vegetables	R.1978 d.114	10 N.J.R. 182(b)
2:73-2.5(d)	Amendments on seal of quality egg expiration date	R.1978 d.222	10 N.J.R. 314(b)

(Rules in the Code for Title 2 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 12.)

BANKING — TITLE 3

3:1-1.1	Amended interest rates	R.1978 d.204	10 N.J.R. 315(a)
3:1-2.24	Minimum subscription for capital stock associations	R.1978 d.71	10 N.J.R. 137(a)
3:1-10.1 et seq.	Restrictions on real property transactions in new charter applications	R.1978 d.55	10 N.J.R. 92(c)
3:1-11.1	Amended definitions of affiliate and institution	R.1978 d.144	10 N.J.R. 219(a)
3:7-3.9(a)26.	Amend electronic data processing	R.1978 d.103	10 N.J.R. 136(b)
3:11-1.1(a)2.f	Amended list of obligations	R.1978 d.221	10 N.J.R. 316(a)
3:18-6.1	Pledged receivables as collateral security for commercial loans	R.1978 d.41	10 N.J.R. 92(b)
3:26-3.1	Reporting possible illegal activity by employees or customers of savings and loan associations	R.1978 d.163	10 N.J.R. 219(b)

(Rules in the Code for Title 3 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 11.)

CIVIL SERVICE — TITLE 4

(Rules in the Code for Title 4 include all adoptions to date—Transmittal Sheet No. 11.)

COMMUNITY AFFAIRS — TITLE 5

5:23-1.4, 2.9, 3.3, 4.11	Amend Uniform Construction Code	R.1978 d.162	10 N.J.R. 225(a)
5:23-2.6	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)
3.3, 3.8, 4.3 and 4.8			
5:23-3.4(a)2.f	Revisions to building subcode	R.1977 d.380	9 N.J.R. 506(a)
5:23-4.3(c)6.	Amendments on conflicts of interest	R.1977 d.434	9 N.J.R. 558(a)
5:23-4.9, 5.3	Amendments on effective dates	R.1977 d.435	9 N.J.R. 558(b)
5:24-1.1 et seq.	Conversion to condominiums and cooperatives	R.1978 d.22	10 N.J.R. 55(b)
5:30-1.14	Public participation in revenue sharing program	R.1977 d.479	10 N.J.R. 55(a)
5:30-1.15	Urban aid reporting system	R.1978 d.241	10 N.J.R. 319(b)
5:30-3.3(c)	Dedication by rider to local unit budget	R.1978 d.240	10 N.J.R. 319(a)
5:30-15.2	Procedure and form of emergency ordinance under CAP law	R.1978 d.211	10 N.J.R. 317(b)
5:30-16.11, App. B	Amendments on tenant's property tax expiration date	R.1978 d.233	10 N.J.R. 318(a)
5:62-1.1 et seq.	Rules on Handicapped Person's Recreational Opportunities Act	R.1978 d.143	10 N.J.R. 224(a)

(Rules in the Code for Title 5 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

EDUCATION — TITLE 6

6:3-1.6	Delete summer payment plan rule for academic year personnel	R.1977 d.465	10 N.J.R. 6(b)
6:3-1.11	Amendments on superintendency	R.1978 d.7	10 N.J.R. 59(a)
6:3-1.21	Evaluation of tenured teaching staff members	R.1978 d.227	10 N.J.R. 319(d)
6:3-2.1	Amendments on pupil records		
through 6:3-2.8		R.1978 d.87	10 N.J.R. 142(c)
6:8-1.1, 6.2, 7.1	Amendments on thorough and efficient system	R.1978 d.85	10 N.J.R. 142(a)
6:20-2.3	Amendments on bookkeeping in local school districts	R.1977 d.483	10 N.J.R. 5(b)
6:21-5.1 et seq.	Amendments on school bus equipment specifications	R.1978 d.226	10 N.J.R. 319(c)
6.1 et seq.			
6:28-5.1 et seq.	Rules on auxiliary services for nonpublic school pupils	R.1977 d.464	10 N.J.R. 6(a)
6:28-6.1 et seq.	Rules on corrective speech services for nonpublic school pupils	R.1977 d.466	10 N.J.R. 6(c)
6:39-1.1 et seq.	Amendments on Statewide assessment	R.1978 d.146	10 N.J.R. 227(a)
6:44-3.1(a)5.	Amendments on standards for adult education reimbursement	R.1978 d.147	10 N.J.R. 227(b)
6:46-4.18	Recognition of accredited private vocational schools	R.1978 d.86	10 N.J.R. 142(b)
6:46-9.1 et seq.	Contracting for educational services with eligible private vocational schools	R.1978 d.148	10 N.J.R. 227(c)
6:68-1.8	Amendments on State library aid	R.1978 d.121	10 N.J.R. 183(b)

(Rules in the Code for Title 6 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 11.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1E-1.1 et seq.	Amendments on discharge of petroleum and other substances	R.1978 d.112	10 N.J.R. 187(a)
7:2-11.1 et seq.	Amendments on natural areas system	R.1978 d.232	10 N.J.R. 328(d)
7:8-1.1 et seq.	Rules of practice and procedure; Division of Water Resources	R.1978 d.48	10 N.J.R. 101(b)
7:10-3.10 et seq.			
7:9-2.1 et seq.,	Extend effective date on construction of sewage facilities	R.1978 d.102	10 N.J.R. 146(d)
7:10-3.10 et seq.			
7:9-2.1,	Extend effective date on sewers to July 1, 1978	R.1978 d.182	10 N.J.R. 279(b)
7:10-3.10 et seq.			
7:9-2.4, 2.60,	Amendments on construction of sewerage facilities and waste supply systems	R.1978 d.161	10 N.J.R. 237(b)
2.67, 2.70			
7:10-3.10 et seq.			
7:9-2.5, 2.7,	Amendments to standards for sewerage facilities and water	R.1978 d.231	10 N.J.R. 328(c)
2.19, 2.5,			
2.60, 2.61, 2.98			
7:12-1.1, 1.3	Amendments on shellfish beds in Barnegat Bay	R.1978 d.69	10 N.J.R. 144(a)
7:12-1.1 et seq.	Amendments on condemnation of certain shellfish beds	R.1978 d.219	10 N.J.R. 328(a)
7:13-1.2, 1.4	Amendments on floodway delineations	R.1978 d.70	10 N.J.R. 145(a)
7:13-1.11(d)2	Amendments on delineated floodways in Raritan Basin	R.1978 d.237	10 N.J.R. 329(a)
7:13-1.11(d)21	Amendments on delineated floodways in Raritan Basin	R.1978 d.238	10 N.J.R. 329(b)
7:26-1.4, 2.6, 2.11,	Amendments on manifest system for hazardous wastes	R.1978 d.72	10 N.J.R. 146(a)
2.13, 7.1 et seq.			
7:26-4.1 et seq.	Reinstate prior fee schedule of Solid Waste Administration	R.1978 d.205	10 N.J.R. 327(c)
7:27-10.1 et seq.	Amendments on sulfur in coal	R.1978 d.220	10 N.J.R. 328(b)
7:28-24.1 et seq.	Nuclear medicine technology	R.1978 d.101	10 N.J.R. 146(c)
7:28-25.1 et seq.	Radiation laboratory fee schedule	R.1978 d.47	10 N.J.R. 101(a)
Temporary rule	Closing of State waters to sea clam harvesting	R.1978 d.111	10 N.J.R. 186(c)
Temporary rule	Emergency amendments on opening sea clam waters	R.1978 d.119	10 N.J.R. 187(b)
Temporary rule	Amendments on 1978 oyster seed bed season	R.1978 d.123	10 N.J.R. 188(a)
Temporary rule	Change date of 1978 bay season; oyster seed beds	R.1978 d.128	10 N.J.R. 188(b)
Temporary rule	1978-79 game code	R.1978 d.199	10 N.J.R. 279(c)

(Rules in the Code for Title 7 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 10.)

HEALTH — TITLE 8

8:7-1.9(a)2.1.	Amendments on qualifications of health officer	R.1978 d.24	10 N.J.R. 62(c)
8:13-2.1 et seq.	Depuration of soft shell clams	R.1978 d.127	10 N.J.R. 188(d)
8:15-1.1 et seq.	Smoking in public places	R.1978 d.129	10 N.J.R. 189(a)
8:15-1.1 et seq.	Postpone effective date of public smoking rules	R.1978 d.168	10 N.J.R. 250(a)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
8:21-4.1 et seq.	New drugs and amygdalin	R.1978 d.93	10 N.J.R. 148(a)
8:21-4.31-4.34	Laetrile efficacy in study of cancer	R.1978 d.246	10 N.J.R. 341(a)
8:21-7.1 et seq.	Extension of effective date to July 1, 1979	R.1977 d.472	10 N.J.R. 12(b)
8:21-9.4, 9.6	Amendments on licenses for food and cosmetic establishments	R.1978 d.167	10 N.J.R. 249(b)
8:21-11.1 et seq.	Rules on dented cans, salvage foods and beverages	R.1978 d.100	10 N.J.R. 149(a)

8:25-5.2	Amendments on waterfront staff and youth camp safety standards	R.1978 d.166	10 N.J.R. 249(a)
8:30-14.1 et seq.	Long-term-care facilities for indigents as condition for licensure	R.1978 d.25	10 N.J.R. 62(d)
8:31-8.1 et seq.	Amended standards and criteria; prenatal services	R.1978 d.49	10 N.J.R. 103(b)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-27.1 et seq.	Rules on megavoltage radiation oncology units	R.1977 d.397	9 N.J.R. 518(b)
8:31A-10.5	Implementation of economic factor for SHARE	R.1977 d.396	9 N.J.R. 518(a)
8:33-1.5(f)3.	Amendment or certificates of need and transfers of ownership	R.1978 d.62	10 N.J.R. 104(a)
8:33-1.5(i), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(d)
8:36A-1.1 et seq.	Rules on regional end-stage renal disease services	R.1977 d.398	9 N.J.R. 518(c)
8:39-1.1 et seq.	Amended standards for licensing long-term care facilities	R.1978 d.65	10 N.J.R. 104(d)
8:39-1.1 et seq.	Change effective date on nursing homes to January 1, 1979	R.1978 d.203	10 N.J.R. 280(c)
8:42-1.18(f)	Amendments on licensure of home health agencies	R.1977 d.400	9 N.J.R. 519(a)
8:43-4.7(c)	Amendments on records for new boarding homes	R.1977 d.401	9 N.J.R. 519(b)
8:43B-15.1 et seq.	Renal dialysis services	R.1978 d.63	10 N.J.R. 104(b)
8:43B-16.1 et seq.	Nurse-midwifery services	R.1978 d.64	10 N.J.R. 104(c)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
8:57-1.19	Reporting bladder cancer	R.1977 d.467	10 N.J.R. 12(a)
8:57-4.8, 4.11, 4.14, 4.16	Amendments on immunization of pupils in schools	R.1978 d.244	10 N.J.R. 334(a)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.2(b)4.	Transfer of phencyclidine	R.1978 d.247	10 N.J.R. 341(b)
8:65-10.4	Addition of Lorazepam to controlled dangerous substances	R.1978 d.23	10 N.J.R. 62(b)
8:65-10.5	Add Loperamide as dangerous	R.1977 d.440	9 N.J.R. 567(a)
8:65-10.6	Excluded O.T.C. substances	R.1978 d.60	10 N.J.R. 103(d)
8:65-10.7	Excepted prescription drugs	R.1978 d.61	10 N.J.R. 103(e)
8:65-10.8	Exempt chemical preparations	R.1978 d.59	10 N.J.R. 103(c)
8:70-1.1 et seq.	Interim drug evaluation and acceptance criteria	R.1978 d.202	10 N.J.R. 280(b)
8:70-1.1 et seq.	Repeal interim drug evaluation and acceptance criteria	R.1978 d.248	10 N.J.R. 341(c)

(Rules in the Code for Title 8 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 8.)

HIGHER EDUCATION — TITLE 9

9:2-2.2	Definition of academic year	R.1978 d.52	10 N.J.R. 105(b)
9:2-6.1 et seq.	Amendments on appeals to Chancellor	R.1978 d.136	10 N.J.R. 253(a)
9:2-11.1 et seq.	Veterans tuition credit program	R.1977 d.376	9 N.J.R. 521(a)
9:4-3.57(b)	Amendments on non-credit and credit courses auditing procedures	R.1977 d.483	10 N.J.R. 63(a)
9:4-7.2(d)	Amendment on multi-year contracts for non-teaching personnel	R.1978 d.53	10 N.J.R. 105(c)
9:7-1.1 et seq.	Amendments on tuition aid grants and scholarship program	R.1978 d.106	10 N.J.R. 190(a)
9:9-1.1, 1.2	Noncitizen eligibility for student loans	R.1978 d.198	10 N.J.R. 281(b)
9:11-1.5(d)	Amendments on eligibility of independent students	R.1978 d.200	10 N.J.R. 281(c)
9:11-1.1 et seq.	Amend financial aid guidelines for students	R.1978 d.54	10 N.J.R. 105(d)
9:11-2.1 et seq., 9:12-1.1 et seq.	Amendments on academic year program support funds	R.1978 d.201	10 N.J.R. 281(d)
9:14-3	Amendments to SPUR rules	R.1977 d.439	9 N.J.R. 571(a)

(Rules in the Code for Title 9 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 10.)

HUMAN SERVICES — TITLE 10

10:3-1.1 et seq.	Rules on debarment of contracting persons	R.1978 d.83	10 N.J.R. 154(a)
10:37-12.1 et seq.	Construction assistance for community mental health facilities	R.1977 d.482	10 N.J.R. 63(d)
10:49-1.3(b)	Adoption by reference of Federal standards for mentally retarded	R.1977 d.490	10 N.J.R. 65(b)
10:51-1.10(c)	Amendments on basis of payment for legend drugs	R.1978 d.1	10 N.J.R. 66(d)
10:54-3.5, 3.6	Amendments on pneumococcal polyvalent vaccine	R.1978 d.44	10 N.J.R. 116(b)
10:51-5.1 et seq.	Rules on pharmaceutical assistance to aged program	R.1977 d.491	10 N.J.R. 66(a)
10:51-5.1 et seq., 6.1 et seq., 10:69A-4.3(c)	Amendments on pharmaceutical assistance to the aged	R.1978 d.183	10 N.J.R. 285(c)
10:56-1.1 et seq.	Amended dental services manual	R.1978 d.2	10 N.J.R. 66(e)
10:63-2.1 et seq.	Amended rules on long-term care facilities billing procedures	R.1978 d.216	10 N.J.R. 345(a)
10:63-3.1 et seq.	Amendments on cost study, rate review guidelines, long-term-care	R.1977 d.489	10 N.J.R. 65(a)
10:69A-1.1 et seq.	Amendments on pharmaceutical assistance to aged	R.1977 d.492	10 N.J.R. 66(b)
10:81	Amendments to Public Assistance Manual to conform	R.1977 d.452	10 N.J.R. 16(b)
10:81-2.6, 2.21, 3.1, 3.11, 3.13	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.190	10 N.J.R. 286(a)

10:81-3.8(b), 8.22(a)	Amendments on medical assistance for unborn child	R.1978 d.140	10 N.J.R. 255(a)
10:81-6.15(d)	Amendments on fair hearing requests	R.1977 d.447	10 N.J.R. 16(a)
10:81 Appendix D	Amendments on incentive payments to CWA's	R.1978 d.88	10 N.J.R. 154(c)
10:82-1.2(c)	Amend public assistance allowance standards for AFDC	R.1978 d.229	10 N.J.R. 346(b)
10:82-1.3, 1.4, 2.3, 2.4, 2.6, 2.10, 2.19, 3.2, 3.8	Amendments on budgeting public assistance cases	R.1978 d.157	10 N.J.R. 255(b)
10:82-1.5, 1.7	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.191	10 N.J.R. 286(b)
10:82-2.19	Amendments on overpayment and underpayments	R.1978 d.218	10 N.J.R. 345(c)
10:82-2.9	Amendments on budgeting cases involving stepparents	R.1978 d.76	10 N.J.R. 153(c)
10:85-1.1, 1.3, 2.1, 3.2, 4.6, 6.2, 6.3, 6.4, 10.1 et seq.	Amendments on legal settlements	R.1978 d.171	10 N.J.R. 285(b)
10:85-1.3, 2.1, 5.2, 6.2	Amendments on municipal funds subject to State matching	R.1978 d.217	10 N.J.R. 345(b)
10:85-3.1(a)2, 3.3(e)1., 3.4(b)1., 9.1(d)	Amendments on sponsors of aliens as potential resources	R.1977 d.444	10 N.J.R. 15(a)
10:85-3.2(g)	Amendments on mandatory registration with Employment Service	R.1978 d.169	10 N.J.R. 256(a)
10:85-3.3, 4.1, 4.2	Amendments on general assistance payment levels	R.1977 d.488	10 N.J.R. 64(c)
10:85-3.3(e)4. and 9.5(c)	Amendments on financial eligibility and support	R.1977 d.445	10 N.J.R. 15(b)
10:85-3.3(e)5.	Amendments on exemption of HUD vendor payments	R.1977 d.446	10 N.J.R. 15(c)
10:85-5.3(h)3.	Amendments on referral of clients to DVRS	R.1978 d.77	10 N.J.R. 153(d)
10:87-3.8	Amendments on illegal aliens in food stamp program	R.1978 d.117	10 N.J.R. 192(c)
10:87-3.24	Delete rule on administrative reports	R.1977 d.487	10 N.J.R. 64(b)
10:87-4.13(a)	Identification of exempt assets for food stamps	R.1978 d.74	10 N.J.R. 153(b)
10:87-5.8	Amendments on income deductions for food stamps	R.1978 d.84	10 N.J.R. 154(b)
10:87-6.5	Amendments on certification pending verification for food stamps	R.1978 d.109	10 N.J.R. 192(b)
10:87-6.14, 6.41, 6.42 and 6.44	Amendments to Food Stamp Manual	R.1978 d.43	10 N.J.R. 116(a)
10:87-7.10, 7.12, 7.14, 7.19, 7.20, 7.22, 7.25, 7.26, 7.27, 7.28, 7.29	Amendments on fair hearing process, food stamp manual	R.1978 d.223	10 N.J.R. 346(a)
10:87-7.17(a)6	Amendment on appellant's right during fair hearing	R.1977 d.486	10 N.J.R. 64(a)
10:94-3.13(1)	Amendments on fees for medical examinations	R.1978 d.212	10 N.J.R. 344(c)
10:94-4.4	Amendments on exclusion of home Medicaid only	R.1978 d.73	10 N.J.R. 153(a)
10:109	Amend Ruling 11 on classification and compensation	R.1978 d.107	10 N.J.R. 192(a)
Appendix I			
10:109-2.2(e)	Amend Ruling II classification and compensation plan	R.1977 d.459	10 N.J.R. 16(c)
Temporary rule	1978 State plan for vocational rehabilitation	R.1977 d.494	10 N.J.R. 66(c)

(Rules in the Code for Title 10 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 10.)

CORRECTIONS — TITLE 10A

10:70-1.1 et seq.	Amended rules of State Parole Board	R.1978 d.97	10 N.J.R. 154(d)
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(Rules in the Code for Title 10A include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 1.)

INSURANCE — TITLE 11

11:1-5.4	FAIR Plan surcharge	R.1978 d.78	10 N.J.R. 165(a)
11:4-15.1 et seq.	Alcoholism benefits	R.1978 d.165	10 N.J.R. 257(a)
11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
11:5-1.27	Amendments on educational requirements for salesmen and brokers license examinations	R.1978 d.135	10 N.J.R. 256(d)

(Rules in the Code for Title 11 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 10.)

LABOR AND INDUSTRY — TITLE 12

12:20-5.4(b)	Amendments on appearances before appeal tribunals	R.1978 d.116	10 N.J.R. 202(a)
12:195-1.1 et seq.	Amendments on carnival amusement rides	R.1978 d.239	10 N.J.R. 347(a)

(Rules in the Code for Title 12 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

LAW AND PUBLIC SAFETY — TITLE 13

13:1-1.1 et seq.	Amended rules of Police Training Commission	R.1978 d.236	10 N.J.R. 352(a)
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.32	10 N.J.R. 121(a)
13:2-18.7, 31.3, 31.6(b), 34.6	Amendments on sales and licensing	R.1978 d.75	10 N.J.R. 170(a)
13:4-8.2(a)1.	Delete on discovery by parties other than Division	R.1978 d.82	10 N.J.R. 171(a)
13:4-12.9	Costs of hearings	R.1978 d.46	10 N.J.R. 121(b)
13:18-10.1 et seq.	Unsatisfied claim and judgment fund reimbursement of excess medical expenses	R.1978 d.207	10 N.J.R. 350(b)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.66	10 N.J.R. 122(a)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.67	10 N.J.R. 122(b)
13:23-2.2(d)	Amendments on documents; applications for driver school licenses	R.1978 d.68	10 N.J.R. 122(c)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.58	10 N.J.R. 121(d)
13:29-1.13	Fees for licensees of Board of Certified Public Accountants	R.1978 d.243	10 N.J.R. 352(c)
13:30-8.3	Amendments on use of general anesthesia	R.1978 d.120	10 N.J.R. 203(b)
13:30-8.6	Providing information to the public	R.1978 d.170	10 N.J.R. 261(c)
13:33-1.11	Amendments on temporary ophthalmic dispenser permit	R.1978 d.208	10 N.J.R. 350(c)
13:33-1.12	Amendments on temporary ophthalmic technician permit	R.1978 d.209	10 N.J.R. 350(d)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.32	10 N.J.R. 120(a)
13:35-6.11(a)	Amendments on prohibition of kickbacks for services not rendered	R.1978 d.210	10 N.J.R. 351(a)
13:35-6.12	Release of patient records	R.1978 d.134	10 N.J.R. 261(b)
13:35-6.13	Provision of information to the public	R.1978 d.126	10 N.J.R. 204(a)
13:35-7.2	Amendments on termination of pregnancy	R.1978 d.213	10 N.J.R. 351(b)
13:38-6.1	Availability of optometrist records	R.1978 d.242	10 N.J.R. 352(b)
13:39-5.11	Delete rule on applicants previously taking examinations	R.1978 d.206	10 N.J.R. 350(a)
13:40-6.1	Fees schedule, professional engineers and land surveyors	R.1978 d.193	10 N.J.R. 295(d)
13:42-1.2	Amendments on fees, psychological examiners	R.1978 d.192	10 N.J.R. 295(c)
13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.56	10 N.J.R. 121(c)
13:47D-4.34(a)3.	Amendments on magnitude of permitted variations	R.1978 d.141	10 N.J.R. 259(b)
13:70-9.19, 25.5	Amendments on jockey payments for dead heats	R.1978 d.132	10 N.J.R. 295(b)
13:70-15.1, 15.2, 19.34, 19.38, 13:71-9.1, 9.3	Amendments on veterinarians classified as State veterinarians	R.1978 d.133	10 N.J.R. 261(a)
13:70-29.53(b)	Amendments on trifecta wagering	R.1978 d.235	10 N.J.R. 351(c)

(Rules in the Code for Title 13 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

ENERGY — TITLE 14A (Including Board of Public Utilities - 14)

14:3-3.6, 7.1, 7.5, 7.12, 7.13, 7.14	Amendments on public utility deposits and discontinuances	R.1978 d.155	10 N.J.R. 261(e)
14:8-1.2	Railroad track safety	R.1978 d.110	10 N.J.R. 205(a)
14:10-1.1 et seq.	Amendments on telephone service	R.1978 d.89	10 N.J.R. 171(b)
14:17-18.1 et seq.	Amendments on cable television rates	R.1978 d.125	10 N.J.R. 207(a)
14A:3-2.1 et seq.	Air conditioning energy efficiency ratios	R.1978 d.150	10 N.J.R. 261(d)

(Rules in the Code for Title 14 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 1.)

(For Title 14, Transmittal Sheet is No. 9.)

STATE — TITLE 15

(Rules in the Code for Title 15 include all adoptions to date—Transmittal Sheet No. 10.)

PUBLIC ADVOCATE — TITLE 15A

15A:1-1.1 et seq.	Rules of practice; Public Interest Advocacy	R.1977 d.362	9 N.J.R. 541(b)
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(No rules yet available in the Code.)

TRANSPORTATION — TITLE 16

16:16-4.3, 16:17-4.3	Rescission of allocated but unexpended local State aid funds	R.1978 d.245	10 N.J.R. 359(b)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-1.172	Speed limits on parts of Route U.S. 206	R.1978 d.137	10 N.J.R. 263(c)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)
16:28-13.4	Amendments on limited access prohibition along interstate highways	R.1978 d.228	10 N.J.R. 359(a)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 172(a)
16:65-3.2 through 3.5	Amendments on requisition, distribution and sale of construction plans	R.1978 d.164	10 N.J.R. 264(a)

(Rules in the Code for Title 16 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 11.)

TREASURY-GENERAL — TITLE 17

17:1-4.19	Amendments on biweekly salary for retirement	R.1978 d.96	10 N.J.R. 175(b)
17:1-4.30	Optional settlements for group life	R.1977 d.416	9 N.J.R. 601(a)
17:1-10.1, 10.3	Amend rules on prescription drug program	R.1978 d.98	10 N.J.R. 175(c)
17:1-11.1 et seq.	Rules on dental expense program	R.1978 d.99	10 N.J.R. 175(d)
17:2-3.2(i), 6.24(b), 6.25	Amendments on biweekly computation of retirement and death benefits	R.1978 d.138	10 N.J.R. 265(c)
17:2-3.3	Amended contributory insurance rate	R.1978 d.139	10 N.J.R. 265(d)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 176(a)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(b)
17:4-4.1, 6.1, 6.2, 6.3, 6.13	Revisions on police, firemen's retirement system	R.1977 d.378	9 N.J.R. 544(c)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)
17:6-2.1(a), 3.2, 3.9, 3.10	Amend rules of Consolidated Police and Firemen's Pension Fund	R.1977 d.461	10 N.J.R. 44(b)
17:9-2.3(a), 5.2, 5.11	Amendments on State health benefits program	R.1978 d.131	10 N.J.R. 265(b)
17:9-6.1(a)	Amended definition of retired employee	R.1978 d.130	10 N.J.R. 265(a)
17:10-3.1, 4.1, 5.10, 5.12	Amendments on judicial retirement system	R.1978 d.184	10 N.J.R. 305(b)
17:16-5.4, 5.5	Amendments on classification of funds	R.1978 d.180	10 N.J.R. 304(b)
17:16-5.5	Amendments on classification of funds	R.1978 d.94	10 N.J.R. 175(a)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)
17:16-31.1 et seq.	Rules on New Jersey Cash Management Fund	R.1977 d.478	10 N.J.R. 45(c)
17:16-41.1 et seq.	Cash management fund	R.1977 d.436	9 N.J.R. 601(b)
17:18-1.79	Signing of formal judgments	R.1978 d.195	10 N.J.R. 305(c)
17:21-12.1 et seq.	Pick-Four lottery rules	R.1978 d.179	10 N.J.R. 304(a)
17:24-4.3, 7.4, 13.2	Amendments on affirmative action requirements	R.1978 d.185	10 N.J.R. 305(a)
17:27-1.1 et seq.	Affirmative action requirements for public works	R.1977 d.364	9 N.J.R. 543(c)
Temporary rule	Jersey Casino Instant Lottery	R.1978 d.224	10 N.J.R. 363(a)

(Rules in the Code for Title 17 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

TREASURY-TAXATION — TITLE 18

18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(b)
18:12-8.1 et seq.	Property tax exemption for solar energy systems	R.1978 d.225	10 N.J.R. 364(a)
18:24-25.1 et seq.	Rules on sales tax and data processing	R.1978 d.142	10 N.J.R. 265(e)
18:26-2.5, 6.2, 8.22, 9.13	Amendments on transfer inheritance tax	R.1978 d.31	10 N.J.R. 128(a)
18:26-8.22	Amendments on estates for life or years	R.1978 d.118	10 N.J.R. 210(a)
18:33-1.1 et seq.	Closing agreements and compromises	R.1978 d.29	10 N.J.R. 127(d)

(Rules in the Code for Title 18 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 10.)

(Continued from N.J.R. 334)

(a)

HEALTH

THE COMMISSIONER

Rules on Laetrile Efficacy Study for Cancer

On July 21, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:6F-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:21-4.31 through 8:21-4.34, concerning the laetrile efficacy study of cancer, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 238(b), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on July 24, 1978, as R.1978 d.246.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

**Rescheduling of Phencyclidine
On Schedule of Controlled Substances**

On July 21, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-6, 24:21-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment, cited

as N.J.A.C. 8:65-10.2(b)4., which transferred phencyclidine from Schedule III to Schedule II of the list of controlled substances, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 238(a).

An order adopting this amendment was filed and became effective on July 24, 1978, as R.1978 d.247.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

DRUG UTILIZATION REVIEW COUNCIL

**Repeal of Interim Drug
Evaluation and Acceptance Criteria**

On July 24, 1978, Sanford Lugar, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-5, 24:6E-6 and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 8:70-1.1 et seq., concerning interim drug evaluation and acceptance criteria.

These interim criteria were filed and became effective on June 19, 1978, as R.1978 d.202 (See: 10 N.J.R. 101(c), 10 N.J.R. 280(b)). Such rules are now being repealed because the prior adoption was procedurally defective.

Take notice that, new rules on this topic are being proposed in this issue of the New Jersey Register.

An order repealing these rules was filed and became effective on July 24, 1978, as R.1978 d.248 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

OTHER AGENCIES — TITLE 19

19:3B-1.1 et seq.	General Meadowland plan guidelines	R.1978 d.197	10 N.J.R. 307(a)
19:8-1.9(d)	Repeal part of rule on restrictions on Garden State Parkway	R.1978 d.215	10 N.J.R. 366(a)
19:41-2.3	Declaratory rulings on casino applications	R.1978 d.158	10 N.J.R. 266(a)
19:41-7.14	Adopt personal history disclosure form No. 4	R.1978 d.175	10 N.J.R. 306(a)
19:41-011.1 et seq.	Applications for approval	R.1978 d.177	10 N.J.R. 306(c)
19:42-1.1 et seq.	Casino hearings rules	R.1978 d.159	10 N.J.R. 266(b)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 123(c)
19:45-1.1 et seq.	Internal and accounting casino controls	R.1978 d.178	10 N.J.R. 306(d)
19:46-1.1 to 1.20	Casino gaming equipment	R.1978 d.187	10 N.J.R. 306(b)
19:46-1.22 through 1.31	Regulations for casino slot machines	R.1978 d.160	10 N.J.R. 266(c)
19:47-1.1 et seq.	Rules of casino games	R.1978 d.186	10 N.J.R. 306(e)
19:50-1.6(w)	Amendments on casino alcoholic beverage control	R.1978 d.173	10 N.J.R. 305(e)
19:53-1.4, 1.5	Amendments on casino equal employment opportunity	R.1978 d.172	10 N.J.R. 305(d)
19:54-1.1 et seq.	Casino gross revenues tax	R.1978 d.174	10 N.J.R. 305(f)

(Rules in the Code for Title 19 include all adoptions prior to January 23, 1978—Transmittal Sheet No. 10.)

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Amendments on Logical Extension Of Approved Academic Programs

The Board of Higher Education, pursuant to authority of N.J.S.A. 18:3-14 and 18A:68-6, proposes to amend N.J. A.C. 9:1-2.11 and 9:1-2.12, concerning the logical extension of academic programs approved by the Board.

Full text of the proposal is as follows (deletions indicated in brackets [thus]):

9:1-2.11 Curricula extension, is proposed to be deleted in its entirety and said section is marked reserved.

9:1-2.12 New curricula and higher degrees

The basis or conditions for the conferring of degrees not previously approved by the Board of Higher Education with respect to a particular institution, [as well as the basis or conditions for the conferring of degrees in curricula that are not logical extensions of existing approvals] shall be submitted for prior approval in accordance with law. Approval for the conferring of a degree at a higher level than has previously been authorized (for example, for a master's degree by an institution previously limited to baccalaureate degrees) or for a totally new area of work (for example, engineering or nursing in an institution previously offering only liberal arts) will ordinarily first be granted for a limited term. However, the Board of Higher Education at its discretion may grant unconditional approval in such cases, or limited approval in other situations. Ordinarily the probationary period will not be extended beyond seven years.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 30, 1978, to:

Dr. Richard Breslin
Assistant Chancellor, Academic Affairs
Department of Higher Education
225 West State Street
P.O. Box 1293
Trenton, N.J. 08625

The Board of Higher Education may thereafter adopt the proposed amendments without further notice.

T. Edward Hollander
Chancellor and Secretary to the
Board of Higher Education
Department of Higher Education

(b)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Amendments on Petitions from Out-of-State Institutions Desiring to Offer Courses In New Jersey

The State Board of Higher Education in the Department of Higher Education, pursuant to authority of N.J.S.A.

18A:3-15 and 18A:68-6, proposes to amend its rules by deleting in its entirety the current text of N.J.A.C. 9:1-1.12, Out-of-State extension regulations, thereby marking that section as "Reserved," and adopting new rules concerning petitions from out-of-State institutions desiring to offer courses in New Jersey.

Full text of the proposed new rules follows:

SUBCHAPTER 6. PETITIONS FROM OUT-OF-STATE INSTITUTIONS DESIRING TO OFFER COURSES OR DEGREE PROGRAMS IN NEW JERSEY

9:1-6.1 General provisions

The Board of Higher Education in its coordinating capacity will review all petitions from out-of-state institutions to offer credit-bearing courses or degree programs in New Jersey from a Statewide perspective. The Board will approve only those offerings that in the opinion of the Board meet minimum standards of quality and are fiscally viable.

9:1-6.2 Petition from institution

(a) Out-of-state institutions wishing to offer credit-bearing courses or degree programs in New Jersey shall petition the Board of Higher Education for authorization.

(b) Institutions shall submit requests for new programs at least one academic year before the requested date of implementation. Requests for approval to offer courses shall be submitted at least six months prior to the requested date of implementation.

(c) The petition shall contain:

1. Responses to the items enumerated in Section III of Appendix C of this chapter. These responses shall relate fully to the proposed New Jersey operation;

2. The accreditation status of the institution;

3. Information equivalent to the annual summary sheet required by the institution's regional accrediting association;

4. The institution's financial statements (prepared by independent auditors) for each of the last three years;

5. A description of the selection and review process for faculty teaching in New Jersey;

6. A catalog and other data (per Appendix C of this chapter) that the institution recognizes as appropriate;

7. Other information which the Department specifically requests.

9:1-6.3 Approval; period

Programs may be approved for periods of one to five years. Initially programs will not be approved for longer than a three-year period. With respect to requests to offer credit-bearing courses, but not a degree program, approval will be for a period of only one year.

9:1-6.4 Department of Higher Education review procedures

(a) Petitions from out-of-state institutions invited by in-state parties to offer educational services in New Jersey:

1. Upon receipt of petition, the Department of Higher Education will provide to all New Jersey institutions of higher education a summary of the petition's content and will invite the institutions to submit their comments and to indicate whether or not they wish and are prepared to offer comparable services. Those in-State institutions that wish to offer comparable services may submit proposals to the Department within 30 days after the Department's notification regarding the out-of-state request. Proposals from in-State institutions received within this time period will be forwarded immediately by the Department to the party requesting instructional services (as well as to the out-of-state institutions).

2. The Department will review all the proposals (in-State and out-of-state), usually with the assistance of a consultant

who is mutually acceptable to the Department and the institutions.

3. The petition and all pertinent materials will be provided to the Licensure and Approval Advisory Board (LAAB) for its review.

4. If the Department determines, in consultation with LAAB, that an in-State proposal(s) is comparable or superior to the out-of-state proposal, the Department will strongly encourage the in-State party requesting instructional services to accept an in-State proposal.

5. The in-State party requesting instructional services shall inform the Department as to its choice of institution and specify the reasons for the selection.

6. The Chancellor will make a recommendation concerning the program or course(s) to the Board of Higher Education.

(b) Petitions from out-of-state institutions seeking to offer educational services independently (without invitation) in New Jersey:

1. Upon receipt of petition, the Department of Higher Education will provide all New Jersey institutions of higher education with a summary of the petition's content and invite the institutions to submit their comments.

2. The Department will review the petitions, usually with the assistance of a consultant who is mutually acceptable to the Department and the institution.

3. The petition and all pertinent materials will be provided to LAAB for its review.

4. The Chancellor will make a recommendation concerning the program or course(s) to the Board of Higher Education.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 30, 1978, to:

Ms. Rita Suarez
Director
Office of Independent Colleges
Department of Higher Education
225 West State Street
P.O. Box 1293
Trenton, N.J. 08625

The Board of Higher Education may thereafter adopt rules concerning this subject without further notice.

T. Edward Hollander
Chancellor and Secretary
Board of Higher Education
Department of Higher Education

(a)

HIGHER EDUCATION

HIGHER EDUCATION STUDENT ASSISTANCE BOARD

Proposed Amendments on Restrictions on Amounts Of State Student Assistance Grants

The Student Assistance Board, in the Department of Higher Education, pursuant to the authority of N.J.S.A. 18A:71-41, proposes to amend N.J.A.C. 9:7-2.9, concerning the restriction of grant amounts for students receiving Tuition Aid Grants.

Full text of the proposal is as follows: (additions indicated in bold face thus; deletions indicated in brackets [thus]):

9:7-2.9 Award combinations

Student receiving a Tuition Aid Grant award may also

accept a Garden State Scholarship or an Educational Opportunity Fund Grant if offered by the institution they attend or plan to attend. Students cannot simultaneously hold an Educational Opportunity Fund Grant and a Garden State Scholarship in any single semester. The total amount of financial aid received by a student may not exceed the college budget as defined by the institution. Tuition Aid Grants will in general be reduced so that the student's resources will not exceed the financial aid officer's estimate of the student's need, to a minimum grant of \$100. This policy will permit students to accept other offers of student assistance as well as facilitate their acceptance into the Educational Opportunity Fund Program.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 30, 1978, to:

Hubert A. Thomas
Tuition Aid Grant Program
1474 Prospect Street
P.O. Box 1417
Trenton, N.J. 08624

The Student Assistance Board may thereafter adopt rules concerning this subject without further notice.

Gordon B. Van de Water, Director
Office of Special Programs
Department of Higher Education

(b)

HUMAN SERVICES

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Proposed Fiscal Year 1979 State Plan For Vocational Rehabilitation Services

The Commission for the Blind and Visually Impaired in the Department of Human Services, pursuant to authority of N.J.S.A. 30:1-12, proposes to adopt the fiscal year 1979 State Plan for Vocational Rehabilitation Services under Title I of the Rehabilitation Act of 1973, as amended in 1974.

The 1979 State Plan is considered to be a temporary rule and will not be published in Title 10 of the New Jersey Administrative Code. A reference regarding the subsequent adoption, if later adopted, will be made in the authority note of Chapter 98 in Title 10 of the Code.

Copies of the approximately 140 pages of the proposed plan may be obtained from or made available for review by contacting:

Mrs. Norma F. Krajczar
Executive Director
Commission for the Blind and Visually Impaired
1100 Raymond Boulevard
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to the Commission for the Blind and Visually Impaired at the above address.

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF MENTAL HEALTH AND HOSPITALS

Proposed Manual of Standards for Evaluation Of Community Living Arrangements

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-1.1 et seq., proposes to adopt a new manual of standards concerning the Division of Mental Health and Hospital's placement of discharged psychiatric patients into community living arrangements. Such rules, if adopted, will be cited as N.J.A.C. 10:38-1.1 et seq.

The proposed manual would establish uniform standards for evaluating the community living arrangements for the Division's placement of discharged psychiatric hospital patients. Such standards include, but are not limited to, normalization, physical life/safety features, minimal service linkages and client rights.

Copies of the 70 pages of full text of the proposal may be obtained from, or made available for review by contacting:

Jeffrey Warren
Chief, Bureau of Transitional Services
Office of Community Services
Division of Mental Health and Hospitals
167 West Hanover Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 30, 1978, to the Division of Mental Health and Hospitals at the above address.

The Division of Mental Health and Hospitals may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Certification and Restoration of Lost Benefits to Zero Purchase Households

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend certain portions of the food stamp manual, concerning the certification and restoration of lost benefits to zero purchase households.

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

10:87-6.5(a) Any household whose net monthly food stamp income indicates a zero purchase requirement, [and which is in immediate need of food assistance,] may be certified pending verification subject to the following conditions:

10:87-6.42(a) Cash refunds will be given only in instances where recipients have overpaid the purchase requirement due to an administrative error. Refunds will be computed by comparing the difference in bonus coupons in order to offset the overpayment of the purchase requirement against an overissuance, if any, of the coupon allotment. All situations where an overpayment occurs must be reported to the BLO on the FSP-932, cash refund reporting form.

1. Example: A household was paying \$83 for \$170 in coupons. The household reports a decrease in income and a decrease in household size (which were not acted upon by the county welfare agency). The new basis of issuance should have been \$40 for \$134 in coupons. The cash refund would be computed as follows:

Incorrect Basis of Issuance	Correct Basis of Issuance
\$170 coupon allotment	\$134
—83 purchase requirement	—40
\$ 87 bonus	\$ 94
\$ 94 [incorrect] correct bonus	
—87 [correct] incorrect bonus	
\$ 7 cash refund	

10:87-6.43(a)3.ii. [If a household, which is currently certified at "zero purchase", is granted retroactive benefits, the county welfare agency shall postpone reimbursement until future purchase requirements permit application of such credit.] The restoration of lost benefits to households with a "zero purchase" requirement shall be done by an increase of up to 50 per cent of the household's normal coupon allotment per month for as many consecutive months as necessary (see section 613.2) to restore the lost benefits or until a purchase requirement is assigned.

(1) Since increases in the coupon allotment will result in allotments which do not correspond to a food stamp vendor's normal coupon issuance table, the word "RETRO" must be typed or stamped in the upper right hand corner of the ATP card below the ATP serial number.

(2) An explanation for the reason for the discrepancy must be documented in the case record.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

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

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

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Fees for Medical Examinations

On June 16, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C.

10:94-3.13(1), concerning fees for medical examinations, as proposed in the Notice published May 4, 1978, at 10 N.J.R. 190(c).

An order adopting these amendments was filed and became effective on June 22, 1978, as R.1978 d.212.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

BUREAU OF CLAIMS AND ACCOUNTS

Amended Rules on Long-Term-Care Facilities' Billing Procedures

On June 28, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amended rules, to be cited as N.J.A.C. 10:63-2.1 et seq., concerning long term care facilities' billing procedures, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 253(b).

An order adopting these rules was filed on June 29, 1978, as R.1978 d.216 to become effective on July 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments to General Assistance Manual on Municipal Funds Subject to State Matching

On June 27, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to portions of the General Assistance Manual, concerning the clarification of the definition of municipal funds that are subject to State matching.

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

10:85-1.3(a) Municipalities may apply for State aid for nonadministrative costs paid out of municipal funds and incurred in the General Assistance program. Participating municipalities shall be entitled to 75 per cent reimbursement of nonadministrative assistance costs [which are incurred] to the extent that such costs are paid out of municipal funds and are expended in compliance with State standards. (See subchapters 2 and 6 of this chapter for general conditions of participation.)

[1. Amount of State Aid: Participating municipalities shall be entitled to 75 per cent reimbursement of non-administrative general assistance costs, in compliance with State standards, except in cases which lack State settlement.]

10:85-2.1(b)1. The amount of State aid which a municipality may receive is 75 per cent of its current year's ap-

proved public assistance expenditures, exclusive of the cost of administration[.] , but only to the extent that such expenditures are made from municipal funds not derived from any direct or indirect grant from the Federal, State, or county government.

10:85-5.2(d)4. Services covered under other laws or appropriations: Hospital services to the full extent, if any, that are covered under any foreign, federal, or State law (other than the New Jersey General Assistance Law) or by county appropriations shall not be reimbursable. The amount to which the patient is entitled, when identifiable, whether or not he/she asserts right to that coverage, shall be deducted from the total amount incurred for hospitalization and the remainder, if any, may be a reimbursable expense.

i. Hospital services paid for by the municipality with money appropriated by any foreign, federal, State, or county government and paid to the municipality either directly or indirectly shall not be reimbursable.

10:85-6.2(a) The amount of State aid for general assistance which an approved municipality may receive shall equal 75 per cent of the amount of municipal funds expended and approved for public assistance. The amount of such State aid shall be exclusive of any costs incurred in the administration of the program. Funds provided to the municipality through any other State financial assistance program, through any federal program or through the county government, either directly or indirectly, may not be used to make up the 25 per cent local share of public assistance expenditures.

An order adopting these amendments was filed and became effective on June 30, 1978, as R.1978 d.217 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Overpayments And Underpayments

On June 29, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-2.19 concerning overpayments and underpayments, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 113(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

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

10:82-2.19 Overpayment; underpayments

(a) In situations where a member of an eligible unit fails to inform the welfare agency of any change in income, resources, or circumstances resulting in an overpayment or underpayment in the monthly grant, the county welfare agency shall proceed as follows:

1. Determine the amount of the overpayment.

i. Subtract the amount of assistance which client(s) should have received during the period of overpayment from the amount actually received.

ii. Where CSP payments are involved, only the amount of assistance granted in excess of child support payments can be considered overpayment for purposes of recoupment.

[1] 2. Immediately upon discovery of the overpayment or underpayment, inform the client in writing that such error in payment has occurred, its amount, and that corrective measures will be taken in accordance with the following regulations.

[2] 3. Correct the monthly grant for the period of assistance next following the discovery of the overpayment or underpayment, unless in the case of an underpayment an immediate additional payment is issued pursuant to N.J. A.C. 10:82-2.20(b).

[3] 4. When there has been overpayment, recoup the amount of overpayment in accordance with subsection (c) of this section. Reductions in the monthly grant may only be made subject to timely and adequate notice as stated in Public Assistance Manual Section 7110.

(b) The CWA shall not recoup overpayments resulting from an administrative error.

(c) Overpayment rules are:

1. When overpayments have resulted from the willful withholding of information by the client (see Public Assistance Manual Section 4800), recoupment shall be by the following procedure:

i. Deduct from the grant an amount not to exceed 10 per cent of the adjusted allowance or, where such deduction would in the judgment of the CWA create undue hardship, a lesser amount; and

ii. When there is earned income currently available and subject to disregards, deduct from the adjusted allowance the amount of the overpayment(s), not to exceed 20 per cent of the eligible unit's total gross earnings or, where such deduction would in the judgment of the CWA create undue hardship, a lesser amount; and

iii. When client has savings or other available resources, develop a mutually agreeable arrangement with the client for recoupment of the overpayment.

2. In all other situations [in which] except where overpayment was due to [client error or when the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision,] administrative error, recoupment is limited to available resources such as disregarded income or savings. [When disregarded income or savings do not exist, the current assistance payment shall not be reduced to accomplish such recoupment.] These situations include but are not limited to:

i. Situations due to client error other than those specified in this section;

ii. Where the client has withdrawn from or abandoned the fair hearing request;

iii. Where the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision.

Note: When disregarded income or savings do not exist, the current assistance payment shall not be reduced to accomplish such recoupment.

3. Where available resources such as disregarded income or savings, etc., exist, the following procedure will be used to determine the amount of recoupment:

i. When there is earned income currently available and subject to disregards, deduct from the adjusted allowance the amount of the overpayment(s), not to exceed 20 per cent of the eligible unit's total gross earnings or, where such deduction would in the judgment of the CWA create undue hardship, a lesser amount; and

ii. When the client has reserved income or other available resources, develop a mutually agreeable arrangement with the client for recoupment of the overpayment.

iii. Such recoupment shall be limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.

[3] 4. Recoupment of overpayments, even when encompassing the total monthly payment, shall not affect Medicaid eligibility so long as all other factors of eligibility continue to exist.

[4] 5. When the overpayment has been satisfied, the amount of the assistance payment must be immediately adjusted so that no further reductions for recoupment are made.

An order adopting these amendments was filed on June 30, 1978, as R.1978 d.218 to become effective on August 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Fair Hearing Process Relating to Food Stamp Manual

On July 3, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-7.10(a)2.ii.(1), 10:87-7.12(a)4., 10:87-7.14, 10:87-7.19, 10:87-7.20, 10:87-7.22, 10:87-7.25, 10:87-7.26, 10:87-7.27, 10:87-7.28 and 10:87-7.29, concerning the fair hearing process relating to the food stamp manual, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 114(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on July 6, 1978, as R.1978 d.223.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments to Public Assistance Allowance Standards for AFDC Program

On July 10, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the schedule of public assistance allowance standards for the AFDC program in N.J.A.C. 10:82-1.2(c), as proposed in the Notice published June 8, 1978, at 10 N.J.R. 254(a).

An order adopting these amendments was filed and became effective on July 10, 1978, as R.1978 d.229.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

Amendments Concerning Carnival-Amusement Rides

On July 20, 1978, John J. Horn, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 5:3-36 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 12:195-1.1 et seq., concerning carnival-amusement rides, substantially as proposed in the Notice published June 8, 1978, at 10 N.J.R. 257(b), with only inconsequential structural or language changes, in the opinion of the Department of Labor and Industry.

An order adopting these amendments was filed on July 21, 1978, as R.1978 d.239 to become effective on August 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Proposed Rule Concerning Termination of Exemptions from Licensure

Jordan D. Burke, Secretary of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:9-2, 45:9-21(n), and 52:15B-1 et seq., proposes to adopt a new rule concerning termination of exemptions of physicians from licensure to be designated as N.J.A.C. 13:35-3.9.

Full text of the proposed new rule follows:

13:35-3.9 Termination of exemptions from licensure

(a) "Exempt physician" means a person holding the degree of M.D. or D.O. currently employed or pending employment on a salary basis at a State or county institution on its medical staff or as a member of the teaching or scientific staff of a State agency, who has patient care responsibility and who does not conduct any type of private medical practice.

(b) "Exemption" means the exercise of discretion granted to the Board of Medical Examiners of New Jersey pursuant to N.J.S.A. 45:9-21(n) to permit a physician unlicensed in the State of New Jersey to engage in the limited practice of medicine and surgery under the conditions set forth in said statute without being in violation of the Medical Practice Act.

(c) As of the effective date of this rule, any physician employed or to be employed under an exemption from licensure must:

1. Satisfy all statutory and regulatory requirements preceding licensure as set forth in N.J.S.A. 45:9-6, 45:9-7, and 45:9-8 and N.J.A.C. 13:35-6.10;

2. Take and pass the earliest FLEX examination given subsequent to the physician's start of employment;

3. Make application for licensure within ten days after notification of successfully passing FLEX or cease employment.

(d) Following the physician's start of employment, the exemption will automatically terminate either on the date of the earliest FLEX examination not taken or on the date the physician is notified of failure on the earliest FLEX examination taken, whichever is later.

(e) This rule is effective upon filing.

Interested persons may present statements or arguments by letter or in other written form relevant to the proposed new rule on or before August 31, 1978, to:

Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

The Board of Medical Examiners may thereafter adopt rules concerning this subject without further notice.

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

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Proposed Amendments Concerning Release of Patient Records

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to amend N.J.A.C. 13:35-6.12 concerning release of patient records.

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

13:35-6.12 Release of Patient Records

(a) "Physician" shall mean a physician possessing a plenary license to practice medicine and surgery, a podiatrist, or a chiropractor.

(b) A patient record shall be prepared by a physician and shall be maintained for seven years from date of last entry.

(c) Copies of a physician's record or a summary report of such record and/or copies of all pertinent objective data and papers pertaining to a given patient shall be furnished to the patient or designated physician or duly authorized representative within 30 days of a written request by the patient or duly authorized representative. A reasonable charge may be made for such service. A partial record may be supplied, however, where in the reasonable exercise of professional judgment the physician believes that furnishing to or review by the patient of such records would be deleterious to the patient's best interests.

(d) This rule applies to all licensed physicians. A failure to comply may subject the licensee to appropriate disciplinary action by the Board of Medical Examiners.

Interested persons may present statements or arguments by letter or other written form relevant to the proposed amended rule on or before August 31, 1978, to:

Board of Medical Examiners
28 West State Street
Trenton, N.J. 08625

The Board of Medical Examiners may thereafter adopt rules concerning this subject without further notice.

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

(a)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Amendment Concerning Published Workouts in Thoroughbred Racing

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:70-6.1 concerning a published workout in thoroughbred racing.

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

13:70-6.1 Qualified to start

To be eligible to start any horse that has not run in a race during the preceding 30 days must have a published workout within the said 30-day period. A horse shall not be qualified to start in any race unless it has been and continues properly entered therein.

Interested persons may present statements or arguments in writing relevant to the above proposal on or before August 31, 1978, to:

John J. Reilly, Executive Director
Racing Commission
404 Abbington Drive
East Windsor, N.J. 08520

The Racing Commission may thereafter adopt rules concerning this subject without further notice.

John J. Reilly
Executive Director, Racing Commission
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Amendments Mandating Deduction for Drivers Fees

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:71-21.8 and .9 concerning a deduction of 5 per cent fees to harness drivers.

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

13:71-21.8 Deductions

All purses contested for shall be distributed according to the conditions of the race. No deduction, voluntary or involuntary, may be made from any purse or stake or futurity other than for payment to be made to owners, drivers, nominators or breeders of money winning horses and organization or promotion expenses stipulated for

stakes and futurities. Five per cent of the owner's payment shall be deducted and paid to the driver.

13:71-21.9 Forfeits; drivers' fees

In the event that a purse is forfeited through a subsequent ruling of the officials and/or Racing Commission after the result has been made official, the drivers shall be allowed such fees as are consistent with Rule 21-8 and with the revised order of finish.

Interested persons may present statements or arguments in writing relevant to the above proposal on or before August 31, 1978, to:

John J. Reilly, Executive Director
Racing Commission
404 Abbington Drive
East Windsor, N.J. 08520

The Racing Commission may thereafter adopt rules concerning this subject without further notice.

John J. Reilly
Executive Director, Racing Commission
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Amendment on Uncoupling of Entries

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:70-6.5 concerning the uncoupling of entries in racing and N.J.A.C. 13:71-4.12 concerning the same subject.

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

13:70-6.5 Coupled horses

[All horses] Horses owned wholly or in part by the same owner [or the spouse of any such owner, or trained by the same trainer must] shall be coupled [and run as an entry] as a single wagering interest in any one race. Horses trained by the same trainer but owned separately shall race as separate wagering interests. No trainer of any horse shall have any ownership interest in any other horse in the same race unless such horses are coupled as a single wagering interest. No owner or trainer can have more than one horse entered in a daily double or trifecta race.

13:71-4.1 Definitions

"Entry" means two or more horses starting in a race when owned by the same owner [or trained by the same person, or trained in the same stable or by the same management]. Such horses are coupled as an "entry". A wager on one shall be a wager on all of them. [Provided, however, that when a trainer enters two or more horses in a stake, early closing, futurity, free-for-all or other special event under bona fide separate ownerships, the said horses may, at the request of the Association and with the approval of the Commission be permitted to race as separate betting entries. The presiding judge shall be responsible for coupling horses. In addition to the foregoing, horses may be coupled as an entry where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. Entries shall not

be permitted in overnight events without approval of the Commission.] Horses trained by the same trainer but owned separately shall race as separate wagering interests. No trainer of any horse shall have any ownership interest in any other horse in the same race unless such horses are coupled as a single wagering interest. No owner or trainer can have more than one horse entered in a daily double or trifecta race.

The Racing Commission will conduct a public hearing at the Commission offices on August 15, 1978 at 9:30 A.M., concerning the Uncoupling of Entry Rule.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 31, 1978, to:

John J. Reilly, Executive Director
Racing Commission
404 Abbington Drive
East Windsor, N.J. 08520

The Racing Commission may thereafter adopt rules concerning this subject without further notice.

John J. Reilly
Executive Director, Racing Commission
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Amendments to Starter and Starting Gate Rule in Harness Racing

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:71-8.28, 13:71-17.1 and 13:71-17.7, concerning the starter and starting gate rules in harness racing.

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

13:71-8.28 Duties of starter

The starter shall be in the starting gate 15 minutes before the first race. He shall have control over the horses and subject to the provisions of the rules, have authority to assess fines and/or suspend drivers, with the approval of the presiding judge, for any violation of the rules from the formation of the parade until the word "go" is given. He shall notify the judges and the drivers of penalties imposed by him. He shall report violations of the rules, giving detailed information. An assistant starter approved and licensed by the Commission may be employed when an association, with the approval of the Commission, deems it necessary. The starter shall submit daily [the tape from the device disclosing] a report to the presiding judge indicating the speed of the gate at the starting point for each race [to the presiding judge].

13:71-17.1(d) Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained:

1. For the first $\frac{1}{8}$ mile, not less than 11 miles per hour;
2. For the next $\frac{1}{16}$ of a mile not less than 13 miles per hour;

3. From that point to the starting point, the speed will be gradually increased to [maximum] a speed in excess of 18 miles per hour to be determined by the starter in the exercise of his discretion so as to insure a good and fair start in all races.

13:71-17.1(n) The starter shall, at the end of each race day, submit to the presiding judge, [the tape from the automatic device used on the gate which discloses] a report indicating the speed of the gate [during each race.] at the starting point for each race run on that date.

13:71-17.7 Starting gate and automatic timing device required

Every association shall utilize a mobile starting gate of a type and quality approved by the Commission. Every association shall further more maintain a stand-by mobile starting gate similarly approved. [The starting gate shall be equipped with an automatic timing device, approved by the Commission, disclosing and recording upon tapes, the speed of the starting gate at all times.]

Interested persons may present statements or arguments in writing relevant to the above proposal on or before August 31, 1978, to:

John J. Reilly, Executive Director
Racing Commission
404 Abbington Drive
East Windsor, N.J. 08520

The Racing Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the above rules without further notice.

John J. Reilly
Executive Director, Racing Commission
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Amendment on Admission of Minors

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:70-3.40 and 13:71-5.18 concerning the admission of minors to racetracks in New Jersey.

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

13:70-3.40 Admissions; age

(a) [No person under the age of 12 shall] Any child under sixteen years of age must be accompanied by an adult, parent or guardian to be admitted to any daytime race track enclosure as a spectator during the hours when the running of races is being conducted.

(b) Any child between the ages of twelve and sixteen must be accompanied by an adult, parent or guardian to be admitted to any nighttime race track enclosure as a spectator during the hours when the running of races is being conducted. No child under twelve years of age shall be admitted to any nighttime race track enclosure as a spectator during the hours when the running of races is being conducted.

(c) No person under the age of 18 shall be permitted to wager or in any manner participate in any pari-mutuel pool or system.

13:71-5.18 Age limits

[No person under the age of 12 shall] Any child under 16 years of age must be accompanied by an adult, parent or guardian to be admitted to any daytime race track enclosure as a spectator during the hours when the running of races is being conducted. Any child between the ages of 12 and 16 must be accompanied by an adult, parent or guardian to be admitted to any nighttime race track enclosure as a spectator during the hours when the running of races is being conducted. No person under the age of 18 shall be permitted to wager or in any manner participate in any pari-mutuel pool or system.

Interested persons may present statements or arguments in writing relevant to the above proposal on or before August 31, 1978, to:

John J. Reilly, Executive Director
Racing Commission
404 Abbington Drive
East Winsor, N.J. 08520

The Racing Commission may thereafter adopt rules concerning this subject without further notice.

John J. Reilly
Executive Director, Racing Commission
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY

**Deletion of Rule on Applicants
Previously Taking Examinations**

On May 24, 1978, Roger Gale, Secretary of the Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, deleted the current text of N.J.A.C. 13:39-5.11, concerning applicants previously taking examinations, as proposed in the Notice published November 10, 1977, at 9 N.J.R. 537(d).

An order deleting this rule was filed and became effective on June 21, 1978, as R.1978 d.206.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES

**Rules on Unsatisfied Claim and
Judgment Fund Reimbursement
Of Excess Medical Expense Benefits**

On May 5, 1978, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:6-73.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited

as N.J.A.C. 13:18-10.1 et seq., concerning the Unsatisfied Claim and Judgment Fund's reimbursement of excess medical expense benefits paid by insurers, as proposed in the Notice published March 9, 1978, at 10 N.J.R. 119(c).

An order adopting these rules was filed and became effective on June 22, 1978, as R.1978 d.207.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
**BOARD OF OPHTHALMIC DISPENSERS AND
OPHTHALMIC TECHNICIANS**

**Amendments Concerning Temporary
Ophthalmic Dispenser Permit**

On May 10, 1978, Robert S. Hillman, President of the Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:33-1.11, concerning temporary ophthalmic dispenser permits, as proposed in the Notice published March 9, 1978, at 10 N.J.R. 118(a).

An order adopting these amendments was filed and became effective on June 22, 1978, as R.1978 d.208.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
**BOARD OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS**

**Amendments on Temporary Ophthalmic
Technician Permit**

On May 10, 1978, Robert S. Hillman, President of the Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:33-1.12, concerning temporary ophthalmic technician permits, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 168(a).

An order adopting these amendments was filed and became effective on June 22, 1978, as R.1978 d.209.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Amendments on Prohibition of Kickbacks Or Payment for Services Not Rendered

On May 10, 1978, Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-6.11(a), concerning the prohibition of kickbacks or payment for services not rendered, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 166(a), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

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

13:35-6.11(a)1. Receive directly or indirectly from any person, firm or corporation any fee, commission, rebate, gift or other form of compensation for prescribing, ordering or promoting the sale of a device, appliance or other prescribed item or service when such device, appliance or prescribed item or service is provided by another [person, firm or corporation];

5. Render any bill or invoice or receive any monies from any person, firm, corporation or governmental entity for the performance of services which were not, in fact, performed; provided, however, that this shall not be construed to prohibit an agreed charge for appointment made or services ordered notwithstanding subsequent customer or client cancellation.

An order adopting these amendments was filed and became effective on June 22, 1978, as R.1978 d.210.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Amendments on Termination of Pregnancy

On May 10, 1978, Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-7.2, concerning termination of pregnancy, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 166(b) and February 9, 1978, at 10 N.J.R. 70(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

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

13:35-7.2 Termination of pregnancy

(a) The termination of [a] pregnancy is a medical procedure which may [only] be performed only by a physician licensed to practice medicine and surgery in the State of New Jersey.

(b) [Termination of pregnancy on patients with a gestation beyond the 12th week as determined by the physician responsible for such termination shall be performed only in a licensed hospital on an inpatient basis.] Beyond the first trimester and within a period of gestation not exceeding 16 menstrual weeks and/or 14 gestational weeks' size as determined by a physician, termination of pregnancy using the dilatation and evacuation procedure shall be performed either in a licensed hospital or a licensed health care facility, and if any other procedure is used the termination of pregnancy shall be performed in a licensed hospital on an inpatient basis.

(c) Termination of pregnancy by any procedure on patients with a gestation exceeding 16 menstrual weeks and/or 14 gestational weeks' size as determined by a physician, shall be performed only in a licensed hospital on an inpatient basis.

[(c)] (d) Failure to comply with this rule may subject the physician to suspension or revocation of [his] license to practice medicine and surgery in this State, pursuant to N.J.S.A. 45:9-1 et seq., and/or may subject any person, association, corporation or institution to the sanctions and remedies set forth in N.J.S.A. 45:9-22, 45:9-26 and N.J.S.A. 45:9-27.1.

An order adopting these amendments was filed and became effective on June 23, 1978, as R.1978 d.213.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Amendments to Trifecta Wagering Rule

On July 6, 1978, John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-29.53(b) concerning trifecta wagering, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 258(c).

Take notice that, the incorrect citation of N.J.A.C. 13:70-29.53(f) appeared in this Notice of Proposal regarding these amendments.

An order adopting these amendments was filed and became effective on July 17, 1978, as R.1978 d.235.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

POLICE TRAINING COMMISSION

Amendments to Rules on Police Training Commission Activities

On June 21, 1978, John J. Degnan, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:17B-71 and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 13:1-1.1 et seq. and adopted new rules therein, concerning the activities of the Police Training Commission, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 168(b), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

An order adopting these amendments was filed and became effective on July 18, 1978, as R. 1978 d.236.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPTOMETRISTS

Rule on Availability of Records

On May 17, 1978, Stanley J. Oleniacz, President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule concerning availability of records, substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 119(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

Full text of the adoption follows:

13:38-6.1 Availability of records

(a) A patient record prepared by an optometrist shall be maintained for seven years from the date of the last entry. The patient record, or a copy thereof, shall be released to another optometrist or physician.

(b) The contact lens specification is considered a part of the patient record and shall be given only to another optometrist or physician.

(c) A copy of the patient's prescription for eyeglasses shall be given to the patient or to another optometrist, physician or optician.

An order adopting this rule was filed and became effective on July 21, 1978, as R.1978 d.242.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

Rules on Fees for Licensees and New Registrants Of Board of Certified Public Accountants

On May 11, 1978, Jerome M. Fien, President of the Board of Certified Public Accountants in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:2B-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:29-1.13, concerning fees for licensees and new registrants of the Board of Certified Public Accountants, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 165(b).

An order adopting these rules was filed and became effective on July 21, 1978, as R.1978 d.243.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

ENERGY

THE COMMISSIONER

Proposed Rules on Sales Tax Exemption Standards for Solar Energy Systems

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of P.L. 1977, c. 465, proposes to adopt new rules concerning sales tax exemption standards for solar energy systems.

Full text of the proposal follows:

CHAPTER 5. SALES AND USE TAX TECHNICAL SUFFICIENCY STANDARDS FOR SOLAR ENERGY DEVICES OR SYSTEMS

SUBCHAPTER 1. GENERAL PROVISIONS

14A:5-1.1 Scope

The technical sufficiency standards for solar energy systems are designed to establish minimum criteria for the purpose of obtaining a sales tax exemption pursuant to P.L. 1977, c. 465.

14A:5-1.2 Construction and amendment

(a) These regulations shall be liberally construed to permit the Commissioner to effectively carry out his statutory functions and to insure the maximum conservation of energy sources within the State; and,

(b) These rules may be amended by the Director of the Division of Energy Planning and Conservation, pursuant to authority of P.L. 1977, c. 465.

14A:5-1.3 Definitions

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

"Active solar systems" means those systems which convert the sun's energy into thermal energy and transport

this energy to a storage device through the use of a heat transport medium such as air or a liquid. At this point, the heat is withdrawn and utilized for the purpose for which the system was designed.

"Administrator" means the Administrator of the Office of Alternate Technology of the Department of Energy.

"Building" means any residential, commercial or industrial structure. For purposes of this tax exemption, "building" does not mean free-standing greenhouses utilized solely for cultivation purposes or utilized for any commercial or industrial cultivation purposes.

"Collector" means a piece of equipment consisting of an absorptive plate, which may be flat, corrugated or grooved to which tubes or fins are attached as a means of conducting or directing the heat transfer medium. This assembly is surrounded by a casing and one or more sheets of glazing material. This device is used to intercept radiation and convert this radiation into usable thermal energy.

"Conventional system" shall designate that system that would normally provide energy if a solar system was not present.

"Eligible" means that a system or piece of equipment qualifies to be included in the determination of the amount of the exemption pursuant to 14A:5-2.1 et seq. and complies with the standards specified in these rules.

"Equipment" means that piece of equipment, unit, component, device or material which is to be used as part of a solar system pursuant to 14A:5-2.1 et seq.

"Glazing" refers to that material which covers a device or building and permits the entry of solar energy, for conversion to thermal energy, but prevents excessive loss of thermal energy from that device or building.

"Heat exchanger" means a device for transferring thermal energy from one fluid to another.

"Hot rock storage bin" is a box-like thermal storage device generally constructed of masonry and insulation materials which enclose a bed of crushed rock capable of storing solar generated thermal energy.

"Kit" shall mean those solar systems which utilize the architecture of a building to maximize solar heat gains during the cold seasons and minimize heat gain in the hot seasons.

"Passive systems" means those solar systems which utilize the architecture of a building to maximize solar heat gains during the cold seasons and minimize heat gain in the hot seasons.

"Photovoltaic cells" are devices which for purposes of this exemption have the ability to convert radiant energy to electrical energy.

"Solar energy system" means a system which provides heating and/or cooling, or electrical or mechanical power by collecting and transferring solar-generated energy and including mechanical or chemical devices for storing solar-generated energy.

"South" shall be defined as falling within the 90 degree envelope from 45 degrees East to 45 degrees West of true South.

"Storage tank" designates that equipment used for storing solar generated thermal energy so that it can be used as required.

"Thermal contact ceiling" means a combined roof and heating and/or cooling system composed of containers filled with a liquid solution placed above the roof beams of a building.

"Trombe wall" means a south facing wall of the building envelope composed of a mass wall surface with exterior glazing. The mass wall functions as a heat storage device and exterior wall.

SUBCHAPTER 2. ELIGIBILITY CRITERIA

14A:5-2.1 Eligible equipment

(a) The following solar energy equipment as specified below is eligible for an exemption.

1. The following equipment used in systems designed to provide heating and/or cooling, or electrical or mechanical power and mechanical or chemical devices for storing solar-generated energy;

i. Solar energy collectors purchased as an assembled unit;

ii. Photovoltaic cells;

iii. Wind generators purchased as an assembled unit or manufactured components in a kit form.

2. The following shall be considered solar energy equipment when purchased as part of a packaged total solar energy system kit.

i. Piping or duct work and insulation for such equipment to the point of conventional system interface;

ii. Electrical or mechanical control devices, that is, pumps, valves, solenoid switches, etc.;

iii. Electrical wiring;

iv. Mounting brackets and associated hardware necessary for kit assembly and installation;

v. Heat exchangers purchased as an assembled unit;

vi. Tanks used for the storage of liquids;

vii. Batteries exclusively used to store solar-generated electricity;

viii. Air-conditioning equipment when powered exclusively by solar generated energy;

ix. Chemical storage equipment (that is, eutectic salts).

3. Equipment of the following types in passive systems:

i. Glazing material used on the designated solar surface of south facing walls in fenestrating a building as part of a design for the purpose of direct solar heat gain shall be eligible solar energy equipment.

ii. Equipment such as heads, sills, and jambs used solely as bracing for glass on designated solar surfaces shall be considered eligible solar energy equipment.

iii. Skylights and roof glazing shall be considered eligible solar energy equipment only if such devices are used for direct solar heat gain during the daylight hours, and if capable of reducing the heat loss at night and during cold weather through the use of insulating devices.

iv. Glass, fiberglass, or other glazing materials used to enclose attached south facing areas such as patios, atriums, or greenhouses for purposes of entrapping solar heated air shall be considered eligible solar energy equipment provided that the warm air be circulated through the building by use of a permanently installed air movement system and that adequate provisions have been made to prevent nocturnal heat losses and cold weather heat losses through use of insulating devices.

v. Material used in the construction of a mass wall of a nonload-bearing Trombe wall of a building shall be considered eligible solar energy equipment provided that such a wall is used solely for thermal storage.

(1) South facing glazing material used in the construction of a Trombe wall or mass floor of a building shall be considered eligible solar energy equipment.

vi. The materials purchased for the construction of a thermal contact ceiling shall be considered eligible solar energy equipment.

vii. Insulation used to minimize heat loss largely caused by nocturnal radiation through areas used for direct solar heat gain during the daylight hours shall be considered eligible solar energy equipment.

4. Equipment of the following types in active and passive solar systems:

i. Material used in the construction of a hot rock stor-

age bin shall be considered solar energy equipment provided the bin structure does not constitute a necessary load-bearing member of a building.

14A:5-2.2 Ineligible equipment

(a) The following materials and equipment shall not be considered eligible solar energy equipment:

1. Building insulation used to reduce heat lost through walls, roofs, slabs, and foundations;
2. Uninsulated skylights;
3. Heat storage devices or delivery systems which are also utilized for other means of heating and/or cooling including back-up systems;
4. Bracing equipment used as building structural members such as columns, beams, and studs;
5. Exterior walls and floors constructed of masonry as a means of reducing heat loss;
6. Devices such as draperies, venetian blinds, and curtains;
7. Heat pumps and other refrigerators shall not be considered solar energy equipment;
8. Devices used to extract and store heat generated by organic waste piles;
9. Trees, shrubbery, and other forms of vegetation incorporated into a building or site design;
10. Retaining walls used as thermal storage devices in the case of subterranean housing.

14A:5-2.3 Determination by Administrator

(a) If a solar system is neither specifically eligible nor ineligible for exemption, the Administrator shall examine said system to determine its eligibility.

1. The applicant for an exemption shall submit information required by the Administrator at the time of application pursuant to N.J.A.C. 18:24-26.6.
2. The Administrator shall issue a ruling as to the system's eligibility within 20 working days of receipt of the request for a determination and shall communicate the ruling to the applicant and to the Department of the Treasury, Division of Taxation.
3. Rulings of the Administrator are prospective and shall apply to all future exemption applications for systems of that type.
4. If a determination is not issued within 20 working days of receipt of the request, the system shall be deemed eligible for a full exemption in this case. This will not affect the eligibility of future systems of the same type.

SUBCHAPTER 3. SOLAR SYSTEM STANDARDS

14A:5-3.1 Applicability of Uniform Construction Code

Until the Department of Energy promulgates standards for the manufacturing, sale or installation of solar components and/or systems, solar energy systems constructed or purchased for heating and/or cooling utilizing active and/or passive concepts shall comply with applicable provisions of the Uniform Construction Code (N.J.A.C. 5:23-1 et seq.).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1978, to:

Steven J. Picco
Assistant Commissioner
Department of Energy
101 Commerce Street
Newark, N.J. 07102

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

Joel R. Jacobson
Commissioner
Department of Energy

(a)

ENERGY

BOARD OF PUBLIC UTILITIES

OFFICE OF CABLE TELEVISION

Proposed Amendments to Definition Of Classical System

John P. Cleary, Director of the Office of Cable Television in the Department of Energy, pursuant to authority of N.J.S.A. 48:5A-1 et seq., proposes to amend the definition of classical system in N.J.A.C. 14:17-18.1.

Full text of the proposed new definition follows:

14:17-18.1 Definitions

...
"Classical system" means a cable television system, any part of which is located outside the Grade A contour of at least one major network broadcast station.
...

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 9, 1978, to:

Office of Cable Television
101 Commerce Street
Newark, N.J. 07102

The Office of Cable Television may thereafter adopt rules concerning this subject without further notice.

John P. Cleary
Director, Office of Cable Television
Department of Energy

(b)

ENERGY

BOARD OF PUBLIC UTILITIES

Proposed Rules on Discontinuance Of Service by Electric and Gas Utilities

The Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-13 et seq., proposes to adopt new rules concerning the discontinuance of service by electric and gas utilities.

Full text of the proposal follows:

14:3-7.15 Notice of discontinuance; municipalities

(a) All electric and gas utilities shall annually notify all municipalities located within their service areas that, upon request, they will be sent a daily list of the premises located within the municipality at which gas and/or electric service was discontinued involuntarily on the preceding day.

(b) The list referred to in subsection (a) above shall contain the following information:

1. The name and address of every residential, industrial and commercial customer whose service was discontinued on the previous day for reasons other than at the customer's request and whose service remains discontinued as of 8:00 A.M. on the day the list is sent.

Included on the list shall be those customers whose service has been discontinued for reasons such as nonpayment of bills, the absence of a customer of record, the existence of an unsafe condition, and theft of service. These examples shall not be construed as being exclusive. Those customers whose service has been discontinued for reasons beyond the control of the utility shall not be required to be included on the list.

2. If there is no customer of record at the premises, this fact shall be shown by indicating "unknown" next to the address of the premises.

3. If the reason for the discontinuance of service is the existence of an unsafe condition, this fact shall be indicated next to the address of the premises. All other reasons for the discontinuance of service shall not be included on the list.

4. Those customers whose service has been discontinued on a Friday, Saturday or Sunday and whose service remains discontinued as of 8:00 A.M. on the following Monday shall be included on the list sent on the following Monday. Pursuant to N.J.A.C. 14:3-3.6(c), public utilities may not discontinue residential service on Saturday, Sunday or a holiday on which the utility company's commercial offices are closed or after 1:00 P.M. of the business day prior to a weekend or such holiday for non-payment.

5. When none of the customers within the municipality has service discontinued as of 8:00 A.M. on the day the list is sent, this information shall be shown as "none".

6. The date of discontinuance of service for each customer included on the list and the date on which the customer was sent a notice of discontinuance of service.

7. The type(s) of service discontinued for each customer included on the list.

8. Involuntarily discontinued service which is restored shall be included on the list. Restored service includes a new tenant or owner resuming service in a premise which had been involuntarily shut off.

(c) Beginning on January 15, 1979, and on every January 15 thereafter, all electric and gas utilities shall file with the Board of Public Utilities a report containing the following information:

1. Those municipalities which requested the list referred to in subsection (a) and those which have not requested the list in the preceding calendar year.

2. A breakdown of the expenses incurred in complying with this regulation in the preceding calendar year.

3. Any additional information which the Board in its discretion may require or the public utility may wish to submit.

(d) In compliance with the Governor's Executive Order No. 66, these regulations shall expire five years from the effective date of this regulation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Gerald A. Calabrese
Secretary, Board of Public Utilities
Department of Energy
1100 Raymond Boulevard
Newark, N.J. 07102

The Board of Public Utilities may thereafter adopt rules concerning this subject without further notice.

Gerald A. Calabrese
Secretary, Board of Public Utilities
Department of Energy

(a)

ENERGY

THE COMMISSIONER

Notice of Intention to Submit Department Code of Ethics for Approval

Take notice that, Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to submit to the Executive Commission on Ethical Standards for approval a proposed Code of Ethics for Department of Energy employees and persons associated with the Department as agents or members of official commissions.

The proposed Code establishes specific guidelines for the acceptance of gifts, conflicts of interest, outside employment or other activities and conduct of former employees or agents.

Copies of the seven pages of full text of the proposed Code may be obtained from:

Gerard Burke
Office of Regulatory Affairs
Department of Energy
101 Commerce Street
Newark, New Jersey 07102

Interested persons may present written comments on the proposed action on or before September 30, 1978, to the Department of Energy at the above address.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule Concerning Yield Intersection in Bordentown Township

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-140, proposes to adopt a new rule establishing a yield intersection in Bordentown Township.

Full text of the proposal follows:

16:28-8.2 Intersection of Rising Sun Road and Old Yorke Road in Bordentown Township

(a) In accordance with the provisions of N.J.S.A. 39:4-140, the intersection of Rising Sun Road and Old Yorke Road, these portions being under the jurisdiction of the New Jersey Department of Transportation in Bordentown Township, Burlington County, and described herein below shall be, and hereby is designated a Yield Intersection.

1. Old Yorke Road and Rising Sun Road:
 - a. A YIELD sign shall be erected in Rising Sun Road.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before August 30, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on One-Way Traffic Along Portions of Route 35

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1, proposes to adopt a new rule establishing one-way traffic along portions of Route 35 in the Borough of Red Bank.

Full text of the proposal follows:

16:28-4.6 Route 35 in the Borough of Red Bank, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-85.1, the certain parts of State Highway Route 35 described herein below shall be and hereby are, designated for One-Way traffic.

1. Route 35 (Maple Avenue) Northbound: Between Route 35 (Water Street) - White Street and Route 35 (West Front Street);
2. Route 35 (Pearl Street) Southbound: Between West Front Street and Route 35 (Water Street) - Wall Street;
3. Route 35 (Water Street) Eastbound: Between Route 35 (Pearl Street) and Route 35 (Maple Avenue).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on Restricted Parking on Parts of Route 34

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to

adopt a new rule establishing restricted parking on portions of Route 34 in Wall Township.

Full text of the proposal follows:

16:28-3.178 Route 34 in Wall Township, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 34 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 34 between Allenwood Road and the Allenwood Traffic Circle.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on Speed Limits On Portions of Route I-280

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt a new rule concerning speed zones on portions of Route I-280 in Essex County.

Full text of the proposal follows:

16:28-1.177 Route I-280 (Collector Distributor Roads) in Essex County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for the certain part of Route I-280 (Collector Distributor Roads) described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. City of Orange; for east bound traffic:
 - i. Zone 1: 30 mph between Essex Avenue and 500' east of Center Street except 25 mph in the Our Lady of Mount Carmel Guild School zone, during recess or while children are going to or leaving school, during opening or closing hours;
 - ii. Zone 2: 40 mph to the City of East Orange line.
2. City of East Orange; for eastbound traffic:
 - i. 40 mph between the City of Orange Line and South Munn Avenue.
3. City of East Orange; for westbound traffic:
 - i. 40 mph between 200 feet west of North Arlington Avenue and the City of Orange Line.

4. City of Orange; for westbound traffic:
i. 40 mph between the City of East Orange Line and Essex Avenue.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION THE COMMISSIONER

Proposed Rules on Restricted Parking On Portions of Routes U.S. 22, 28, 33 and 49

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking on portions of Routes U.S. 22, 28, 33 and 49.

Full text of the proposal follows:

16:28-3.174 Route U.S. 22 in Bridgewater Township,
Somerset County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 22 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route U.S. 22 for the entire corporate limits of the Township of Bridgewater including all ramps and connections thereto, which are under the jurisdiction of the Commissioner of Transportation.

16:28-3.175 Route 28 in the Borough of Bound Brook,
Somerset County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 28 described herein below shall be, and hereby are, designated and established as "no parking" zones for designated curb loading zones.

1. No parking loading zone, 7:00 A.M. to 6:00 P.M. Monday - Saturday, along the southbound side of Route 28 beginning at a point 200 feet east of the easterly curb line of Thompson Avenue and extending to a point 60 feet easterly therefrom.

16:28-3.176 Route 33 in Freehold Township, Monmouth
County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 33 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 33

beginning at a point 300 feet east of the easterly curb line of Wemrock Road to a point 300 feet west of the westerly curb line of Wemrock Road.

16:28-3.177 Route 49 in Maurice River Township,
Cumberland County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 49 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 49 beginning 540 feet east of the easterly curb line of Cumberland County Road 670 (Union Road) to a point 700 feet easterly therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(b)

TRANSPORTATION THE COMMISSIONER

Proposed Amendments on Speed Limits on Parts of Route 47

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to delete the current text of N.J.A.C. 16:28-1.138 through 16:28-1.143 and adopt a new rule, to be cited as N.J.A.C. 16:28-1.138, concerning legal speed zones along portions of Route 47.

Full text of the proposed rule follows:

16:28-1.138 Route 47 in Gloucester and Camden Counties

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for the certain part of State Highway Route 47 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

1. Franklin Township:

Mileposts

1. Zone 1: 50 mph between Cumberland County - Gloucester County Line (also Vineland - Franklin Twp. Line) and 675 feet south of Colucci Road (signed New Rd.): 51.93 to 52.25;

ii. Zone 2: 40 mph (including coincident Rt. U.S. 40 section) between 675 feet south of Colucci Road and 550 feet north of Marshall Mill Road: 52.25 to 53.30;

iii. Zone 3: 50 mph between 550 feet north of Marshall Mill Road and 200 feet south of Pine Street: 53.30 to 56.15;

iv. Zone 4: 40 mph between 200 feet south of Pine Street and 500 feet north of MacArthur Avenue: 56.15 to 56.95;

v. Zone 5: 50 mph between 500 feet north of MacArthur Avenue and Clayton Borough Line:	56.95 to 58.26.
2. Clayton Borough:	
i. 50 mph between Franklin Township Line and 165 feet north of Hickory Lane:	58.26 to 58.50;
ii. Zone 6: 40 mph between 165 feet north of Hickory Lane and Linden Street:	58.50 to 59.10;
iii. Zone 7: 30 mph between Linden Street and Howard Street:	59.10 to 59.75;
iv. Zone 8: 40 mph between Howard Street and 500 feet north of Costill Avenue:	59.75 to 60.00;
v. Zone 9: 50 mph between 500 feet north of Costill Avenue and Glassboro Borough Line:	60.00 to 60.89.
3. Glassboro Borough:	
i. 50 mph between Clayton Borough Line and 1950 feet south of Grove Street:	60.89 to 61.80;
ii. Zone 10: 45 mph between 1950 feet south of Grove Street and 175 feet south of Grove Street:	61.80 to 62.20;
iii. Zone 11: 35 mph (including coincident Rt. U.S. 322 section) between 175 feet south of Grove Street and 150 feet north of Greentree Road:	62.20 to 63.40;
iv. School Zone: 25 mph in the Intermediate School zone during recess or while children are going to or leaving school, during opening or closing hours;	
v. Zone 12: 45 mph between 150 feet north of Greentree Road and Heston Road:	63.40 to 63.90.
4. Glassboro Borough and Pitman Borough:	
i. Zone 13: 50 mph between Heston Road and the Washington Township Line:	63.90 to 65.08.
5. Washington Township:	
i. 50 mph between Glassboro Borough - Pitman Borough Line and 200 feet north of Bethel Mill Road:	65.08 to 66.10;
ii. Zone 14: 45 mph between 200 feet north of Bethel Mill Road and 275 feet north of Salina Road:	66.10 to 67.10;
iii. Zone 15: 50 mph between 275 feet north of Salina Road and Deptford Township Line:	67.10 to 68.36.
6. Deptford Township:	
i. 50 mph between Washington Township Line and Essex Boulevard:	68.36 to 71.60;
ii. Zone 16: 45 mph between Essex Boulevard and Ladner Avenue:	71.60 to 72.10;
iii. School Zone: 30 mph in the Central School zone, during recess or while children are going to or leaving school, during opening or closing hours;	
iv. Zone 17: 50 mph between Ladner Road and Deptford Avenue - Caulfield Avenue:	72.10 to 72.85;
v. Zone 18: 45 mph between Deptford Avenue - Caulfield Avenue and Westville Borough Line:	72.85 to 74.03.
7. Westville Borough:	
i. 45 mph between Deptford Township Line and Burr Avenue:	74.03 to 74.20;
ii. Zone 19: 35 mph between Burr Avenue and Brooklawn Borough Line (also Gloucester County - Camden County Line):	74.20 to 75.13.
8. Brooklawn Borough:	
i. 35 mph within corporate limits:	75.13 to 75.24.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Restricted Parking Along Various State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28-3.41 and 16:28-3.162 and adopt new rules, to be cited as N.J.A.C. 16:28-3.172 and 16:28-3.173 if adopted, concerning restricted parking along portions of Routes 26, 44, 28 and U.S. 22 respectively.

Full text of the proposed rules follows:

16:28-3.41 Route 26 in North Brunswick Township, Middlesex County

(a) In accordance with the provisions of N.J.A.C. 39:4-138.1, the certain parts of State Highway Route 26 described herein shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along the northbound side of Route 26:

(1) From a point 100 feet south of the prolongation of the southerly curb line of How Lane to the southerly curb line of Yorke Road.

(2) From a point 100 feet south of the southerly curb line of Hermann Road to a point 100 feet north of the northerly curb line of Hermann Road.

(3) From a point 50 feet south of the southerly curb line of Nassau Street to a point 50 feet north of the northerly curb line of Nassau Street.

ii. Along the southbound side of Route 26 from the southerly curb line of McAuliffe Drive to the northerly curb line of How Lane.

iii. Along both sides of Route 26 from Route U.S. 1 (northbound) to Patton Street.

16:28-3.162 Route 44 in Greenwich Township, Gloucester County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 44 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along the southbound side of Route 44 from Democrat Road to North Ulmer Avenue.

16:28-3.172 Bus Stops along Route 28 in Middlesex Borough, Middlesex County

(a) In accordance with the provisions of N.J.S.A. 39:4-

138.1, the certain parts of State Highway Route 28 described herein below shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along Route 28 (Union Avenue-Bound Brook Road), eastbound, on the southerly side thereof at:

i. Raritan Avenue—Far side:

(1) Beginning at the easterly curb line of Raritan Avenue and extending 100 feet easterly therefrom.

ii. Harris Avenue—Far side:

(1) Beginning at the easterly curb line of Harris Avenue and extending 100 feet easterly therefrom.

iii. Orchard Road—Mid-block:

(1) Beginning at a point 110 feet east of the easterly curb line of Orchard Road, extended, to a point 135 feet easterly therefrom.

iv. South Lincoln Avenue—Far side:

(1) Beginning at the easterly curb line of South Lincoln Avenue and extending 100 feet easterly therefrom.

16:28-3.173 Route U.S. 22 in Bound Brook Borough,
Somerset County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 22 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route U.S. 22 for the entire corporate limits of the Borough of Bound Brook including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Amendments on Limited Access Prohibition on Interstate Highways

On July 10, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-13.4, concerning limited access prohibition along interstate highways, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 263(b).

An order adopting these amendments was filed and became effective on July 10, 1978, as R.1978 d.228.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Rules on Rescission of Allocated but Unexpended Local State Aid Funds

On July 24, 1978, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:15-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:16-4.3 and 16:17-4.3, concerning the rescission of allocated but unexpended local State aid funds, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 263(a).

An order adopting these rules was filed and became effective on July 24, 1978, as R.1978 d.245.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

LOTTERY COMMISSION

Proposed Amended Rules on Pick-It Lottery

Gloria A. Decker, Executive Director of the Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7, proposes to adopt amended rules concerning the Pick-It lottery.

Full text of the proposal follows:

SUBCHAPTER 13. PICK-IT LOTTERY

17:21-13.1 General provisions

(a) The following rules have been adopted by the State Lottery Commission pursuant to the authorization contained in N.J.S.A. 5:9-1 and shall govern the operation of "Pick-It", a three digit select your own number daily lottery. The rules are as follows:

1. The three digit select your own number daily lottery shall be called "Pick-It", and all lottery tickets issued for this game shall be clearly identified with the name of the game.

2. Pick-It tickets will be sold every day during the normal business hours of the agents authorized to sell said tickets. The sale period for any given Pick-It lottery date will terminate at 7:55 P.M., the date of the drawing.

3. Lottery tickets for Pick-It will be available only from certain designated lottery agents who have been selected by the Executive Director of the Lottery Commission.

4. The selected agents will have on their business premises either a coin-actuated on-line vending machine or an agent-operated on-line vending machine and shall prominently display the machine and a poster or other advertisement stating that they sell tickets for the Pick-It lottery.

5. The coin-actuated on-line vending machines will sell tickets for the present weekly and Pick-4 lotteries and the Pick-It lottery. A purchaser will be able to place only a straight bet for the Pick-It lottery from this type of a machine. All tickets issued from this type of a machine will have a purchase price of \$.50 and will be for the

next possible drawing date of the type of lottery selected by the purchaser. Agents having this type of a machine will be required to provide certain specified services relating to the upkeep of the machine and the reporting of lottery sales and will receive a commission equal to 2½ per cent per each lottery ticket sold.

6. The agent operated on-line vending machines will sell tickets for the present weekly and the Pick-4 lottery and the Pick-It lottery. The agents having this type of machine will be required to operate the machine for purposes of the issuance of all lottery tickets and shall be required to provide certain specified services relating to the upkeep of the machine and the reporting of lottery sales; will receive a commission equal to five per cent per each lottery ticket sold. The agent operated on-line vending machines will have the capacity to:

- i. Handle advanced sales up to one week for all three types of lotteries.
- ii. Bulk vend present daily and present weekly lottery tickets.
- iii. Issue Pick-It tickets for \$.50 and in multiples of \$.50 up to \$5.00.
- iv. Issue Pick-It tickets for straight bets, box (combination) bets, front pair, and back pair.
- v. Validate all Pick-It tickets for a period of 45 days from date of drawing. All claims not made in this 45 day period must be submitted to Trenton on a Pick-It claim form.

vi. Cancel Pick-It ticket issued in error.

7. The selection of the winning three-digit number for the Pick-It lottery will be held at 7:57 P.M. Monday through Saturday. Such a drawing will be held every day except for Sundays, Good Friday, Thanksgiving Day, Christmas Day and New Year's Day. The drawings will take place at a location prescribed by the Executive Director and all drawings will be open to the public.

8. The winning three-digit number will be randomly generated by mechanical means. The precise drawing procedure will be determined by the Executive Director.

9. The type of bets and the amount of prizes for the Pick-It lottery shall be determined as follows:

i. Straight bet: The purchaser shall select a three-digit number that will become a winner only if said number matches digit for digit in sequence the winning number selected by the drawing. For example, if the winning number is 123, only straight bets placed on 123 will be winners.

ii. Box (combination) bets: The purchaser will select a three-digit number that will become a winner only if said number matches digit for digit in any sequence the winning number selected by the drawing. For example, if the winning number is 123, box bets placed on 123, 132, 231, 213, 321, and 312 will be winners. It will be impossible to place a box bet on any three-digit combination which cannot be divided into six separate and distinct bets. For example, 111, 101, or any other similar numbers cannot be used for box bets.

iii. Front pair bets: The purchaser shall select the first two digits of the three-digit number that will become a winner only if the first two digits selected matches digit for digit in sequence the first two digits of the winning number selected by the drawing. For example, if the winning number is 123, only front pair bets placed on 12X will be winners.

iv. Back pair bets: The purchaser shall select the last two digits of the three-digit number that will become a winner only if the last two digits selected matches digit for digit in sequence the last two digits of the winning number selected by the drawing. For example, if the winning number is 123, only back pair bets placed on X23 will be winners.

10. The amount of the prizes to be given for the Pick-It lottery shall be determined in accordance with the following rules:

i. The prize pool will be equal to 50 per cent of the total amount of all the bets placed for said lottery drawing.

ii. The amount of money in the prize pool shall be divided among the winners in accordance with the pari-mutuel formula so that straight bet winners will receive a fixed prize, box bet winners will receive one-sixth of said prize, and back and front pair bet winners will receive one-tenth of said prize.

iii. Pari-mutuel formula:

(1) Each 50-cent bet shall be considered to be a single unit and bets for larger amounts shall be divided into 50-cent bets; e.g. a 50-cent winning ticket will be one unit and a \$2.00 winning ticket will be four units.

(2) A straight winning bet, hereinafter called "X" shall be a full unit and shall be entitled to a full prize unit for each 50 cents of the ticket value.

(3) A box winning bet, hereinafter called "Y" shall be one-sixth of a unit and shall be entitled to one-sixth of the prize unit for each 50 cents of the ticket value.

(4) A pair winning bet, hereinafter called "Z" shall be one-tenth of a unit and shall be entitled to one-tenth of the prize unit for each 50 cents of the ticket value.

(5) The prize unit will be rounded down to 50 cents.

(6) Formula for prize determinations:

Prize Unit =

$$\frac{\text{Prize Pool}}{X(1) + Y(1/6) + Z(1/10)}$$

Straight Bet Prize =

$$\frac{\text{(Prize Unit) (Rounded Down x Amount Wagered/50¢ to 50 cents)}}{1}$$

Box Bet Prize =

$$\frac{\text{(Prize Unit) (Rounded Down x Amount Wagered/50¢ to 50 cents)}}{6}$$

Pair Bets (Both Front and Back Pair) Prize =

$$\frac{\text{(Prize Unit) (Rounded Down x Amount Wagered/50¢ to 50 cents)}}{10}$$

Example:

Assure: Prize Pool of \$50,000 and the following winning bets represented in 50 cent units: 150 straight, 240 box, and 110 front or back pair:

Prize Unit =

$$\frac{50,000}{150 + 240(1/6) + 110(1/10)} = \frac{50,000}{150 + 40 + 11} = \frac{50,000}{201}$$

Straight Bet Prize =

$$248.756 = 248.50 \text{ per each 50 cent bet}$$

Box Bet Prize =

$$248.756 = \frac{41.459}{6} = 41.00 \text{ per each 50 cent bet}$$

Pair Bet =

$$248.756 = \frac{24.875}{10} = 24.50 \text{ per each 50 cent bet}$$

iv. The minimum prize for the Pick-It lottery for any type of bet on any given day shall be one dollar (50 cents over the unit bet.) The amount of the breakage (amount received as a result of round down to 50 cents will be set aside in a separate fund which will be used for purposes guaranteeing this minimum payout.

v. If no bets of any type are placed on the winning number as drawn for any Pick-It lottery day, the money in the pool shall be added to the next following Pick-It lottery pool.

11. The holder of a winning ticket for the Pick-It lottery can take said ticket to any claim center for validation. All agents having an agent-operated on-line vending ma-

chine are claim centers. If said winning ticket entitles the holder to a prize of \$599.00 or less, said prize will be paid by the agent upon presentation and validation of the ticket. If the winning ticket entitles the holder to a prize that is more than \$599.00, then the holder shall fill out a claim form and the prize will be sent to the holder by check from the Lottery Commission. Once a ticket is validated, it will not be returned to the winner, but will be forwarded to the New Jersey State Lottery. The winner will receive the cash prize or a copy of the claim form as herein provided.

12. All persons holding winning tickets must file for a prize within one year after the date of the drawing. Except as herein provided, all rules and regulations of the Lottery Commission shall govern the operation of the Pick-It lottery. All determinations of winners shall be made by the Executive Director of the Lottery Commission whose judgment shall be final.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

New Jersey State Lottery Commission
CN 041
Trenton, N.J. 08625

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

Gloria A. Decker
Executive Director
Lottery Commission
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

PRISON OFFICERS' PENSION FUND COMMISSION

Proposed Amendment on Election of Prison Officer Representative to the Commission

Anthony P. Ferrazza, Secretary of the Prison Officers' Pension Fund Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:7-19, proposes to amend N.J.A.C. 17:7-1.4, concerning the election of a prison officer representative to the Commission.

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

17:7-1.4(a)2.i. The petition forms will explain that at least [25 members] **five per cent of the membership who are eligible to vote for the position are required to sign the petition for the candidate.**

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 30, 1978, to:

Anthony P. Ferrazza, Secretary
Prison Officers' Pension Fund Commission
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Prison Officers' Pension Fund Commission may thereafter adopt this rule without further notice.

Anthony P. Ferrazza
Secretary, Prison Officers' Pension
Fund Commission
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

Proposed New Rule on Gross Income Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq., proposes to adopt a new rule concerning the Gross Income Tax Act.

Full text of the proposal follows:

18:35-1.10 Quarterly or semiannual filing of withholding returns and payment of certain employers' withheld taxes; exception as to seasonal employers

(a) Effective for the semiannual period beginning on January 1, 1979, where the aggregate amount required to be deducted and withheld by any employer is less than \$25 in a calendar month and the aggregate for the semiannual period ending on June 30 or December 31 can reasonably be expected to be less than \$150, the employer return and payment of withheld taxes for such period may be made on or before July 31 for the semiannual period ending on June 30 and on or before January 31 for the semiannual period ending on December 31.

(b) Effective for the calendar quarter beginning on January 1, 1979, where the aggregate amount required to be deducted and withheld by any employer is \$200 or less in each month of a calendar quarter and the aggregate for the quarterly period ending on March 31, June 30, September 30, or December 31 can reasonably be expected to be less than \$600, the employer return and payment of withheld taxes for such period may be made on a quarterly basis on or before the 15th day of the month following the close of the calendar quarter period ending on March 31, June 30 or September 30. Any return due with respect to the calendar quarter ending on December 31 shall be filed and taxes paid on or before January 31 following the close of said calendar quarter.

(c) Where the aggregate amount required to be deducted and withheld by any employer exceeds \$200 in a calendar month, the employer return and payment of withheld taxes for such monthly period and for prior months in a calendar quarter must be made on or before the 15th day of the month following the close of such month or months during the calendar quarter period. In the event an employer monthly return and payment of withheld taxes is not required, an employer return and payment of withheld taxes for the quarterly period ending on March 31, June 30, or September 30, may be made on or before the 15th day of the month following the close of such quarter. Any return due with respect to the calendar quarter ending on December 31 shall be filed and taxes paid on or before January 31 following the close of said calendar quarter.

(d) Subsections (a), (b) and (c) shall not apply to an employer engaged in a business operating seasonally. Consecutive returns for each calendar month accounting for all tax withheld must be filed by a seasonal employer who is required to report monthly. Where the amount required to be deducted can reasonably be expected to be \$18,000 or more for a semi-annual period, a seasonal employer shall file semi-monthly employer returns with payment of the taxes withheld as provided under section 1.7 of these rules. If no tax was withheld during a particular month, a return is still required to be filed for such

month with the reason for nonwithholding stated on the back, the date of the last payment of wages, and the date when the employer expects to resume paying taxes.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08646

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amendments on Sales and Use Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to amend N.J.A.C. 18:24-22.2 and 18:24-22.3, concerning the sales and use tax and floor covering dealer transactions and installation services.

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

18:24-22.2 Floor covering dealer transactions

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

(b) [Included in] Excluded from the term "floor covering" are the supplies which become part of the floor covering installation. [These supplies include, but are not limited to, padding, underlayment, nails, plywood strips, staples and adhesive tape.]

18:24-22.3 Installation services

(a) Every person who installs floor covering is a contractor.

1. When a floor covering dealer performs an installation service, he is required to either pay sales tax at the time supplies for use in the installation service are purchased or remit use tax upon the cost of supplies withdrawn from his sales inventory for use in the installation service.

2. Any other person who installs floor covering is required to pay sales tax at the time supplies for use in the installation service are purchased.

3. Supplies include, but are not limited to, padding, underlayment, nails, staples, plywood strips, adhesive tape and cement.

[(a)] (b) The installation of floor covering results in a capital improvement only under certain conditions. An installation of a floor covering results in a capital improvement only where the floor covering is permanently affixed to a subfloor. A subfloor may be composed of any material, such as boards, plywood, underlayment or cement, which is not considered to be a material which customarily or normally serves as a finished floor. For sales tax purposes a subfloor is also a finished floor whose value is no greater than that of the conventional subfloor, because of deterioration through damage or age.

[(b)] (c) Where the installation of a floor covering has resulted in a capital improvement to real property, the installer, whether he be the vendor of the floor covering or another person, may not collect the sales tax from the real property owner on his charges for labor and services in installing the floor covering, provided that:

1. The charges for the labor and services are charged for and stated separately from the charges for the floor covering.

[(c)] (d) A floor covering installation made in New Jersey does not result in a capital improvement if the floor covering has not been permanently affixed to a subfloor:

1. For sales tax purposes, the person who makes such installation is required to be registered with the New Jersey Division of Taxation, to collect the sales tax from his customer on the installation charges (as well as on the charges for the floor covering), and to remit the tax to the Division.

2. For business personal property tax purposes (N.J.S.A. 54:11A-1 et seq.) the floor covering is taxable as business personal property where its installation does not result in a capital improvement.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08646

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

Proposed Amendments on Business Personal Property Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:11A-1 et seq., proposes to amend several rules concerning the Business Personal Property Tax Act.

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

SUBCHAPTER 2. PERSONS AND PROPERTY SUBJECT TO THE TAX; EXCEPT WHEN ACQUIRED ON OR AFTER JANUARY 1, 1977

18:9-2.2 Personal property subject to the tax

All tangible goods and chattels used or held for use in any business, transaction, activity or occupation conducted for profit within the State of New Jersey and not expressly exempt from taxation by the New Jersey State Constitution, the laws made pursuant to, or the express terms of the Act are subject to the tax. For tangible goods and chattels acquired on or after January 1, 1977, see section 3 of this subchapter; where leased on or after January 1, 1977, see N.J.A.C. 18:9-3.5.

18:9-2.3 [Reserved] Business personal property acquired on or after January 1, 1977

(a) Any business personal property acquired on or after January 1, 1977, shall not be subject to assessment and taxation. For the purposes of this chapter, acquired means the first time such business personal property comes into possession, control or power of disposal by the owner obtained by purchase, exchange, bequest or gift.

1. Example 1: A machine purchased prior to January 1, 1977 is not exempt from taxation by reason of the provision of P.L. 1977, c. 4, N.J.S.A. 54:11A-3.1. Whether such property will be subject to tax subsequently depends upon whether the property was in use or held for use on the assessment date, October 1 of the pre-tax year.

2. Example 2: A machine purchased, installed and capable of operating prior to January 1, 1977 is subject to tax.

3. Example 3: A machine purchased on or after January 1, 1977, irrespective of its use or nonuse, is not subject to tax.

4. Example 4: A machine is brought into New Jersey on or after January 1, 1977 by a company which acquired the property prior to January 1, 1977, out-of-state and used such property exclusively out-of-state. Where such property is used or held for use on the assessment date, October 1 of the pre-tax year, it is subject to tax since it was acquired prior to January 1, 1977.

18:9-2.4 Personal property leased prior to January 1, 1977

Tangible personal property leased under a contract of lease made prior to January 1, 1977, is subject to assessment and taxation when in the possession of the lessee on October 1 of the pretax year. For example, a taxpayer (lessor) leases equipment on November 1, 1976. The lease term is for a period of five years. Since the equipment is in the possession of the lessee on October 1, 1977, the taxpayer is subject to tax in 1978 and each year thereafter until the lease terminates. See N.J.A.C. 18:9-3.5 for leases entered into for the first time on or after January 1, 1977.

18:9-3.5 Personal property held for leasing exempt until leased; first time leased on or after January 1, 1977 exempt

(a) Tangible personal property of a taxpayer held for leasing or which is to be furnished as part of a service contract is not subject to the tax until such property is in the actual possession of a lessee under a contract of lease. See N.J.A.C. 18:9-2.4 where leased prior to January 1, 1977.

(b) Tangible personal property of a taxpayer (lessor) which has not been leased for use prior to January 1, 1977, is exempt from tax when leased in New Jersey on or after January 1, 1977. For example:

1. A manufacturer of machinery completes its manufacturing process with respect to a particular machine

on August 30, 1976. The completed machine remains in the manufacturer's warehouse until April 1, 1977, at which time the manufacturer in the normal course of business leases the machine to a New Jersey lessee which commences using the machine as part of its normal business. The machine is not subject to tax since the machine was inventory until April 1, 1977, and its first use occurred after January 1, 1977.

2. A manufacturer completed the manufacturing process with respect to a particular machine on August 30, 1976, at which time in the normal course of business the machine was leased to a lessee located within the State of New York. The lease continued until February 28, 1977, at which time the lessee returned the machine to the manufacturer/lessor. On April 1, 1977, the same machine was then leased to a New Jersey lessee for use within the State of New Jersey. The machine is subject to tax since it was first acquired prior to January 1, 1977.

3. A lessor of tangible personal property leases such property to a New Jersey lessee for use in New Jersey on August 30, 1976. The lease remains in effect until February 28, 1977, at which time the lease is terminated and the personal property is returned to the lessor. On April 1, 1977, such property is leased again to the same or another New Jersey lessee. The personal property is subject to tax since it was acquired by the taxpayer (lessor) prior to January 1, 1977.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1978, to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08646

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

LOTTERY COMMISSION

Rules on Jersey Casino Instant Lottery

On June 29, 1978, Gloria A. Decker, Executive Director of the Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the Jersey Casino Instant Lottery, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 264(b).

An order adopting these rules was filed on July 6, 1978, as R.1978 d.224. Take notice that, these rules are considered to be temporary rules and will not appear in Title 17 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Rules on Property Tax Exemption for Solar Energy Heating and Cooling Systems

On July 5, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 18:12-8.1 et seq., concerning property tax exemption for solar energy heating and cooling systems, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 264(c).

An order adopting these rules was filed and became effective on July 7, 1978, as R.1978 d.225.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Other Agencies)

(b)

CASINO CONTROL COMMISSION

Proposed Amendments to Rules Of Game Relating to Craps

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt amendments to some of the rules of game relating to the game of craps.

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

19:47-1.3(a)6. A "Place Bet to Lose" shall mean a wager that may be made at any time against any of the numbers 4, 5, 6, 8, 9 or 10 which shall win if a 7 is thrown before the particular number against which the wager is placed and shall lose if the particular number against which the wager is placed is thrown before a 7 appears.

[6] 7. "Big Six" shall mean a wager placed on the area of the layout marked "Big 6" which shall win if a total of 6 is thrown before a 7 and shall lose if a 7 is thrown before a 6.

[7] 8. "Big Eight" shall mean a wager placed on the area of the layout marked "Big 8" which shall win if a total of 8 is thrown before a 7 and shall lose if a 7 is thrown before an 8.

[8] 9. "Four the Hardway" shall mean a wager, that may be made at any time, which shall win if a total of 4 is thrown the hardway (i.e., with 2 appearing on each die) before 4 is thrown in any other way and before a 7 is thrown.

[9] 10. "Six the Hardway" shall mean a wager, that may be made at any time, which shall win if a total of 6 is thrown the hardway (i.e., with 3 appearing on each die) before 6 is thrown in any other way and before a 7 is thrown.

[10] 11. "Eight the Hardway" shall mean a wager, that may be made at any time, which shall win if a total of 8 is thrown the hardway (i.e., with 4 appearing on each die) before 8 is thrown in any other way and before a 7 is thrown.

[11] 12. "Ten the Hardway" shall mean a wager, that may be made at any time, which shall win if a total of 10 is thrown the hardway (i.e., with 5 appearing on each die) before 10 is thrown in any other way and before a 7 is thrown.

[12] 13. "Field Bet" shall mean a one roll wager that may be made at any time which shall win if any one of the totals 2, 3, 4, 9, 10, 11 or 12 is thrown on the roll immediately following placement of such bet and shall lose if a total of 5, 6, 7 or 8 is thrown on such roll.

[13] 14. "Any Seven" shall mean a one roll wager that may be made at any time which shall win if a total of 7 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

[14] 15. "Any Craps" shall mean a one roll wager that may be made at any time which shall win if a total of 2, 3 or 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

[15] 16. "Craps Two" shall mean a one roll wager that may be made at any time which shall win if a total of 2 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

[16] 17. "Craps Three" shall mean a one roll wager that may be made at any time which shall win if a total of 3 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

[17] 18. "Craps Twelve" shall mean a one roll wager that may be made at any time which shall win if a total of 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

[18] 19. "11 in One Roll" shall mean a one roll wager that may be made at any time which shall win if a total of 11 is thrown on the next roll and shall lose if any other total is thrown.

[19] 20. "Horn Bet" shall mean a one roll wager that may be made at any time which shall win if any one of the totals 2, 3, 11 or 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

19:47-1.4(b) No casino licensee, his employees or agents shall pay off winning wagers at the game of craps at less than the odds listed below. A casino licensee may pay off winning wagers at higher odds than those listed below provided that such odds are uniform within the casino.

WAGER	PAYOUT ODDS
Pass Bet	1 to 1
Don't Pass Bet	1 to 1
Come Bet	1 to 1
Don't Come Bet	1 to 1
Place Bet 4 to Win	9 to 5
Place Bet 5 to Win	7 to 5
Place Bet 6 to Win	7 to 6
Place Bet 8 to Win	7 to 6
Place Bet 9 to Win	7 to 5
Place Bet 10 to Win	9 to 5
Place Bet 4 to Lose	5 to 11
Place Bet 5 to Lose	5 to 8
Place Bet 6 to Lose	4 to 5
Place Bet 8 to Lose	4 to 5
Place Bet 9 to Lose	5 to 8
Place Bet 10 to Lose	5 to 11

Four the Hardway	7 to 1
Six the Hardway	9 to 1
Eight the Hardway	9 to 1
Ten the Hardway	7 to 1
Field Bet	1 to 1 on 3, 4, 9, 10, 11 2 to 1 on 2 2 to 1 on 12
Big Six	1 to 1 or 7 to 6 on wagers of six dollars or multiples thereof
Big Eight	1 to 1 or 7 to 6 on wagers of six dollars or multiples thereof
Any Seven	4 to 1
Any Craps	7 to 1
Craps 2	30 to 1
Craps 3	15 to 1
Craps 12	30 to 1
11 in one roll	15 to 1

19:47-1.5(a) Buy Bets: In addition to the payout odds set forth in section 19:4[3]7-4 for place bets to win on 4, 5, 6, 8, 9 and 10, a casino licensee may offer a player the option of receiving true odds on these bets in return for the player paying to the casino, at the time of making the bet, a percentage of the amount wagered which in no event shall exceed 5 percent of such wager. Under such circumstances, a casino licensee shall conform to the odds listed below in paying off winning wagers on these bets:

BET	ODDS
4 to Win	2 to 1
5 to Win	3 to 2
6 to Win	6 to 5
8 to Win	6 to 5
9 to Win	3 to 2
10 to Win	2 to 1

(b) Lay Bets: In addition to or in lieu of the payout odds set forth in section 19:47-4 for place bets to lose on 4, 5, 6, 8, 9 and 10, a casino licensee may offer a player true odds on these bets in return for the player paying to the casino, at the time of making the bet, a percentage of the amount the player could win on such bet which in no event shall exceed 5 percent of such amount. Under such circumstances, a casino licensee shall conform to the odds listed below in paying off winning wagers on these bets:

BET	ODDS
4 to Lose	1 to 2
5 to Lose	2 to 3
6 to Lose	5 to 6
8 to Lose	5 to 6
9 to Lose	2 to 3
10 to Lose	1 to 2

[(b)] (c) Except as provided for in subsections (a) and (b) of this section, no casino licensee shall charge any percentage, fee or vigorish to a player in making any wager in the game of craps.

Interested persons may present statements or arguments in writing relevant to the proposal on or before August 30, 1978, to:

Joseph P. Lordi
Chairman
Casino Control Commission
379 West State Street
Trenton, New Jersey 08625

The Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(a)

DELAWARE RIVER BASIN COMMISSION

Amendments to Water Quality Regulations

On May 24, 1978, the Delaware River Basin Commission, pursuant to authority of N.J.S.A. 32:11D-88 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to its regulations on water quality.

Full text of the adoption follows:

I. INTERMITTENT STREAMS. The Comprehensive Plan and Article 3 of Basin Regulations—Water Quality are amended as follows:

1. Amend Section 3.10.2B to read:

B. Uses to be protected. The quality of basin waters, EXCEPT INTERMITTENT STREAMS, shall be maintained in a safe and satisfactory condition for the following uses:

2. Amend Section 3.10.2 by the addition of a new subsection C to read:

C. OTHER USES.

1. CURRENT USES OF INTERMITTENT STREAMS MAY, AT THE DISCRETION OF THE COMMISSION, BE MAINTAINED.

3. Amend Section 3.10.3 A.1.b. to read:

b. the concentration of total dissolved solids, EXCEPT INTERMITTENT STREAMS, shall not exceed 133 percent of background.

4. Amend Section 3.10.4 by the addition of a new subsection F to read:

F. INTERMITTENT STREAMS

1. DISCHARGES TO INTERMITTENT STREAMS MAY BE PERMITTED BY THE COMMISSION ONLY IF THE APPLICANT CAN DEMONSTRATE THAT THERE IS NO REASONABLE ECONOMICAL ALTERNATIVE. THE PROJECT IS ENVIRONMENTALLY ACCEPTABLE, AND WOULD NOT VIOLATE THE STREAM QUALITY OBJECTIVES SET FORTH IN SECTION 3.10.3 A.1.a.

2. DISCHARGES TO INTERMITTENT STREAMS SHALL BE ADEQUATELY TREATED TO PROTECT STREAM USES, PUBLIC HEALTH AND GROUNDWATER QUALITY, AND PREVENT NUISANCE CONDITIONS.

5. Amend Section 3.10.6 by the addition of a new subsection F to read:

F. INTERMITTENT STREAMS. A STREAM IS INTERMITTENT WHEN IT MEETS EITHER OF THE FOLLOWING CONDITIONS:

1. A STREAM WITH LESS THAN A 0.1 CFS MINIMUM CONSECUTIVE SEVEN-DAY NATURAL FLOW WITH A TEN-YEAR RECURRENCE INTERVAL; OR

2. A DITCH, CANAL OR NATURAL WATER COURSE WHICH SERVES ONLY TO CONVEY RUNOFF DURING AND AFTER A STORM.

II. TOTAL DISSOLVED SOLIDS.

A. The Comprehensive Plan and Article 3 of Basin Regulations-Water Quality are amended as follows:

1. Amend Section 3.10.4 D by the addition of a new subsection 2 to read:

2. **TOTAL DISSOLVED SOLIDS SHALL NOT EXCEED 1000 MG/L, OR A CONCENTRATION ESTABLISHED BY THE COMMISSION WHICH IS COMPATIBLE WITH DESIGNATED WATER USES AND STREAM QUALITY OBJECTIVES, AND RECOGNIZES THE NEED FOR RESERVE CAPACITY TO SERVE FUTURE DISCHARGERS.**

2. Amend Section 3.10.6 by the addition of a new subsection G to read:

G. **BACKGROUND, TOTAL DISSOLVED SOLIDS. THE OBSERVED CONCENTRATION OF TOTAL DISSOLVED SOLIDS DURING LOW FLOW CONDITIONS OR, IN THE ABSENCE THEREOF, AN ESTIMATE ACCEPTABLE TO THE COMMISSION.**

B. Article 4 of Basin Regulations-Water Quality is amended as follows:

1. Section 4.20.2 A is deleted and a new section substituted to read:

A. **BACKGROUND, TOTAL DISSOLVED SOLIDS. THE FOLLOWING BACKGROUND LEVELS OF TOTAL DISSOLVED SOLIDS SHALL BE UTILIZED FOR THE SPECIFIED ZONES OF THE DELAWARE RIVER:**

Zone	T.D.S.
1A	75 MG/L
1B	90 MG/L
1C	90 MG/L
1D	90 MG/L
1E	200 MG/L
2	200 MG/L

2. Section 4.30.5 E is deleted in its entirety.

III. COLOR. Article 4 of Basin Regulations-Water Quality is amended as follows:

1. Amend Section 4.30.5 A 2 to read:

- 2. shall not exhibit more than
 - a. true color or 100 units on the platinum-cobalt scale, or its EQUIVALENT, OR
 - b. the natural color of the receiving waters, whichever is greater.

c. **A TRUE COLOR INTENSITY GREATER THAN SPECIFIED IN (a) OR (b) MAY BE PERMITTED WHEN IT IS DEMONSTRATED THAT:**

- 1. **THE MAXIMUM PRACTICABLE TREATMENT WILL BE PROVIDED, AND**
- 2. **RAPID DISPERSION WILL TAKE PLACE, AND**
- 3. **THE NATURAL COLOR CHARACTERISTICS OF THE RECEIVING WATERS WILL BE PROTECTED.**

IV. DILUTE WASTEWATER

A. The Comprehensive Plan and Article 3 of the Basin Regulations-Water Quality are amended as follows:

1. Amend Section 3.10.6 D 2 to read:

2. The reduction of the biochemical oxygen demand by at least 85 percent; **THE 85 PERCENT REDUCTION MAY BE MODIFIED, UPON APPLICATION, FOR DILUTE INDUSTRIAL PROCESS WASTEWATER:**

B. Article 4 of Basin Regulations-Water Quality is amended as follows:

1. Amend Section 4.30.3 B by the addition thereto of a new subsection 3 to read:

3. **FOR DILUTE INDUSTRIAL PROCESS WASTEWATER, THE PERCENT BOD REDUCTION MAY BE MODIFIED, UPON APPLICATION, PROVIDED IT HAS BEEN DEMONSTRATED THAT THE BEST MANAGEMENT PRACTICES AND THE HIGHEST DEGREE OF WASTE TREATMENT DETERMINED TO BE PRACTICABLE WILL BE APPLIED.**

2. Amend Section 4.30.7 B 1 b by the addition thereto of a new subsection 3 to read:

3. **UPON APPLICATION, IN SPECIAL CASES, FOR DILUTE INDUSTRIAL PROCESS WASTEWATER, AN ALLOCATION MAY BE ASSIGNED CONSISTENT WITH SECTION 4.30.3 B 3.**

An order adopting these amendments was filed on July 11, 1978, as R.1978 d.230 (Exempt, Exempt Agency). Take notice that, these amendments are not subject to codification and will not appear in the New Jersey Administrative Code but will be incorporated by reference in Title 18, Part 410, of the Code of Federal Regulations. (That is the reason for the style of capitalization used in the preceding text.)

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

**Repeal Regulation Restricting Use
Of Inner Roadway of Garden State Parkway**

On June 29, 1978, F. Joseph Carragher, Executive Director of the Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 19:8-1.9(d), concerning restrictions on the use of the inner roadway of the Garden State Parkway, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 266(e).

An order repealing this rule was filed on June 29, 1978, as R.1978 d.215, to become effective on June 30, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

**PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**Revisions to FMC Schedule PA-9
On Port Authority Marine Terminals**

On May 31, 1978, the committee on operations of the Port Authority of New York and New Jersey adopted revisions to FMC Schedule No. PA-9 concerning the map of public areas and marine terminal highways at Port Authority Marine Terminals.

Full text of the resolution follows:

Resolved, that the "FMC Schedule No. PA-9 Naming Rules and Regulations Applying at Port Authority Marine Terminals and Rates and Charges Applicable For the Use of Public Areas and Port Authority Marine Terminals" adopted by the Committee, at its meeting on February 3, 1966 (appearing at page three et seq. of the committee minutes of that date) as amended, be and the same is hereby amended, effective July 1, 1978 by inserting therein a new map of public areas and marine terminal highways at Elizabeth-Port Authority Marine Terminal, dated July 1, 1978.

An order adopting these revisions was filed on June 27, 1978, as R.1978 d.214 (Exempt, Exempt Agency).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

ATTORNEY GENERAL NOW REGULATES 19 PROFESSIONAL REGULATORY BOARDS

The 19 professional regulatory boards, which for decades, in some instances, have had virtual immunity from State control in regulating the professions, were placed under the direct jurisdiction of the State Attorney General last month.

Gov. Brendan Byrne, hailing the action as "an important part of this administration's commitment to consumers," changed the lines of authority by signing into law a bill "which provides for uniform enforcement of the many separate statutes dealing with professional boards within the jurisdiction of the Department of Law and Public Safety."

Byrne, in remarks made at the signing ceremony in Trenton, said:

"Make no mistake about it, this bill is a very significant piece of legislation. It adds significantly to the Attorney General's authority to oversee regulatory boards.

"It should end abuses and instances where professional boards are myopic in recognizing the public need and good."

In addition to establishing a mechanism for uniform enforcement procedures by the boards, the bill (S-497) also gives the Attorney General the authority to overturn a board decision that is "contrary to applicable law."

Under previous legislation, the only appeal from a board decision was to the Appellate Division of Superior Court.

Since 1971, the 19 professional boards have operated as part of the Division of Consumer Affairs within the Attorney General's Office. Although the division director was given supervisory jurisdiction over the boards, each panel acted independently.

Byrne's two appointees as director, Virginia Long and Adam K. Levin, the current director, have tried to make control of the boards their No. 1 priority.

The boards regulate the professional activities of about 250,000 people in New Jersey, including doctors, nurses, dentists, optometrists and opticians in the health field. Other panels are concerned with architects, barbers, beauticians, accountants, electrical contractors, engineers, marriage counselors, funeral directors, pharmacists, professional planners, shorthand reporters and veterinarians.

Byrne, almost since taking office in 1974, has been talking about reforming and opening up the membership of these boards which have wide-ranging power over the regulation of such other groups as barbers, professional engineers, professional planners, nurses, doctors, pharmacists and even marriage counsellors.

Saying the revised role for the boards will make them more responsive to consumers and the professionals being regulated, Byrne offered an explanation of the complicated legislation in a prepared statement.

The basic element of the bill is a provision that gives the Attorney General the authority to impose uniform rules under which the boards conduct hearings and decide punishment. The boards have 30 days to do something themselves before the Attorney General can step in.

Moreover, such things as rules regarding disciplinary matters and restrictions on licensing will also be within

the Attorney General's authority, and the State's law enforcement chief can also set aside, modify or amend any action or decision of any board.

State Sen. Martin Greenberg (D-Essex), who after three years of trying was successful in winning approval for the legislative proposal, said:

"Many of these boards have a congenital predisposition to decide for the industry they regulate."

Greenberg pointed out, for example, the pharmacy board refused to clear the way for prescription drug advertising even in the face of a court ruling that such a practice was legal.

"That's an example of an instance in which a board refused to exercise their regulatory authority. Conversely, on occasion, certain boards attempt to adopt regulations to further their self interest, even though expressly advised that such proposed regulation is inconsistent with the requirements of law," Greenberg said.

PENSION RATE DISCRIMINATION AGAINST WOMEN ENDED BY PUBLIC ADVOCATE SUIT

Discrimination in pension rates against approximately 143,000 female State employees and public school teachers in New Jersey should end within the next six months under terms of a recent U.S. District Court order, according to the Department of the Public Advocate.

The consent order calls for the State Legislature to introduce in this fall session a bill to equalize pension contributions of men and women in both the state employee (PERS) and teacher pension (TRAF) systems.

The order, signed July 19 by Trenton District Court Judge Clarkson S. Fisher, includes an agreement by the State to have remedial legislation introduced and allows for further court action by the Public Advocate if legislation is not enacted before next February 1.

The order followed by three months a U.S. Supreme Court ruling in a similar case in California that women cannot be charged more than men in a pension plan. It concluded a 20-month lawsuit by the State Public Advocate's Department against a similar practice in New Jersey.

Assistant Public Advocate Arthur Penn, who headed the Trenton case, noted that the order does not provide a specific remedy for the problem. The Legislature could raise male contribution rates to the level of female rates, reduce female rates to male levels or could strike a balance between the two levels that would equalize contributions, he said.

The November, 1976 suit contested the State's contention that higher contribution rates for females are justified by statistics that females as a class live longer than males as a class.

Under the State pension system, the suit pointed out, women are obligated to pay between .33 per cent more than men at an entrance age of 16 up to 1.06 per cent more at an entrance age of 59, for the same retirement benefits. A 16-year-old male, for example, now contributes 4.85 per cent of his salary to the pension system while a 16-year-old female pays 5.18 per cent of her salary. At age 59, the new male employee contributes 8.45 per cent; the new female employee 9.51 per cent.

In pushing for equalized pension contributions, the Public Advocate noted that the State does not use sex-based mortality factors in calculating contribution rates for other benefits, including the contributory life insurance program where such factors would require higher contribution rates for male employees.

10 CODE TITLES UPDATED

Mailing was completed last month for 10 Titles of the New Jersey Administrative Code, the next updating of rules since a mailing three months earlier.

Titles included were: 2-Agriculture, 3-Banking, 7-Environmental Protection, 11-Insurance, 12-Labor and Industry, 13-Law and Public Safety, 14-Public Utilities and 14A-Energy, 16-Transportation, 18-Treasury-Taxation and 19-Other Agencies.

With the assumption by the Federal government of rules governing occupational safety and health, about half of the rules previously in Title 12-Labor and Industry, were eliminated as of this update. This Title now consists of two, rather than four volumes.

The mailing of 1,300 pages was double the normal update size, with the rules for all 10 Titles now updated through Jan. 23, 1978.

If subscribers have not yet received this Jan. 23 update, they should contact the Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608, or phone (609) 292-6060.

ADMINISTRATIVE LAW OFFICE STARTS OPERATIONS NEXT YEAR

A new independent Office of Administrative Law will begin functioning early next year with a corps of full-time administrative law judges handling contested cases involving the State's administrative rules.

In signing the new law last month, Gov. Brendan Byrne declared that this major administration-sponsored measure would "professionalize" the hearing of such cases. "While there has been a record of competence in the judiciary, the record in the executive branch has not been uniform," he stated.

"This will give a greater sense of independence to the hearing officer," he said, noting that at present a hearing officer (or which there are currently about 100, full or part-time) is sometimes an employee of the Department against whom the hearing is requested.

"It is important that a hearing examiner is not beholden to anyone," he continued. He said the change also "will standardize hearing procedures and help eliminate delays in the disposition of many cases".

The law includes the present Division of Administrative Procedure as part of the new office.

Exempt from the consolidated hearings are four present agencies—the State Board of Parole, the Public Employment Relations Commission, the Division of Workers' Compensation and the Division of Tax Appeals.

State Supreme Court Justice Richard J. Hughes hailed the move as a much-needed reform.

The Governor will appoint—with the advice and consent of the Senate—a director of the office, who must be an attorney in New Jersey, with a six-year term. The office will be part of the executive branch of the government.

The Governor also will name about 120 full-time judges, at an annual salary averaging \$20,000, for five-year terms. The director among other duties will develop procedural regulations and assign the supervisory and administrative hearing judges.

The law requires that the judges file a report with the department or agency involved within 45 days of comple-

tion of a hearing. The head of the agency then has 45 days to adopt, reject or modify the recommendations.

The enabling legislation provided \$100,000 for start-up and management, with other costs for judges and services to be covered largely by transfer of funds from Departments which currently hold such administrative hearings.

The legislative statement accompanying the new law stated as its purpose: "to expedite the process by which State administrative agencies decide contested cases, and to inject greater impartiality into that process".

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PUBLIC INTEREST NEWS

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(Thursday prior to usual Monday)