

# NEW JERSEY REGISTER



The State's Official Rules Publication

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BRENDAN T. BYRNE, Governor

J. Edward Crabel, Secretary of State

Thomas F. Kistner, Director of Administrative Procedure

John K. Barnes, Editor

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(a)

## BANKING

### CEMETERY BOARD

#### Notice of Public Hearing

Take notice that, the New Jersey Cemetery Board will hold a public hearing on Wednesday, February 26, 1975, at 10:00 A.M. in the hearing room of the Department of Banking, second floor, 36 West State Street, Trenton, New Jersey 08625, to solicit comments concerning the definition of "Single Integrated Structure" in the context of a below-ground mausoleum, in order to allow the Board to determine permissible types of construction for such mausoleums.

Persons desiring to be heard are requested to register not later than one day before the hearing at the office of the executive director of the New Jersey Cemetery Board, at the following address:

William L. Ingling, Executive Director  
New Jersey Cemetery Board  
36 West State Street  
Trenton, New Jersey 08625

All presentations must be in writing. An original and ten copies of the presentation, to be filed with the hearing officer at the time of the hearing, are required.

This Notice is published as a matter of public information.

Irwin W. Shipper  
Chairman, New Jersey Cemetery Board  
Department of Banking

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to Personnel Manual (State Service)

On November 18, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 7-3.109c of the Civil Service Personnel Manual (State Service).

Full text of the revised rules follows:

7-3.109c 6. When an employee moves from an NL work week classification to a 35-hour-week classification the determinations and procedures used are the same as those for moving from a 40-hour-week to an NL work week.

7-3.109d Rights:

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

An order adopting these revisions was filed and effective November 27, 1974, as R.1974 d.328 (Exempt, Procedure Rule).

Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Regulations on Implementation of Housing And Community Development Act of 1974

On November 21, 1974, John F. Laezza, Chairman of the Local Finance Board and Director of Local Government Services in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-28 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency regulations concerning the implementation of the Housing and Community Development Act of 1974.

Full text of the adopted rule follows:

5:30-1.7 Implementation of the Housing and Community Development Act of 1974

(a) The governing body of each local unit shall adopt a resolution authorizing the chief executive officer of its county or municipality to request for an advance of ten per cent of

## NEW JERSEY REGISTER

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

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the entitlement amount available under the Housing and Community Development Act of 1974.

(b) The adopted resolution shall include the authorization of the local unit to incur costs against the ten per cent advance being requested as long as the expenses conform with the eligible uses of the money.

(c) The adopted resolution shall be forwarded to the Department of Housing and Urban Development.

(d) There may be established an interfund should the municipality expect to expend funds prior to the receipt of the ten per cent advance requested.

(e) The dedicated revenues from the Housing and Community Development Act of 1974 and appropriated for the purpose to which the revenue is dedicated will be made a part of the budget of the local unit as a dedication by rider under the provisions of N.J.S.A. 40A:4-39.

(f) The local unit shall establish a separate bank account entitled "Community Development Block Grant" which shall be part of a separate trust fund.

(g) All operating expenditures must conform to each contract.

(h) Expenditures for capital purposes shall follow the process of adoption of an ordinance authorizing such capital expenditures.

(i) All the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11) and the Local Lands and Buildings Law (N.J.S.A. 40A:12) shall be complied with.

(j) Separate auditing guidelines shall be promulgated by the Local Finance Board to insure compliance with Federal regulations.

An order adopting this rule was filed and effective December 16, 1974, as R.1974 d.342 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions in Standards For State Approval of Teacher Education

The State Board of Education, pursuant to authority of N.J.S.A. 18A:6-34 et seq., proposes to revise a portion of its rules concerning standards for State approval of teacher education.

The proposed revisions would delete the current text of N.J.A.C. 6:11-12.5, School librarian, and 6:11-12.6, Teacher-librarian, in their entirety and marking these two Sections as reserved, as well as the proposed adoption of three new rules to be cited as N.J.A.C. 6:11-12.23.

Full text of the three proposed new rules follows:

6:11-12.21 Educational media specialist

(a) This certificate is required for any person who is assigned to develop, coordinate or manage educational media services. Educational media are defined as all print and nonprint resources and the equipment needed for their use.

(b) Requirements are as follows:

1. A master's degree from an accredited institution;

2. A standard New Jersey teacher's certificate or associate educational media specialist certificate or its equivalent;

3. One year of successful teaching or associate educational media specialist experience;

4. Successful completion of one of the following:

i. A graduate curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or

ii. A minimum of 30 semester-hour credits of post-baccalaureate studies or experiences. Courses completed in the candidate's graduate program may be applied toward fulfilling these requirements. The program must insure the candidate's ability to:

(1) Perform the tasks and assume the responsibilities of the associate educational media specialist;

(2) Implement the management and evaluation of a school media program;

(3) Design and produce instructional materials;

(4) Create an environment conducive to learning and personal development through reading, listening, and viewing;

(5) Use learning theory to develop curriculum.

(c) The following standards pertain to graduate programs preparing persons to develop, coordinate or manage educational media services. These individuals are concerned with the management of personnel and programs concerned with the improvement of the learning process and instruction through the distribution, production and proper use of appropriate print and nonprint resources and the equipment needed for their use. The educational media specialist provides direction and supervisory services to educational activities in areas related to and within the educational media services program.

1. Standard I: The program shall provide growth opportunities to assure that candidates acquire a broad cultural and intellectual background.

2. Standard II: The program shall provide studies and experiences which will assure the candidate's abilities to perform the functions outlined below:

i. Perform the tasks and assume the responsibilities of the associate educational media specialist;

ii. Implement the management and evaluation of a school media program:

(1) Synthesize, evaluate, communicate and utilize the implications of educational trends of media program planning and development;

(2) Contribute to the educational goals of the institution;

(3) Evaluate and apply the results of research;

(4) Delegate duties, responsibilities, and the proper authority to the staff of the media center;

(5) Evaluate media center staff performance, and provide opportunities for improvement and professional development;

(6) Serve as liaison with administration, school and district personnel, community, professional organizations, producers and distributors of educational media and equipment;

(7) Through consultation, develop, propose and justify budget requests for immediate and long range needs of the media program;

(8) Plan and apply communication and public relations techniques to convey goals and services of the media program to students, faculty, administration and community.

iii. Design and produce instructional materials:

(1) Establish performance standards for school media

equipment, materials, and supplies;

(2) Identify special techniques and skills needed for production, and recruit appropriate personnel to carry out a variety of tasks.

iv. Create an environment conducive to learning and personal development through reading, listening and viewing.

v. Use learning theory to develop curriculum.

3. Standard III: The program shall require field experiences in educational media. Prior field experience in educational media shall be accepted in lieu of this requirement.

4. Standard IV: The program shall provide a total of six semester-hour credits in the following areas: supervision, curriculum development.

#### 6:11-12.22 Associate educational media specialist

(a) This certificate is required for any person assigned to perform educational media services under the supervision of an Educational Media Specialist or other qualified supervisor. Educational media are defined as all print and nonprint resources and the equipment needed for their use.

(b) Requirements are as follows:

1. A bachelor's degree from an accredited college;

2. A standard New Jersey teacher's certificate or its equivalent;

3. Successful completion of one of the following:

i. A college curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or

ii. A minimum of 18 semester-hour credits of undergraduate or graduate study in educational media. Coursework completed in the candidate's undergraduate program may be applied toward fulfilling these requirements. The program must insure the candidate's ability to:

(1) Organize and manage media;

(2) Evaluate, select and acquire media resources;

(3) Utilize educational resources;

(4) Design and produce instructional materials;

(5) Retrieve information and provide reference services;

(6) Manage and service a school media center;

(7) Provide reading, listening and viewing guidance;

(8) Acquire knowledge of curricular media.

(c) The following standards pertain to undergraduate programs preparing associate educational media specialists. The associate educational media specialist is concerned with the improvement of the learning process and instruction through the distribution, production and proper use of appropriate print and nonprint resources and the equipment needed for their use. The associate educational media specialist provides philosophical and technical consultative services to teaching staff to assure more effective use of available resources.

1. Standard I: The undergraduate program for the teacher's certificate must include standards for basic teacher certification as specified in New Jersey regulations and standards for certification.

2. Standard II: The program shall provide 18 semester-hour credits of studies or experiences which will insure the candidate's ability as outlined below:

i. Organize and manage media:

(1) Catalog and classify into collections by form and/or multimedia arrangement under a standard system;

(2) Arrange collections for use;

(3) Develop shelf lists for inventory control.

ii. Evaluate, select and acquire media resources:

(1) Use bibliographic, reviewing and other selection tools

to build an appropriate collection of print and nonprint materials;

(2) Read and preview materials to assist in the acquisition of suitable resources for both learners and teachers;

(3) Apply existing professional media criteria for the selection, development and use of media.

iii. Utilize educational resources:

(1) Assist in the recommendation and selection of appropriate material and equipment to meet the needs of individuals or groups of learners;

(2) Identify strengths and limitations of media for various teaching-learning strategies;

(3) Instruct learners and teachers in the proper use of equipment and materials;

(4) Provide learners with skills for location and evaluation of a wide variety of materials.

iv. Design and produce instructional materials:

(1) Apply communication theory to the design and production of instructional materials;

(2) Produce a variety of media resources;

(3) Identify the processes of production and the sources of products.

v. Retrieve information and provide reference service:

(1) Develop skill in identifying individual and group informational needs, and have the ability to satisfy them through knowledge of a wide variety of indexes, bibliographies and other informational sources;

(2) Show ability to use local, state and national resources, and understand procedures for obtaining information and materials.

vi. Manage and service a school media center:

(1) Prepare budget for materials, equipment, supplies and program;

(2) Seek input from administration, faculty and students for setting budget and service priorities, and translate it into program plans;

(3) Develop a control system for the storage and distribution of materials and equipment (circulation and inventory);

(4) Develop formal and informal inservice training programs, based on identified needs;

(5) Provide for the use of the center by individuals and groups.

vii. Provide reading, listening and viewing guidance:

(1) Relate materials to individuals and groups in such a way that reading, listening and visual literacy are developed;

(2) Stimulate an aesthetic appreciation of reading, listening, viewing and recognition of good design in materials.

viii. Acquire knowledge of curricular media:

(1) Evaluate media, identifying appropriate age levels on the basis of content and presentation;

(2) Utilize appropriate selection sources to keep abreast of curriculum trends.

#### 6:11-12.23 Policies governing issuance of certificates in educational media

(a) Associate educational media specialist policies are:

1. Persons holding a teacher-librarian certificate shall, on application, receive the associate educational media specialist certificate.

2. Audio-visual personnel with a standard New Jersey teacher's certificate, who have not completed a graduate degree in library science, audio-visual or educational media, and who are employed 50 per cent or more of the time as professional audio-visual or educational media staff as of the date of passage of these certificates by the State Board of

Education shall, on application, receive the associate educational media specialist certificate.

3. Students enrolled as of September 30, 1975 in approved undergraduate programs with specialization in library science, audio-visual or educational media or equivalent areas, shall upon receipt of their degree, on application, receive the associate educational media specialist certificate.

(b) Educational media specialist policies are:

1. Persons holding a school librarian certificate shall, on application, receive the educational media specialist certificate.

2. Persons holding a standard New Jersey teaching certificate who have completed a graduate degree program in an accredited institution with specialization in library science, audio-visual or educational media, or equivalent areas, shall, on application, receive the educational media specialist certificate.

3. Audio-visual or library personnel with a standard New Jersey teacher's certificate, employed full-time as of the date of passage of these certificates by the State Board of Education as professional multi-school audio-visual, library or educational media coordinators, supervisors, administrators or directors, shall, on application, receive the education media specialist certificate.

4. Students enrolled as of September 30, 1975 in an approved graduate program with specialization in library science, audio-visual or educational media or equivalent areas in an accredited institution shall, upon receipt of the degree, on application, receive the educational media specialist certificate.

5. Persons eligible for the associate educational media specialist certificate under paragraph (a) 1. of this Section, who present evidence of completion of twelve additional semester-hour credits in four of the areas listed below shall, on application, receive the educational media specialist certificate.

i. Areas of study:

- (1) Production of educational media;
- (2) Design of educational media;
- (3) Media organization and administration;
- (4) Selection and use of educational media;
- (5) Supervision;
- (6) Curriculum development.

6. Persons eligible for the associate educational media specialist certificate under paragraph (a) 2. of this Section, who present evidence of completion of twelve additional semester-hour credits in four of the areas listed below shall, on application, receive the educational media specialist certificate:

i. Areas of study:

- (1) Cataloguing and classification;
- (2) Reference and bibliography;
- (3) Selection and use of educational media;
- (4) Media organization and administration;
- (5) Supervision;
- (6) Curriculum development.

(c) Persons requesting new certificates under these policies must apply within two years of the date of passage by the State Board of Education.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 29, 1975, to:

Ms. Ann E. Sorrentino  
Controversies and Disputes  
State Department of Education  
225 West State Street  
Trenton, New Jersey 08625

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

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Notice of Prior Proposed Revisions Concerning Pupil Records

Take notice that the State Board of Education has proposed revisions to the rules concerning pupil records which, if adopted, will delete in its entirety the current text of N.J.A.C. 6:3-1.3 and adopt new rules in place thereof, to be cited as N.J.A.C. 6:3-2.1 et seq.

The full text of these proposed revisions was published in the December 5, 1974, issue of the New Jersey Register at 6 N.J.R. 465(a).

This Notice is published as a matter of public information.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### Proposed Revisions to Rules of Practice and Procedure of Bureau of Solid Waste Management

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq., proposes to revise the rules of practice and procedure of the Bureau of Solid Waste Management in the Division of Environmental Quality of the Department of Environmental Protection. Such proposal is known in the Department of Environmental Protection as Docket No. DEP 015-74-12.

The proposed 21 pages of revised text concern definitions, general provisions, administrative orders, administrative hearings, penalties and rebates, stipulations and consent orders, test facilities and reports and variances. Such revised text, if adopted, may be cited as N.J.A.C. 7:26-5.1 et seq.

Interested persons may secure copies of a draft of the proposed revised rules from:

Bernhardt Lind, Chief  
Bureau of Solid Waste Management  
Department of Environmental Protection  
Post Office Box 1390  
Trenton, New Jersey 08625

Written comments on the proposed revised rules will be accepted at the above address, and considered by the De-

partment of Environmental Protection, until January 31, 1975.

Richard D. Goodenough  
Director, Division of Environmental Quality  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Availability of Specified Air Pollution Sampling and Analytical Procedures

Take notice that, David J. Bardin, Commissioner of Environmental Protection, has issued the following Notice, known in the Department of Environmental Protection as Docket No. DEP 016-74-12, concerning the availability of specified air pollution sampling and analytical procedures:

I, David J. Bardin, Commissioner, Department of Environmental Protection do hereby give notice in accordance with the provisions of N.J.A.C. 7:27-6.3(c) of the publication December 19, 1974, of specifications for "Sampling and Analytical Procedures for Determining Compliance with New Jersey Administrative Code 7:27-6.1 et seq., Control and Prohibition of Particles from Manufacturing Processes".

These procedures also are applicable for determining compliance by source operations which are subject to the provisions of N.J.A.C. 7:27-8.1 et seq., Permits and Certificates, when such source operations also are subject to the provisions of N.J.A.C. 7:27-6.1 et seq. Specifications for sampling and analytical procedures may be obtained from:

Milton P. Polakovic, Supervisor  
Technical Services Section  
Bureau of Air Pollution Control  
Post Office Box 2807  
Trenton, New Jersey 08625

This Notice is published as a matter of public information.

David J. Bardin  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### Condemnation of Certain Shellfish Beds in the Atlantic Ocean

On December 6, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 24:2-1, 24:14-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule which condemned certain shellfish beds in the Atlantic Ocean. Such rule, within the Department of Environmental Protection, is referred to as Docket No. DEP 013-74-12.

Full text of the adopted rule follows:

7:12-1.2(a)39 Atlantic Ocean

All those waters inside a line beginning at the 70-foot tower marking the entrance to Hereford Inlet and bearing approximately 119°T to the New Jersey jurisdictional three-mile limit, thence proceeding southerly along the three-mile limit to Buoy No. "4" at the entrance to Delaware Bay thence bearing approximately 29°T to Buoy No. "5" located west of Cape May Point.

An order adopting this rule was filed and effective December 6, 1974, as R.1974 d.336 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Establishment of List of Endangered Species

On December 19, 1974, 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-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule establishing a list of endangered species.

Full text of the rule follows:

#### SUBCHAPTER 11. ENDANGERED SPECIES

##### 7:25-11.1 List of endangered species

(a) Section 23:2A-4 of the revised statutes provides that the Director shall conduct investigations concerning wildlife in order to develop information relating to populations, distribution, habitat needs, limiting factors and other biological and ecological factors. On the basis of such investigations of wildlife and other available scientific and commercial data the Director may by regulation promulgate a list of those species and subspecies of wildlife indigenous to the State which are determined to be endangered, giving their common and scientific names by species and subspecies.

(b) In accordance therewith, the following list of species are hereby determined to be endangered:

1. Shortnose Sturgeon, **Acipenser brevirostrum**;
2. Blue-spotted Salamander, **Ambystoma laterale**;
3. Eastern Tiger Salamander, **Ambystoma tigrinum**;
4. Bog Turtle, **Clemmys muhlenbergi**;
5. Bald Eagle, **Haliaeetus leucocephalus**;
6. Peregrine Falcon, **Falco peregrinus**;
7. Osprey, **Pandion haliaetus**;
8. Cooper's Hawk, **Accipiter cooperli**;
9. Indiana Bat, **Myotis sodalis**;
10. Sperm Whale, **Physeter catodon**;
11. Blue Whale, **Balaenoptera musculus**;
12. Finback Whale, **Balaenoptera physalus**;
13. Sei Whale, **Balaenoptera borealis**;
14. Humpback Whale, **Megaptera novaeangliae**;
15. Right Whale, **Eubalaena spp.**

An order adopting this rule was filed and effective De-

An order adopting this rule was filed and effective December 19, 1974, as R.1974 d.348 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### PUBLIC HEALTH COUNCIL

#### Revisions in Collection, Processing, Storage and Distribution of Blood

On December 4, 1974, Harry J. 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 of 1968, adopted revisions to the rules, concerning the collection, processing, storage and distribution of blood, substantially as proposed in the Notice published September 5, 1974, at 6 N.J.R. 345(a) with only inconsequential structural or language changes in the opinion of the Department of Health.

Such revisions will be included in various Sections of Chapter 8 in Title 8 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective December 4, 1974, as R.1974 d.334.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions for Long Term Care Facilities

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the Sections in the Skilled Nursing Services Manual and the Physician Service Manual concerning long term care facilities.

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

10:54-1.2

(f) When physician's services are provided to persons in a **long term care facility (skilled nursing facility or intermediate care facility** [skilled nursing home], payment will not be made for any practitioner or therapy services rendered by an owner, administrator, officer, stockholder of the company or corporation or who otherwise has a direct **and/or indirect** financial interest in the institution.

10:63-1.10(a) 5. Practitioner or therapy services furnished on a fee-for-service basis by an owner, officer, partner, administrator, stockholder or others having a direct or indirect financial interest in the **skilled nursing facility and/or intermediate care facility** [institution].

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before January 29, 1975, to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions for Prior Authorization And Medical Supply Services

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise N.J.A.C. 10:59-1.7, Prior authorization, in the Medical Supply Services Manual.

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

10:59-1.7(a) 6. Medical supplies and durable medical equipment to be purchased for which the charge to the Program exceeds **\$30.00** [\$20.00]. Exception: All "Ostomy bags and supplies" require prior authorization regardless of price. (See Section 203 Prescription Policies.)

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before January 30, 1975, to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(d)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Coinsurance Payment Elimination

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to change the basis of payment for services rendered to individuals who are covered under both Medicare part A and the

New Jersey Health Services Program for all such services rendered on or after the effective date of this regulation. Such rules, if adopted, will be included in Chapter 63 of Title 10 of the New Jersey Administrative Code.

The New Jersey Health Services Program will discontinue reimbursement for coinsurance to all Medicare certified skilled nursing facilities on behalf of all Medicaid eligible patients.

Charges not paid by Medicare because of the coinsurance feature will not be considered for supplementary payment by the New Jersey Health Services Program. However, this change does not preclude reimbursement for unsatisfied deductibles (under part B) for services rendered to individuals eligible under both programs.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 30, 1975, to the Administrative Analyst, Division of Medical Assistance and Health Services, 324 East State Street, Trenton, N.J. 08625.

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(a)

## **INSTITUTIONS AND AGENCIES**

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

#### **Revisions on Special Provisions for General Hospitals**

On November 18, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rule concerning special provisions for general hospitals, substantially as proposed in the Notice published September 5, 1974, at 6 N.J.R. 346(a) with only inconsequential structural or language changes in the opinion of the Department of Institutions and Agencies.

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

#### 10:52-1.4 Special provisions

(a) Entitlement to payment for each continuous period of hospitalization is subject to the following:

1. The hospital is responsible to give notice of admission to the local medical assistance unit within two working days following admission.

2. The admitting (attending) physician is required to certify concerning the reasons for admission. This requirement shall be considered to be satisfied when the admitting form, including diagnosis(es) is completed by the hospital and signed by the physician.

3. The AID Program (Approved by Individual Diagnosis) is a system whereby the initial number of days of hospitalization approved depends on the diagnosed condition for which the patient is treated. Instructions for determining number of days

allowed are contained in the AID Manual. For inpatient psychiatric services provided in an approved private psychiatric hospital, see below; if in a general hospital, see below.

4. Medical recertification is as follows:

i. Whenever the span of inpatient days allowed under AID is exceeded, the attending physician is required to certify the necessity of continued hospitalization on or before the expiration of the AID days. Use inpatient recertification form;

ii. The physician's recertification is considered approval of additional days; however, the maximum days allowed may not exceed those initially allowed under AID. Subsequent recertifications are required if hospitalization is medically necessary beyond this additional period. For inpatient psychiatric services provided in an approved private psychiatric hospital, see below; if in a general hospital, see below.

5. Psychiatric treatment in an approved general hospital:

i. Length of stay: Reimbursement for inpatient care is based upon the medical necessity of the admission and may not exceed 20 days unless supported by a medical recertification. (Form MC-2)

ii. Medical recertification:

1. Whenever the span of inpatient days exceeds 20, the attending physician is required to certify the necessity of continued hospitalization on or before the expiration of the 20th day. The maximum number of days allowed on the recertification is 20 days. Only one recertification is allowable for each admission, unless;

2. Where one recertification has been submitted but where more than 40 days inpatient care is deemed necessary by the attending physician, a special request for prior authorization for the continued stay must be submitted no later than the 30th hospital day. The request must specify in detail why continued hospitalization is necessary for the patient and is to be submitted to:

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

3. The request must specify the actual number of days for which authorization is requested.

4. Failure to obtain prior authorization will result in non-payment of the hospital's claim for all days beyond the 40th day and all physician's claims for the corresponding period will also be denied for payment.

6. The hospital is required to meet the requirement of Title XVIII concerning utilization review of all medical assistance patients.

7. Discharge planning is as follows:

i. When an inpatient is to be discharged from the hospital and continuing medical care is required, either in another medical facility (that is, skilled nursing facility, intermediate care facility, special hospital) or by a community health agency (for example, home health agency), the hospital is responsible for providing the facility or agency with a legible abstract or summary of the patient's care while hospitalized and recommendations for further medical care. This information shall be provided at the time of hospital discharge and must be signed by the attending physician. The Patient Information Transfer form, Hospital and Nursing Home, adopted by the New Jersey Hospital Association and the New Jersey Nursing Home Association, or equivalent transfer form, may be used.

ii. When an inpatient is to be discharged from the hospital to a skilled nursing facility or intermediate care facility, the Health Services Program will reimburse the receiving facility for up to 30 days without prior authorization by the Program.

iii. When the inpatient is 65 years of age or older, transfer must be made to a skilled nursing facility if Medicare (Title XVIII) benefits are available.

An order adopting these revisions was filed December 9, 1974, as R.1974 d.339 to become effective December 15, 1974.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## **INSTITUTIONS AND AGENCIES**

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

#### **Rules Concerning Plans of Correction for Deficiencies**

On December 11, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning plans of correction for deficiencies, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 431(b).

Such rules may be cited as N.J.A.C. 10:63-1.13 and 10:65-1.2.

An order adopting these rules was filed and effective December 19, 1974, as R.1974 d.348 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## **INSURANCE**

### **THE COMMISSIONER**

#### **Proposed Amendments on Filings Regarding Property Liability Insurance**

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to amend the rules concerning filings regarding property-liability insurance. The proposed amendments concern the addition of the same procedural requirements as to rate filings and require notice to the Office of the Public Advocate.

Full text of the proposed revised rules follows:

#### **SUBCHAPTER 2. FILINGS: PROPERTY-LIABILITY**

11:1-2.1 Filings of rates, manual rules, rating plans, policy forms and endorsements.

(a) This regulation establishes requirements as to the format of filings pertaining to rates, manual rules, rating plans,

policy forms and endorsements and presents guidelines as to required supporting information.

(b) Such filings submitted to this Department for approval must be explicit and self-contained, must be supported by statistics where applicable, and must set forth the information upon which the filer relied in making the filing.

(c) The following applies to various categories of such filings.

#### **11:1-2.2 Filings of changes**

(a) Filings containing changes in rates, rules, plans and forms previously approved for the filer shall be presented in the following fashion:

1. A copy of the page or pages containing the passage for which a change is proposed shall be filed in such form that the text is self-contained without need to refer to material not included in the filing. Matter to be changed or omitted by the filing shall be identified, preferably by marking the passages to be changed with a marking pencil, here matter is to be added, a mark (v) shall so indicate.

2. A memorandum shall be filed reciting the rule or section of form to be changed, properly referenced as to the manual or form with newly added matter **underlined** and matter to be eliminated in brackets[ ].

(b) An explanatory note shall state the reason or purpose for the proposed change including any statistical support, and a calculation or estimate of the effect of the change on premiums and/or losses shall be submitted.

3. Filings of proposed rate changes must contain all information upon which the rate filer relies including past and prospective loss and expense experience, and due consideration must be given to investment income from unearned premium and loss reserves in any proposed profit provision in the rates.

#### **11:1-2.3 Adoption of rules and forms approved for other filers**

(a) If a filer proposes to adopt rules, rating plans, policy forms or endorsements previously approved for other filers in New Jersey, the filing shall clearly identify such reference including the name of the filer and the date such filings were approved in this State, including any amendments thereof. The Department staff will give reasonable assistance to a filer in obtaining such information to the extent that it is a public record.

1. Reference to filings of rating organizations or advisory organizations:

i. If the proponent wishes to adopt exactly and without any change filings approved for rating organizations or accepted for reference purposes on behalf of advisory organizations in New Jersey, the filing shall clearly identify such references and shall not include a copy of the material referred to.

ii. If the proponent wishes to adopt filing material with some exceptions he shall follow the procedure outlined under subsection (a) of this Section, submitting only pages containing such exceptions.

2. Reference to filings of individual filers:

i. If the proponent wishes to adopt filings approved in New Jersey for other filers acting independently of rating organizations, the material made reference to must be filed, with any modifications identified as outlined under Section 2 of this Subchapter.

#### **11:1-2.4 New filings**

Manual rules, rating plans, and policy forms are rarely en-

tirely new. Most such filings are built upon something previously or currently in use. Action on such filings will be expedited if they are identified as to their foundation. Filings shall not be identified as new filings if they properly fall under the categories discussed under Section 2 or 3 of this Subchapter.

#### 11:1-2.5 Notification

A copy of the filing with a duplicate covering letter shall be submitted to the Department of Insurance and to the Office of the Public Advocate, Division of Rate Counsel, 80 Mulberry Street, Newark, New Jersey. Both copies of the filing shall be accompanied by a transmittal form, a specimen of which is attached, properly completed and signed by the person authorized by the company to make filings.

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

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

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

James J. Sheeran  
Commissioner  
Department of Insurance

(a)

## INSURANCE

### THE COMMISSIONER

#### Amendment on Ticket-Selling Insurance Agents' Educational Requirements

On November 25, 1974, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new subsection (f) to N.J.A.C. 11:2-1.3, concerning ticket-selling insurance agents' educational requirements, as proposed in the Notice published July 11, 1974, at 6 N.J.R. 266(d).

An order adopting this amendment was filed and effective November 25, 1974, as R.1974 d.327.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## INSURANCE

### THE COMMISSIONER

#### Notice of Advisory Opinion on Termination Of Auto P.I.P. Subrogation Rights

Take notice that James J. Sheeran, Commissioner of Insurance, issued the following advisory opinion concerning the subrogation provision, N.J.S.A. 39:6A-9, of the New Jersey no-fault automobile insurance law:

Pursuant to questions posed to the Department of Insurance as to when N.J.S.A. 39:6A-9 as amended becomes inoperative, the Commissioner, James J. Sheeran, on December 10, 1974, issued the following advisory opinion:

N.J.S.A. 39:6A-9, the subrogation section of the "New Jersey Automobile Reparation Reform Act" (L. 1972 c.70), provides that subrogation rights for personal injury protection benefit payments terminate and are not in effect with respect to any accident occurring on or after January 1, 1975.

This advisory opinion was filed December 10, 1974, as a document not subject to codification and is published as a matter of public information.

James J. Sheeran  
Commissioner  
Department of Insurance

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

##### Proposed Revisions Concerning Conditional Credit

Daniel J. Ball Jr., President of the State Board of Certified Public Accountants in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:2A-6(e), proposes to revise N.J.A.C. 13:29-1.7(b) concerning conditional credit.

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

13:29-1.7(b) [If an applicant shall pass the examination in at least two subjects, he may be reexamined in the remaining subjects upon the filing of a supplemental application; provided, however, an applicant who passes the examination in practical accounting shall not be reexamined in that subject.]

##### **Rules concerning conditional credit are:**

1. A candidate receiving a grade of 75 per cent or greater in two or more subjects or the subject of accounting practice shall be deemed to have passed those subjects and shall receive conditional credit therefor. A candidate receiving conditional credit shall have the right to be reexamined in only the remaining subject or subjects.

2. A candidate who has received conditional credit pursuant to this rule shall receive further conditional credit for all subjects in which he has been reexamined and in which a grade of 75 per cent or greater is received within the period described by this rule.

3. Conditional credits under this rule shall be granted only if the candidate sits for and is graded for all subjects for which eligible.

4. In the event that a candidate fails to receive passing grades in all examined subjects at any of the six examinations immediately following the first examination at which conditional credit or credits were earned, the candidate shall forfeit the conditional credit or credits and shall revert to the status of a new applicant.

5. The Board may, in the exercise of its discretion and under extenuating circumstances, extend the period within which conditional credits shall continue to be valid.

6. An applicant who fails to qualify for conditional credit pursuant to this rule shall be deemed to be a new applicant at the next succeeding examination for which he sits and shall be required to write the entire examination.

7. The conditional credit provided for herein shall commence with the examination to be administered in May, 1975.

8. A candidate who has received conditional credit in any examination prior to the examination of November, 1975 shall be deemed to have received such credits in the examination to be administered in May, 1975.

9. Transfer of conditional credits: Conditional credits granted by other jurisdictions will be recognized upon proper application for recognition of such credits. The right to have such credits recognized will be determined under the laws and regulations of the jurisdiction which granted the original credits, except that the period for which such conditional credits shall be continued shall be determined under this rule.

Interested persons may present statements or arguments in writing, orally, in person or by telephone, relevant to the proposed action on or before January 31, 1975, to:

State Board of Certified Public Accountants  
Room 507A  
1100 Raymond Boulevard  
Newark, N.J. 07102

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

Daniel J. Ball Jr., President  
State Board of Certified Public Accountants  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### RACING COMMISSION

#### Proposed Revisions to Rules On Horse Racing

John J. Reilly, Secretary of the New Jersey 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 revise the rules concerning horse racing which now appear in Chapter 70 of Title 13 in the New Jersey Administrative Code.

The proposed, revised rules of approximately 116 pages will replace the current text of Chapter 70 in Title 13 of the New Jersey Administrative Code and concern general rules, definitions, racing associations, licensing, colors, stable names and partnerships, entries and subscriptions, postponement and cancellation of races, post position, declarations and scratches, weights, jockeys, jockey apprentices, jockey agents, paddock to post, post to finish, claiming, appeals, objections, protests, illegal practices, racing officials, stewards, starters, Racing Secretary, other officials, trainers, owners, authorized agents, disciplinary actions, steeplechas-

ing, dead heats, produce races, vendors, winners, mutuel rules and rules governing initial track applications.

The proposed rules are basically the same rules and regulations published by the Racing Commission in pamphlet form on January 12, 1973, with the exception of one new rule, the full text of which follows:

#### 13:70-12.34 Protests

A protest to the claim of a horse must be filed with the stewards within 48 hours of the claim. No protest will be accepted after that time.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 29, 1975, to:

New Jersey Racing Commission  
28 West State Street  
Trenton, New Jersey 08625

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

John J. Reilly  
Secretary, New Jersey Racing Commission  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### RACING COMMISSION

#### Proposed Revisions to Rules On Harness Racing

John J. Reilly, Secretary of the New Jersey 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 revise the rules concerning harness racing which now appear in Chapter 71 of Title 13 of the New Jersey Administrative Code.

The proposed, revised rules of approximately 147 pages will replace the current text of N.J.A.C. 13:71-1.1 et seq., and concern the general rules, violations, appeals, definitions, tracks, associations, licensing, officials, veterinarians and veterinarians certificates, program, identification of horses and eligibility to run, stable name and leases, eligibility and classification conditions, claiming, stakes and futurities, declaration to start and drawing horses, starting, breathalyzer test, colors and drivers attire, rules of racing, placing, conditions and purses, radios, receivers and transmitters and stimulation and tests.

The proposed rules are basically the same rules outlined in the pamphlet of rules and regulations for harness racing published August 29, 1969, with the exceptions that the current rule cited as Rule 18 in Chapter 5 of that pamphlet is to be deleted and replaced with a new rule to be cited as N.J.A.C. 13:71-5.18 and new rules in Subchapters 7, 14 and 23 are proposed to be adopted.

Full text of these proposed new rules follows:

#### 13:71-5.18 Age limits

No person under the age of 12 shall be admitted to any 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. No person under the age of 18 shall be permitted to wager or in any manner participate in any pari-mutuel pool or system.

#### 13:71-7.35 Badges

(a) All licensed personnel who enter the stable area of any track under the jurisdiction of the New Jersey Racing Commission in any capacity whatsoever shall wear upon their outside apparel in a prominent position the authorized badges containing picture identification supplied by the Commission. This rule shall also apply to State, track, veterinarian personnel, as well as the vendors and suppliers authorized in the stable area, and the badges shall be readily available and produced by such personnel upon request of track police, county and city police, State police, TRPB operatives, Commission inspectors, and stewards at said request. Failure to comply with this rule will result in a \$5.00 fine for the first offense; \$10.00 fine for the second; \$25.00 for the third; and ejection from the grounds upon the fourth offense.

(b) Any person losing his identification license will be subject to a fine of not less than \$2.00 or more than \$10.00. The amount of fine to be determined by the New Jersey Racing Commission.

#### 13:71-14.27 Protests

A protest to the claim of a horse must be filed with the stewards within 48 hours of the claim. No protest will be accepted after that time.

#### 13:71-14.28 Claim out

Any owner currently licensed in the State of New Jersey shall be permitted to claim out of any claiming race.

#### 13:71-23.19 Pre-race blood testing program

(a) Commencing in 1973, all harness track permit holders shall be required to adopt a pre-race blood testing program wherein all horses entered to race in a day or night program at the harness tracks in this State shall be required to be blood tested.

(b) The Racing Commission shall direct the manner in which the program is to be developed and under whose jurisdiction said program is to be administered. All costs and expenses for the development of the program as specified by the Commission shall be borne by the harness track permit holders.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 29, 1975, to:

New Jersey Racing Commission  
28 West State Street  
Trenton, New Jersey 08625

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

John J. Reilly  
Secretary, New Jersey Racing Commission  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF MEDICAL EXAMINERS

##### Rule on Countersigning Orders and Prescriptions of Unlicensed Physicians

On November 13, 1974, John J. McGuire, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, concerning countersigning of orders and prescriptions of unlicensed physicians, substantially as proposed in the Notice published February 7, 1974, at 6 N.J.R. 80(a) with only inconsequential structural or language changes in the opinion of the Department of Law and Public Safety.

Such rule may be cited as N.J.A.C. 13:35-6.10.

An order adopting this rule was filed and effective December 6, 1974, as R.1974 d.337.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BUREAU OF SECURITIES

##### Revisions of Fees

On August 2, 1974, James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning fees.

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

13:47A-1.1(a) 3. A certified financial statement: The application shall also be accompanied by a check or money order payable to the State of New Jersey, Bureau of Securities, in the amount of [\$100.00] **\$125.00** plus [\$2.00] **\$5.00** for each officer, director or partner doing business in the State of New Jersey.

13:47A-3.1(c) A check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of [\$20.00] **\$30.00** must also accompany the application forms.

13:47A-5.2(a) A registered broker-dealer desiring to apply for the renewal of its registration shall file on the form designated N.J. Form R-1, as set forth in N.J.A.C. 13:47A-11.14, issued to the registrant by the Bureau of Securities. Such application

shall be accompanied by a check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of [\$100.00] **\$125.00** plus [\$2.00] **\$5.00** for each partner, officer or director of the applicant doing business in New Jersey.

13:47A-5.2(c) A registered agent desiring to apply for the renewal of his registration shall file on the form designated N.J. Form R-2, as set forth in N.J.A.C. 13:47A-11.16, issued by the Bureau of Securities in the name and registration number of the agent. Such application shall be accompanied by a check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of [\$20.00] **\$30.00**.

An order adopting these revisions was filed and effective December 3, 1974, as R.1974 d.333 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF ALCOHOLIC BEVERAGE CONTROL

#### Revisions for Law Enforcement Officers

On December 3, 1974, Leonard D. Ronco, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:2-21.30 concerning law enforcement officers, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 439(a).

An order adopting these revisions was filed and effective December 16, 1974, as R.1974 d.341.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF ALCOHOLIC BEVERAGE CONTROL

#### Revisions on Minimum Consumer Resale Prices

On December 13, 1974, Leonard D. Ronco, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:2-31.1, 13:2-31.8, 13:2-31.9, concerning minimum consumer resale prices of alcoholic beverages, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 437(c).

Take notice, that the Division of Alcoholic Beverage Control has not as yet adopted the proposed new rule cited as N.J.A.C. 13:2-34.18 Wholesale prices of malt alcoholic bev-

erages, which was also proposed in the prior Notice. This proposed new rule is still being considered by the Division.

An order adopting these revisions was filed and effective December 19, 1974, as R.1974 d.349.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BUREAU OF SECURITIES

#### Revisions on Prefiling Materials and Contents

On December 9, 1974, James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:47A-18.1, concerning prefiling materials and contents, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 449(b).

An order adopting these revisions was filed December 19, 1974, as R.1974 d.351 to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BUREAU OF SECURITIES

#### Repeal of Rule on Number Of Offers for Exemption Restriction

On December 9, 1974, James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed in its entirety the current text of N.J.A.C. 13:47A-9.14 Number of offers for exemption restriction, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 449(c).

An order repealing this rule was filed December 19, 1974, as R.1974 d.350 to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

# LAW AND PUBLIC SAFETY

## DIVISION OF CONSUMER AFFAIRS

### BUREAU OF SECURITIES

#### Rule on Effective Date Of Initial Applications

On December 9, 1974, James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 13:47A-10.3, concerning the effective date of initial applications, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 450(a).

An order adopting this rule was filed December 19, 1974, as R.1974 d.352 to become effective January 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

# PUBLIC UTILITIES

## BOARD OF PUBLIC UTILITY COMMISSIONERS

### Proposed Revisions on Utilities Deposits and Discontinuances

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-12 and 48:2-25, proposes to revise a portion of its rules concerning utilities deposits and discontinuances based upon a petition filed with the Board by the Department of the Public Advocate.

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

#### 14:3-3.6 Basis of discontinuance of service

(a) The utility shall, **after full compliance with the notice and hearing requirements as outlined in sections 14:3-7.12 through 14:3-7.16**, have the right to suspend or curtail or discontinue service for the following reasons:

1. For the purpose of making permanent or temporary repairs, changes or improvements in any part of its system;
2. For compliance in good faith with any governmental order or directive notwithstanding such order or directive subsequently may be held to be invalid;
3. For any of the following acts or omissions on the part of the customer:
  - i. [Nonpayment of a valid bill due for service furnished at a present or previous location. However, nonpayment for business service shall not be a reason for discontinuance of a residence service;]

i. **Nonpayment of an account for not less than 30 days after payment is due, provided, however, that the failure of a customer to pay for concurrent residential or business service received at a separate residence or location**

**shall not be the reason for discontinuance of residence service;**

- [ii. Tampering with any facility of the utility;]
- ii. Tampering with any facility of the utility **with intent to defraud or to injure property belonging to the utility;**
- iii. Fraudulent representation in relation to the use of service;
- iv. Customer moving from the premises, unless the customer requests that service be continued;
- v. Providing a utility's service to others without approval of the utility;
- vi. Failure to make or increase an advance payment or deposit when provided for in these regulations or the utility's tariff;
- vii. Refusal to contract for service where such contract is required;
- ix. Failure of the customer to comply with any reasonable standard terms and conditions contained in the utility's tariff;
- x. Where the condition of the customer's installation presents a hazard to life or property[;].
- [xi. Failure of customer to repair any faulty facility of the customer;]

4. For refusal of reasonable access to customer's premises for necessary purposes in connection with rendering of service, including meter installation, reading or testing, or the maintenance or removal of the utility's property.

(b) A customer wishing to discontinue service must give notice to that effect. Where such notice is not received by the utility, the customer shall be liable for service until the final reading of the meter is taken. Notice to discontinue service will not relieve a customer from any minimum or guaranteed payment under any contract or rate.

(c) **Notwithstanding any of the other provisions contained in this Section, discontinuance of residential service is prohibited if:**

1. **A medical emergency exists within the premises which would be aggravated by discontinuance of service and the customer certifies his present inability to pay. Discontinuance shall be prohibited for a period of up to four months when a customer submits a physician's statement to the utility as to the existence of the emergency stating that termination of service will aggravate the medical emergency. However, at the end of such period of emergency, the customer shall still remain liable for payment of service(s) rendered subject to the provisions of N.J.A.C. 14:3-7.13 (b);**

2. **Service is supplied to a tenant and billed to his landlord, unless the landlord supplied a statement under oath that the premises are unoccupied; or, if occupied, a statement signed by the occupant agreeing to termination; or the utility shall have offered the tenant continued service to be billed to the tenant, unless the utility demonstrates that such billing is unfeasible. However, continued service to a tenant shall not be conditioned upon payment by the tenant of any outstanding bills due upon the account of any other person.**

(d) **Utilities may not discontinue residential service on a Saturday, Sunday or legal holiday or during the last five hours before the close of the business day prior to a weekend or a legal holiday.**

#### 14:3-3.7 Basis for restoration

Service shall be restored upon proper application when the conditions under which such service was discontinued are corrected, and upon the payment of all proper charges due

from the customer provided in the tariff of the utility, [or if the Board so directs when a complaint involving such matter is pending before it] or upon the entering into a settlement or deferred payment agreement pursuant to N.J.A.C. 14:3-7.13 (b) or if the Board so directs upon formal or informal request.

#### 14:3-7.1 Deposits for metered and telephone service

(a) A utility may require a cash deposit or other guarantee as a condition of supplying new residential service only if:

1. The customer has been in default in the payment of bills of a prior account with any utility and at the time of the request for service the account remains outstanding and not in dispute;

2. The customer has in an unauthorized manner interfered with or diverted the service of any utility's equipment; provided, that any finding of unauthorized interference or use shall be made and determined only after notice and opportunity for a hearing before a utility hearing officer as provided in N.J.A.C. 14:3-7.13 to 14:3-7.15.

(b) The amount of a deposit required as a condition of new residential service shall not exceed \$50.00.

(c) In lieu of any cash deposit, the utility may accept the written guarantee of a responsible party as surety for a customer service account.

#### 14:3-7.2 Deposits to insure credit of new nonresidential customers

[14:3-7.1] (a) Where the credit of a customer applying for nonresidential service is not established, the utility may require a reasonable deposit as a condition of supplying service.

[14:3-7.1] (b) The credit established, by whatever method, shall apply at any location within the area of the utility furnishing the service; that is, service is not to be regarded as restricted to a particular location.

[14:3-7.1] (c) The amount of a deposit shall be reasonably related to the probable charge for service during a billing period; this period to include the average time required for collection after bills are rendered.

(d) If a customer whose credit has not been established applies for nonresidential service, the initial deposit shall be the estimated average bill of the customer for a given billing period increased by one month's estimated average bill. In determining the amount of the deposit, except in the case of telephone utilities, there shall be excluded from the average bill such portion thereof, if any, for which payment is received in advance. If the actual bills of the customer subsequently rendered prove that the deposit is either insufficient or excessive, the deposit may be changed in accordance with the facts.

#### 14:3-7.3 Nonresidential customers in default

(a) Nonresidential customers in default in the payment of bills may be required to furnish a deposit or increase their existing deposit in an amount sufficient to secure the payment of future bills. The amount of such deposit shall be determined in accordance with the principle set forth in Section 7.2 (Deposits for metered and telephone service) of this Chapter. Service shall not be discontinued for failure to make such deposit except after proper notice.

(b) If a customer who has made a deposit fails to pay a bill, the utility may apply such deposit insofar as is necessary to

liquidate the bill and may require that the deposit be restored to its original amount.

#### 14:3-7.4 Receipts and records

(a) The utility shall furnish a receipt to each customer who has made a deposit which shall contain the following information:

1. Name of customer;
2. Place of payment;
3. Date of payment;
4. Amount of payment;
5. Printed name and signature of the utility employee receiving payment;

6. Statement of the terms and conditions governing the retention and return of deposit funds;

7. Name, location and account number of bank or institution holding deposit funds;

8. Name of district supervisor of the utility and address of district utility office receiving the deposit.

(b) Where return of the deposit is made in cash, surrender of the receipt or, in lieu thereof, proof of identity may be required.

#### 14:3-7.5 Return of deposits

[(a) Upon closing any account the balance of any deposit remaining after the closing bill for service has been settled shall be returned promptly to the depositor with interest due.

(b) Each utility shall review a customer's account at least once every two years and if such review indicates that the customer has established credit satisfactory to the utility, then the outstanding deposit shall be refunded to the customer.

(c) Simple interest at the rate of at least four per cent per annum must be paid by the utility on all deposits held by it, provided the deposit has remained with the utility for at least six months.]

(a) Upon timely payment of a customer of all proper charges for utility service for a period of six successive months, the utility shall promptly refund the customer's deposit with accrued interest thereon; or, if (a) is inapplicable;

(b) Upon termination of service, the deposit with accrued interest shall be returned promptly to the customer, unless it is credited to a customer's final account.

(c) Simple interest at the rate of 6 percent per annum must be paid by the utility on all deposits held by it.

(d) The utility shall maintain a record of all deposits, showing the name of the customer, the customer's address, the date and amount of deposit, the date and amount of interest paid, and the name, location and account number of the bank or institution holding such funds.

#### 14:3-7.12 Notice of discontinuance

[(a) At least ten days' time for payment shall be allowed after sending a bill. A public utility may discontinue service for nonpayment of bills provided it gives the customer at least seven days' written notice of its intention to discontinue. The notice of discontinuance shall not be served until the expiration of the said ten day period. However, in case of fraud, illegal use, or when it is clearly indicated that the customer is preparing to leave, immediate payment of accounts may be required.

(b) When the customer is a public utility under the Board's jurisdiction, the serving utility shall concurrently serve a copy of the notice of discontinuance on the Board.]

(a) The utility shall not discontinue service unless written notice by certified mail or personal service is sent to the customer at least ten days prior to the date of the proposed discontinuance. Such notice shall not be issued if a customer has a complaint pending concerning the account upon which the notice is based.

(b) The utility may temporarily discontinue service without providing notice for reasons of health or safety, or in the event of an emergency.

(c) The notice shall include the following information:

1. The name and address of the customer and the address of the service;

2. A statement of the reason(s) for the proposed discontinuance;

3. The date upon which service will be discontinued unless the customer takes appropriate action;

4. The right of the customer to file a complaint disputing the utility's claim prior to the date of the proposed discontinuance;

5. The procedures to be followed in disputing the claim and his right to a hearing before a utility hearing officer;

6. The right of the customer to appeal to the Public Utility Commission from an adverse ruling by a utility hearing officer;

7. The right of the customer to represent himself or to be represented by counsel or assisted by other person of his choice during the complaint process;

8. A statement that service will not be discontinued pending resolution of the complaint filed;

9. The address and phone number where a complaint may be filed or inquiry made;

10. A statement of the customer's right to request a settlement or deferred payment agreement if he is unable to pay whole or part of the amount owing;

11. A statement that if a medical emergency exists within the premises which would be aggravated by discontinuance of service, service shall not be discontinued for a period up to four months if the customer certifies his present inability to pay and submits a physician's statement to the utility as to the existence of the emergency and the time during which termination of residential utility service will aggravate the medical emergency, in accordance with the provisions of N.J.A.C. 14:3-3.6 (c) (1).

(d) All notices shall be written in both English and Spanish in districts where a substantial Spanish-speaking population exists and a copy of such notice shall be served concurrently upon the Board.

#### 14:3-7.13 Disputed Claims and Settlements

[A utility shall not discontinue service because of nonpayment of bills in cases where a charge is in dispute, provided the undisputed charges are paid and a request is made to the Board for an investigation of the disputed charge. In such cases the utility shall notify the customer that unless steps are taken to invoke formal or informal Board action within five days, service will be discontinued for nonpayment. When a bill is in dispute and a request is made to the Board for an investigation of the same, the days allowed for net billing, if any, shall begin at the date of the receipt of the Board's ruling or determination.]

(a) Whenever a customer advises the utility prior to the date of the proposed discontinuation that the basis for the proposed discontinuance is in dispute, or that he

wishes to discuss a deferred payment agreement, the utility shall:

1. Investigate the matter promptly and thoroughly;

2. Advise the customer of the results of the investigation in writing;

3. Attempt to resolve the dispute in a manner satisfactory to the customer and the utility.

(b) The utility shall provide the customer with an opportunity to enter into a reasonable settlement and/or deferred payment agreement. Such agreement shall be in writing and shall provide that a customer who is presently unable to pay an outstanding debt for utility service may make reasonable monthly payments until the debt is liquidated while continuing payment of current bills. A deferred payment agreement may not be entered into more than once a year. If the customer defaults on any of the terms of the agreement, the utility may discontinue service subject to the provisions of N.J.A.C. 14:3-7.12 to 14:3-7.15.

(c) If the utility and customer are unable to resolve the dispute under subparagraph (a) or (b) in a mutually satisfactory manner, the utility shall inform the customer of his right to request a hearing within five days either by phone or in writing. The hearing shall be before a utility hearing officer who is an employee of the utility whose sole duty is to hear and resolve disputes between the utility and its customers.

(d) The customer shall be provided with written notice of the time and place of the hearing at least three days prior thereto.

(e) The customer shall be entitled to be represented by counsel or assisted by other person of his choice.

(f) At least two days prior to the hearing, the customer and/or his representative shall have the right to examine all utility documents relevant to the issues to be raised at the hearing and shall be provided with a list of witnesses who will testify for the utility. No list need be provided, however, if discontinuance is proposed on the basis of nonpayment of bill(s).

(g) At the hearing the customer or his representative shall have the right to produce witnesses, present all relevant evidence, and cross-examine witnesses. All testimony shall be taken under oath and recorded.

#### 14:3-7.14 Notice of complaint determination

(a) At the termination of the hearing, the utility hearing officer shall render his decision, or if decision is reserved, within seven days, the utility hearing officer shall by certified mail notify the customer, his representative, if any, and the utility of his complaint determination.

(b) The complaint determination shall include the decision of the utility hearing officer, the reason(s) therefor, and notice of the right to appeal an adverse determination to the Board of Public Utility Commissioners within ten days of service of notice.

(c) If the utility hearing officer determines that the utility may discontinue service unless the customer satisfies all or part of any claim(s), the utility hearing officer may, in writing, so notify the customer at the hearing, or the utility shall notify the customer by certified mail that:

1. Unless compliance or payment is made, service will be discontinued within 15 days from the date of proof of service of the complaint determination;

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## For Vol. 6 — Cited 6 N.J.R. 1-500

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Adopt Child Care Center Standards	6 N.J.R.	196(a)
Repeal Preadoption Rules	6 N.J.R.	245(b)
Adopt Provider Participation Rule	6 N.J.R.	245(c)
Revise Transportation Manual	6 N.J.R.	245(d)
Revisions for Dental Services	6 N.J.R.	246(a)
Adopt Citizenship Rule	6 N.J.R.	246(b)
Revise Clinic Services Manual	6 N.J.R.	264(d)
Adopt Youth Hearings Rules	6 N.J.R.	264(e)
Revisions to Podiatry Manual	6 N.J.R.	266(a)
Revise Family Service Rules	6 N.J.R.	266(b)
Adopt State Disabilities Plan	6 N.J.R.	266(c)
Adopt Sterilization Requirements	6 N.J.R.	311(c)
Adopt Title VI Rule	6 N.J.R.	311(d)
Revise Number 11, Part III Rule	6 N.J.R.	312(a)
Revise AFDC Aid Program	6 N.J.R.	312(b)
Revise Vision Care Manual	6 N.J.R.	312(c)
Revise Physicians Manual	6 N.J.R.	312(d)
Revise Prosthetic Manual	6 N.J.R.	312(e)
Revise Hospital Manual	6 N.J.R.	313(a)
Revise Payment Recovery Rule	6 N.J.R.	313(b)
Amend Dental Providers Rule	6 N.J.R.	313(c)
Revise Rule Number 11	6 N.J.R.	351(a)
Revise Family Services Plan	6 N.J.R.	351(b)
Revise Podiatry Manual	6 N.J.R.	351(c)
Revise Educational Leave Stipends	6 N.J.R.	399(a)
Revise Psychological Procedure Code	6 N.J.R.	399(b)
Revise Parole Division Standards	6 N.J.R.	432(b)
Revisions for Employment Expenses	6 N.J.R.	434(a)
Revised Disregard of Earned Income	6 N.J.R.	435(a)
Revised Overpayments, Underpayments	6 N.J.R.	435(b)
Revise Hospital Payments	6 N.J.R.	436(a)
Adopt Rules on Out-of-State Clinics	6 N.J.R.	477(b)
Amend Definition of Eligible Pharmacies	6 N.J.R.	477(c)
Revise Hospital Services Rules	6 N.J.R.	478(a)
Revise Specialists Manual	6 N.J.R.	478(b)
Revise Pharmacy Providers Rules	6 N.J.R.	478(c)

## Not Yet Adopted

Proposed Plan for Training Blind	6 N.J.R.	64(a)
Proposed Special Hospital Changes	6 N.J.R.	65(a)
Proposed Hearing Aid Revisions	6 N.J.R.	108(a)

Proposed Suffrage Right Revisions	6 N.J.R.	142(b)
Proposed Provider Rules Changes	6 N.J.R.	187(a)
Proposed Overpayment Revisions	6 N.J.R.	194(a)
Proposed Welfare Manual Changes	6 N.J.R.	195(a)
Proposed New Administration Manual	6 N.J.R.	244(a)
Proposed Pharmacies Revisions	6 N.J.R.	398(b)
Proposed Correction for Deficiencies	6 N.J.R.	431(b)
Proposed Medicaid Manual	6 N.J.R.	432(a)
Proposed Independent Clinic Revisions	6 N.J.R.	475(a)
Proposed Welfare Changes	6 N.J.R.	476(a)
Proposed Rules on Child Abuse	6 N.J.R.	477(a)

# INSURANCE

## Notice of Adoption

Adopt Car Pool Rule	6 N.J.R.	15(d)
Adopt Real Estate Sales Change	6 N.J.R.	151(b)
Revise Organization Chart	6 N.J.R.	199(a)
Revise Temporary I.D. Card Rule	6 N.J.R.	322(b)
Adopt Property Cancellation Rule	6 N.J.R.	323(a)
Declare Auto Security Fund Exhausted	6 N.J.R.	351(d)
Adopt Rules on Charitable Annuities	6 N.J.R.	399(c)
Adopt Rules on Underwriting Association	6 N.J.R.	407(a)
Adopt Rules on Property Insurance	6 N.J.R.	408(a)
Adopt Rules on Group Discontinuance	6 N.J.R.	409(a)
Consent Order on Fire Rating System	6 N.J.R.	409(b)
Issue Notice of Fire and Casualty Coverage	6 N.J.R.	410(a)
Adopt Rule on Proving Coverage	6 N.J.R.	436(b)
Adopt Rule on Arrest Bonds	6 N.J.R.	437(a)
Amend Real Estate Commission Rules	6 N.J.R.	478(e)

# LABOR AND INDUSTRY

## Notice of Adoption

Listing of Prevailing Wage Rates	6 N.J.R.	16(b)
Proposed Disability Aid Revisions	6 N.J.R.	68(e)
Repeal Exhaust Systems Rules	6 N.J.R.	267(a)
Repeal Lift Handling Rules	6 N.J.R.	267(b)
Repeal Machinery Rules	6 N.J.R.	267(c)
Set Maximum Benefit Rate	6 N.J.R.	352(b)
Set Workman's Compensation Rate	6 N.J.R.	352(c)
Revise Extent of Coverage	6 N.J.R.	437(b)

## Not Yet Adopted

Proposed Unemployment Benefit Rule	6 N.J.R.	16(a)
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# LAW AND PUBLIC SAFETY

## Notice of Adoption

Revise Bus Driver Rules	6 N.J.R.	21(b)
Revise Chemical Breath Testing Rules	6 N.J.R.	21(c)
Change ABC Liquor Transfer Rule	6 N.J.R.	82(a)
Adopt Advertising Practices Rules	6 N.J.R.	82(b)
Adopt Appliance Repair Rules	6 N.J.R.	82(c)
Adopt Auto Repair Revisions	6 N.J.R.	119(b)
Adopt ABC Employment Revisions	6 N.J.R.	119(c)
Adopt Overwidth Vehicle Rules	6 N.J.R.	120(a)
Listing of Legislative Agents	6 N.J.R.	152(b)
Adopt Ophthalmic Rules Changes	6 N.J.R.	153(a)
Revise Foreign Nurses Exam Rules	6 N.J.R.	201(a)
Revise Candidate Licensing Rules	6 N.J.R.	246(d)
Revise Dental Hygiene Licensing Rules	6 N.J.R.	247(a)
Listing of Legislative Agents	6 N.J.R.	269(a)
Fire Company Admission Rules	6 N.J.R.	269(b)

Adopt Nursing Fee Rules	6 N.J.R. 324(b)
Adopt Amendments to ABC Rules	6 N.J.R. 410(b)
Adopt Rule on Ophthalmic Minimum Standards	6 N.J.R. 411(a)
Adopt Securities Qualification Rules	6 N.J.R. 450(b)
Revise Security Qualifications	6 N.J.R. 450(c)
Revisions for Security Prospectuses	6 N.J.R. 450(d)
Adopt Medical Kickback Rule	6 N.J.R. 451(a)
Revisions of Mortuary Charges	6 N.J.R. 451(b)
Listing of Legislative Agents	6 N.J.R. 479(b)
Adopt Pharmacy Fee Schedules	6 N.J.R. 486(a)
Adopt Ophthalmic Fee Schedules	6 N.J.R. 487(a)

**Not Yet Adopted**

Proposed Merchandise Sales Rules	6 N.J.R. 17(b)
Proposed Rules on Filing	6 N.J.R. 18(b)
Announce ABC Public Hearing	6 N.J.R. 21(a)
Proposed Advertising Amendment	6 N.J.R. 117(d)
Proposed Rule on Furniture Sales	6 N.J.R. 118(a)
Proposed Deposit Deception Rules	6 N.J.R. 118(b)
Proposed Land Surveying Rules	6 N.J.R. 151(c)
Notice on Engineering Conflict Hearing	6 N.J.R. 152(a)
Proposed Kickback Revisions	6 N.J.R. 268(a)
Proposed Eyeglass Standards Rule	6 N.J.R. 324(a)
Proposed ABC Rules Revisions	6 N.J.R. 437(c)
Proposed ABC Enforcement Change	6 N.J.R. 439(a)
Proposed Eyeglass Standards Rule	6 N.J.R. 447(a)
Proposed Drugs Prescription Rule	6 N.J.R. 448(a)
Proposed Definition of Planners	6 N.J.R. 449(a)
Proposed Change in Security Prefilings	6 N.J.R. 449(b)
Proposed Repeal of Exemption Rule	6 N.J.R. 449(c)
Proposed Security Application Rule	6 N.J.R. 450(a)

**PUBLIC UTILITIES**

**Notice of Adoption**

Revise Underground Wiring Rules	6 N.J.R. 22(b)
Adopt Gas Safety Rules	6 N.J.R. 201(d)
Revise Tariff Filings Rules	6 N.J.R. 202(a)
Adopt Notice of Filing Revision	6 N.J.R. 269(c)
Adopt Hearing Procedures Rule	6 N.J.R. 487(b)

**Not Yet Adopted**

Proposed Deposit Return Changes	6 N.J.R. 201(c)
Proposed Electrical Inspection Changes	6 N.J.R. 353(a)
Proposed Accident Reporting Changes	6 N.J.R. 451(c)

**STATE**

**Notice of Adoption**

Adopt Rules for Voter Registration by Mail	6 N.J.R. 412(b)
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**TRANSPORTATION**

**Notice of Adoption**

Revise State Highway Speed Rule	6 N.J.R. 155(a)
Adopt Restricted Parking Rules	6 N.J.R. 203(b)
Adopt Spilled Cargo Rules	6 N.J.R. 203(c)
Adopt State Highway Parking Rules	6 N.J.R. 249(b)
Adopt State Highway Speed Rules	6 N.J.R. 250(a)
Adopt DOT Traffic Control Rule	6 N.J.R. 250(b)
Adopt State Highway Parking Rules	6 N.J.R. 276(c)
Revise State Highway Speeds	6 N.J.R. 325(a)
Adopt State Highway Parking Rules	6 N.J.R. 359(b)
Adopt One-Way Street Rules	6 N.J.R. 359(c)

Restrict Parking on U.S. 40 and N.J. 47	6 N.J.R. 359(d)
Revise Certain State Highway Speeds	6 N.J.R. 414(a)
Designate State Highway Stop Intersections	6 N.J.R. 414(b)
Adopt State Highway Speed Rates	6 N.J.R. 493(a)
Adopt Restricted Parking Rules	6 N.J.R. 493(b)
One-Way Traffic Set on Route 79	6 N.J.R. 493(c)
Adopt Rules on Landing of Balloons	6 N.J.R. 494(a)

**Not Yet Adopted**

Proposed Speed Reduction Rules	6 N.J.R. 30(a)
Proposed Senior Citizen Bus Fares	6 N.J.R. 247(b)
Proposed State Highway Speed Revisions	6 N.J.R. 276(b)
Proposed State Highway Parking Rules	6 N.J.R. 452(a)
Proposed Highway Access Permit Fees	6 N.J.R. 487(c)
Proposed State Highway Parking Rules	6 N.J.R. 492(a)
Proposed Speeds on Route 33	6 N.J.R. 492(b)

**TREASURY**

**Notice of Adoption**

Revise Lottery Prize Rules	6 N.J.R. 36(a)
Revise Material Purchase Rules	6 N.J.R. 38(a)
Adopt Judicial Retirement Rules	6 N.J.R. 38(b)
Adopt Teacher Pension Fund Changes	6 N.J.R. 124(a)
Revise Lottery Prize Rules	6 N.J.R. 124(b)
Adopt Tax Valuation Amendments	6 N.J.R. 124(c)
Revise Common Pension Fund Rules	6 N.J.R. 124(d)
Adopt Repurchase Agreement Rules	6 N.J.R. 125(a)
Revise Police Retirement Rules	6 N.J.R. 158(a)
Revise Pension Administration Rules	6 N.J.R. 158(b)
Revise Deposit Certificate Rules	6 N.J.R. 158(c)
Adopt Deposit Certificate Change	6 N.J.R. 205(a)
Adopt County Tax Board Rules	6 N.J.R. 205(b)
Adopt Rules on Bad Debts	6 N.J.R. 208(a)
Adopt Floor Covering Rules	6 N.J.R. 251(a)
Adopt Investment Classification Rule	6 N.J.R. 252(a)
Adopt Police Retirement Revisions	6 N.J.R. 277(b)
Revisions of Daily Lottery Rules	6 N.J.R. 277(c)
Revise Lottery Agents' Compensation	6 N.J.R. 277(d)
Adopt Forms Reproduction Rule	6 N.J.R. 328(a)
Revise Temporary Reserve Rules	6 N.J.R. 328(b)
Revise Funds Classification Rule	6 N.J.R. 328(c)
Adopt Endorsement Compliance Rule	6 N.J.R. 360(a)
Revise Special Lottery Rules	6 N.J.R. 360(b)
Revise Health Enrollment Rules	6 N.J.R. 360(c)
Revise Health Benefits Program	6 N.J.R. 360(d)
Revise Public Retirement Rules	6 N.J.R. 361(a)
Revise Annuity Trust Rules	6 N.J.R. 361(b)
Revise Commercial Paper Rule	6 N.J.R. 361(c)
Revise Sales Tax Good Faith Provisions	6 N.J.R. 414(e)
Adopt Rules on Gas Station Equipment	6 N.J.R. 415(a)
Adopt Rules on Bankers Acceptances	6 N.J.R. 415(b)
Revise Investment Repurchase Agreements	6 N.J.R. 416(a)
Revisions in Common Pension Fund B	6 N.J.R. 416(b)
Adopt Rules on Common Pension Fund C	6 N.J.R. 416(c)
Amend Permissible Investments Change	6 N.J.R. 495(b)
Revisions for Finance Companies	6 N.J.R. 495(c)
Revise U.S. Treasury Purchase Rules	6 N.J.R. 496(a)

**Not Yet Adopted**

Proposed Floor Covering Sales Rules	6 N.J.R. 85(a)
Proposed State Time Deposits Rules	6 N.J.R. 325(b)
Revise Electronic Data Tax List Processing	6 N.J.R. 414(c)
Revise Definition of Cost of Business	6 N.J.R. 414(d)
Proposed Rule on Tax Filings	6 N.J.R. 494(b)
Proposed State Health Benefits Changes	6 N.J.R. 495(a)

## RULES ADOPTED BY OTHER AGENCIES

### DELAWARE RIVER BASIN COMMISSION

Adopt Surface Water Supply Rules ..... 6 N.J.R. 278(a)

### DELAWARE RIVER PORT AUTHORITY

Revise Toll Regulations ..... 6 N.J.R. 87(a)

### ECONOMIC DEVELOPMENT AUTHORITY

Notice of Filing of Bylaws ..... 6 N.J.R. 496(b)

### ELECTION LAW ENFORCEMENT COMMISSION

Adopt Initial Commission Regulations ..... 6 N.J.R. 418(a)

### HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Revise Fee Schedules ..... 6 N.J.R. 39(a)  
Adopt Garbage Collection Rule ..... 6 N.J.R. 40(a)  
Revisions to Zoning Regulations ..... 6 N.J.R. 87(b)  
Revise Sanitary Landfill Rules ..... 6 N.J.R. 158(d)  
Adopt Landfill Operation Changes ..... 6 N.J.R. 208(c)  
Adopt Environmental Design Changes ..... 6 N.J.R. 209(a)  
Adopt Rule on Indemnification ..... 6 N.J.R. 209(b)  
Adopt Sanitary Landfill Changes ..... 6 N.J.R. 280(c)  
Revise Annual Meeting Date ..... 6 N.J.R. 281(a)  
Adopt Flood Insurance Rules ..... 6 N.J.R. 361(d)  
Revise Sanitary Landfill Rules ..... 6 N.J.R. 369(a)  
Adopt Flood Land Use Rules ..... 6 N.J.R. 369(b)

### HIGHWAY AUTHORITY

Revise Garden State Speed Limits ..... 6 N.J.R. 41(a)  
Revise Garden State Tolls ..... 6 N.J.R. 88(a)  
Revise Garden State Speed Limits ..... 6 N.J.R. 88(b)  
Amend Garden State Parkway Rules ..... 6 N.J.R. 281(b)  
Revise Garden State Toll Schedule ..... 6 N.J.R. 496(c)

### MORTGAGE FINANCE AGENCY

Revise Loans Rules ..... 6 N.J.R. 370(b)  
Revise Definition of Collateral ..... 6 N.J.R. 418(b)

### PALISADES INTERSTATE PARK COMMISSION

Adopt Rules and Regulations ..... 6 N.J.R. 330(a)  
Adopt Penalties for Rules Violations ..... 6 N.J.R. 496(d)

### PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revise Map of Public Areas ..... 6 N.J.R. 41(b)  
Revise Newark Airport Changes ..... 6 N.J.R. 89(a)  
Revise Kennedy, LaGuardia Flight Fees ... 6 N.J.R. 126(b)  
Adopt Air Taxi Permit Revisions ..... 6 N.J.R. 252(b)  
Revise Schedules of Charges ..... 6 N.J.R. 285(a)  
Revise Newark Airport Charges ..... 6 N.J.R. 336(a)  
Revise Flight Schedule Fee ..... 6 N.J.R. 370(a)  
Revise Heliport Fee Schedules ..... 6 N.J.R. 418(c)  
Revise FMC Schedule No. PA-9 ..... 6 N.J.R. 497(a)

### PUBLIC EMPLOYMENT RELATIONS COMMISSION

Amend Reconsideration Rules ..... 6 N.J.R. 159(a)  
Revise Petition Investigation Rules ..... 6 N.J.R. 285(b)

#### Not Yet Adopted

Proposed Rule Defining Supervisor ..... 6 N.J.R. 89(b)  
Proposed Changes in Documents ..... 6 N.J.R. 456(a)  
Proposed Revisions on Intervention ..... 6 N.J.R. 456(b)  
Proposed Election Eligibility Rule ..... 6 N.J.R. 457(a)  
Proposed Revisions in Arbitration ..... 6 N.J.R. 457(b)

### TURNPIKE AUTHORITY

#### Notice of Adoption

Adopt New Turnpike Use Rules ..... 6 N.J.R. 370(c)

### WATERFRONT COMMISSION OF NEW YORK HARBOR

Amend Hearings Rules ..... 6 N.J.R. 497(b)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

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

Code update pages.

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

## RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Adoption Notice (N.J.R. Citation)</u>
<b>CHIEF EXECUTIVE — TITLE 1</b>			
1:6-1.1 et seq.	Rules on sale of motor gasoline	R. 1974 d.33	6 N.J.R. 94(a)
1:6-1.1 et seq.	Revised rules on motor gasoline	R. 1974 d.86	6 N.J.R. 162(b)
1:6-3.1	Revised alternate day gas purchase program	R. 1974 d.75	6 N.J.R. 162(a)
<b>AGRICULTURE — TITLE 2</b>			
2:3-2.5	Requirements on equidae entering New Jersey	R. 1974 d.55	6 N.J.R. 130(a)
2:5-2.1(f)	Revisions for quarantining and branding of infectious anemia horses	R. 1974 d.256	6 N.J.R. 386(c)
2:5-2.2	Horses consigned from out-of-State to horse auction markets	R. 1974 d.255	6 N.J.R. 386(b)
2:7-1.1	Fees for inspections on State holidays	R. 1974 d.300	6 N.J.R. 462(a)
2:17-4.2(c)	Revisions on special exemption for Florida tomato plants	R. 1974 d.41	6 N.J.R. 96(a)
2:20-4.1	Subcoccinella viginliqualuorpunctata quarantine	R. 1974 d.153	6 N.J.R. 254(b)
2:22-1.1	Control of ceriferus (or Japanese) wax scale	R. 1974 d.130	6 N.J.R. 254(a)
2:33-1.1	Agricultural fairs	R. 1974 d.254	6 N.J.R. 386(a)
2:48-6.1 et seq.	Sale of milk in new container size	R. 1974 d.72	6 N.J.R. 166(b)
2:54-3.3	Milk handling in New York-New Jersey and Middle Atlantic areas	R. 1974 d.91	6 N.J.R. 166(c)
2:54-3.4	Amendment on handling of milk in New Jersey marketing areas	R. 1974 d.283	6 N.J.R. 422(a)
2:67-1.1	Prompt settlement	R. 1974 d.42	6 N.J.R. 96(b)
<b>BANKING — TITLE 3</b>			
3:1-1.1	Revisions concerning interest rates	R. 1974 d.132	6 N.J.R. 255(b)
		R. 1974 d.140	6 N.J.R. 255(b)
3:1-1.1	Revised interest rate	R. 1974 d.247	6 N.J.R. 387(b)
3:1-2.26	Fees; conversion from mutual to capital stock association	R. 1974 d.298	6 N.J.R. 463(c)
3:1-4.1 et seq.	Revisions in governmental unit deposit protection	R. 1974 d.119	6 N.J.R. 218(b)
3:1-6.1 et seq.	Rules on fees	R. 1974 d.221	6 N.J.R. 342(a)
3:6-5.1 et seq.	Revisions concerning Federal funds transactions	R. 1974 d.27	6 N.J.R. 97(b)
3:6-8.1	Registrar and transfer agents filings	R. 1974 d.177	6 N.J.R. 297(a)
3:6-8.1	Rescind rule on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:10-4.1 et seq.	Revisions in ratio of mortgage loan to appraised value	R. 1974 d.78	6 N.J.R. 168(a)
3:11-1.1	Revised listing of obligations	R. 1974 d.93	6 N.J.R. 168(b)
3:11-8.1	Investment securities; savings banks	R. 1974 d.145	6 N.J.R. 256(a)
3:12-1.1 et seq.	Rules on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:16-2.1	Revisions concerning pawnbroking service charges	R. 1974 d.7	6 N.J.R. 51(a)
3:18-8.1	Banking institution	R. 1974 d.135	6 N.J.R. 255(a)
3:18-9.1 et seq.	Interest rate regulation Number 1	R. 1974 d.199	6 N.J.R. 298(a)
<b>CIVIL SERVICE — TITLE 4</b>			
4:1-17.24	Payments to State employees for unused sick leave	R. 1974 d.257	6 N.J.R. 388(a)
<b>COMMUNITY AFFAIRS — TITLE 5</b>			
5:10-1.1 et seq.	Revisions for construction and maintenance of hotels	R. 1974 d.206	6 N.J.R. 301(a)
5:10-19.4(c)	Revised exterior lighting requirements	R. 1974 d.14	6 N.J.R. 55(a)
5:10-19.4(l)	Revised heating requirements	R. 1974 d.14	6 N.J.R. 55(a)
5:13-1.1	Revise definitions of gross shelter rent and condominium	R. 1974 d.166	6 N.J.R. 256(b)
5:21-2.1(a)2.	Revisions to Uniform Standard Code for mobile homes	R. 1974 d.275	6 N.J.R. 427(b)
5:30-1.7	Implementation of Housing and Community Development Act of 1974	R. 1974 d.342	7 N.J.R. 2(c)

## EDUCATION — TITLE 6

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

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1-3.5	Extension of emergency sulfur rules, Order 39	R. 1974 d.64	6 N.J.R. 134(a)
7:1-4.1 et seq.	Importation of solid and liquid waste from outside New Jersey	R. 1974 d.10	6 N.J.R. 58(a)
7:2-2.8 et seq.	Revisions concerning lands under Bureau of Parks	R. 1974 d.13	6 N.J.R. 60(a)
7:6-5.2	Repeal rule on registration for livery vessels	R. 1974 d.102	6 N.J.R. 178(a)
7:7A-1(a)14.	Extend wetland order to portions of Salem County	R. 1974 d.188	6 N.J.R. 306(a)
7:7C-1.1 et seq.	Revised procedural rules concerning hearings	R. 1974 d.32	6 N.J.R. 101(c)
7:7C-1.1 et seq.	Rules on hearings under Coastal Area Facilities Review Act	R. 1974 d.26	6 N.J.R. 101(b)
7:7C-1.1 et seq.	Repeal of rules on hearings under Coastal Area Review Act	R. 1974 d.162	6 N.J.R. 263(c)
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13:45A-5.1 et seq.	Deceptive practices in delivery of household furniture, furnishings	R. 1973 d.262	5 N.J.R. 357(b)
13:45A-7.1 et seq.	Automobile repair work and advertising practices	R. 1973 d.307	5 N.J.R. 390(d)
13:45A-8.1 et seq.	Deceptive practices by tire distributors or dealers	R. 1973 d.309	5 N.J.R. 390(e)

13:45A-9.1 et seq.	Rules for advertising and marketing practices	R. 1974 d.15	6 N.J.R. 82(b)
13:45A-10.1 et seq.	Servicing and repairing of home appliances	R. 1974 d.16	6 N.J.R. 82(c)
13:46-4.6(c)	Revised license fee	R. 1974 d.331	7 N.J.R. 12(a)
13:47A-1.1(a) 3.	Revised fee for application for registration	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-3.1(c)	Revised fee for application	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-5.2	Revised fee for application renewal	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-6.1	Revisions on qualification of issue	R. 1974 d.278	6 N.J.R. 450(c)
13:47A-9.1	Repeal rule on requirements for qualification	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-9.14	Repeal rule on number of offers for exemption restriction	R. 1974 d.350	7 N.J.R. 13(d)
13:47A-10.2	Repeal rule on claims for exemption	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-10.3	Effective date of initial applications	R. 1974 d.352	7 N.J.R. 14(a)
13:47A-15.1	Revisions concerning prospectuses	R. 1974 d.279	6 N.J.R. 450(d)
13:47A-18.1	Revisions concerning prefiling materials and contents	R. 1974 d.351	7 N.J.R. 13(c)
13:51-3.5	Revise chemical breath testing rules	R. 1973 d.354	6 N.J.R. 21(c)

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14:1-6.16(a)5.	Revisions concerning tariff filings	R. 1974 d.98	6 N.J.R. 202(a)
14:1-6.16(b)2.	Service on the Public Advocate	R. 1974 d.157	6 N.J.R. 269(c)
14:1-10.11	Rule on hearing procedures	R. 1974 d.313	6 N.J.R. 487(b)
14:6-1.4 et seq.	Rules on gas safety	R. 1974 d.87	6 N.J.R. 201(d)

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

16:27-1.3	Revisions in reduction of rates of speed	R. 1974 d.48	6 N.J.R. 155(a)
16:27-1.7	Control of traffic and parking on N.J.D.O.T. property	R. 1974 d.122	6 N.J.R. 250(b)
16:28-1.1	Rates of speed on State highways	R. 1974 d.115	6 N.J.R. 250(a)
16:28-1.25 et seq.	Revise rules on rates of speed along certain State highways	R. 1974 d.197	6 N.J.R. 325(a)
16:28-1.35	Revised speed limits on portions of Route 18	R. 1974 d.340	7 N.J.R. 32(d)
16:28-1.63	Revise rates of speed on Route U.S. 22	R. 1974 d.326	7 N.J.R. 32(c)
16:28-1.67	Revisions to rates of speed on parts of U.S. 202	R. 1974 d.325	7 N.J.R. 32(b)
16:28-1.96	Revise rates of speed on Route N.J. 45	R. 1974 d.326	7 N.J.R. 32(c)
16:28-1.111	Speed limits on Route 179 in Hunterdon County	R. 1974 d.249	6 N.J.R. 414(a)
16:28-1.122	Revisions to rates of speeds on U.S. 46, U.S. 1, 9 and 46	R. 1974 d.291	6 N.J.R. 493(a)
16:28-1.157	Rates of speeds on Route 173	R. 1974 d.291	6 N.J.R. 493(a)
16:28-1.158	Speed limits on Route 87 in Atlantic City	R. 1974 d.249	6 N.J.R. 414(a)
16:28-1.160	Speed limits on portions of Route I-78	R. 1974 d.340	7 N.J.R. 32(d)
16:28-3.1 et seq.	Restricted parking on various State highways	R. 1974 d.77	6 N.J.R. 203(b)
16:28-3.12 et seq.	Restricted parking along parts of Routes 47, 77 and 7	R. 1974 d.105	6 N.J.R. 249(b)
16:28-3.15 to 16:28-3.19	Rules on restricted parking on Routes 7, 28, US 46, 47 and 77	R. 1974 d.159	6 N.J.R. 276(c)
16:28-3.20 et seq.	Restricted parking on Routes 70, 73, U.S. 22 and U.S. 130	R. 1974 d.216	6 N.J.R. 359(b)
16:28-3.24	Route number U.S. 40	R. 1974 d.226	6 N.J.R. 359(d)
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16:28-3.27	No parking; Route 27	R. 1974 d.292	6 N.J.R. 493(b)
16:28-4.1 et seq.	One-way street regulations	R. 1974 d.225	6 N.J.R. 359(c)
16:28-4.3	One-way traffic along Route 79	R. 1974 d.293	6 N.J.R. 493(c)
16:28-5.1	Designation of stop intersections	R. 1974 d.250	6 N.J.R. 414(b)
16:28-6.1	No left turn rules on parts of Route U.S. 206	R. 1974 d.324	7 N.J.R. 32(a)
16:39-3.1 et seq.	Spilled cargo on State highways	R. 1974 d.101	6 N.J.R. 203(c)
16:54-6.1 et seq.	Take-off or landing by balloons	R. 1974 d.308	6 N.J.R. 494(a)

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17:1-1.7 et seq.	Revised administration rules	R. 1974 d.62	6 N.J.R. 158(b)
17:1-1.15(e)	Compliance with endorsement requirements	R. 1974 d.219	6 N.J.R. 360(a)
17:2-1.13 et seq.	Revisions on Public Employees' Retirement System	R. 1974 d.230	6 N.J.R. 361(a)
17:3-1.1 et seq.	Revisions concerning Teachers' Pension and Annuity Fund	R. 1974 d.24	6 N.J.R. 124(a)
17:4-1.5 et seq.	Revisions for Police and Firemen's Retirement System	R. 1974 d.61	6 N.J.R. 158(a)
17:5-1.8 et seq.	Revised State Police retirement system rules	R. 1974 d.131	6 N.J.R. 277(b)
17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R. 1974 d.231	6 N.J.R. 361(b)
17:9-2.3	Revisions on annual enrollment period	R. 1974 d.228	6 N.J.R. 360(c)
17:9-5.4	Revisions on local employer payment of dependent charges	R. 1974 d.229	6 N.J.R. 360(d)
17:9-5.6	Health maintenance organization premiums	R. 1974 d.228	6 N.J.R. 360(c)
17:10-3.1	Revised computation of benefits	R. 1974 d.335	7 N.J.R. 34(a)
17:10-5.7	Revised employer disability application; employee notice	R. 1974 d.335	7 N.J.R. 34(a)

17:16-5.5(a)	Add State facilities for handicapped fund to temporary reserve	R. 1974 d.126	6 N.J.R. 252(a)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R. 1974 d.192	6 N.J.R. 328(c)
17:16-6.1(a)8.	Add Federal Financing Bank to approved list	R. 1974 d.323	6 N.J.R. 496(a)
17:16-7.3	Delete from revolving housing development grant fund	R. 1974 d.191	6 N.J.R. 328(b)
17:16-8.1(a)6.	Amend permissible investment rules concerning corporate securities — industrial obligations	R. 1974 d.321	6 N.J.R. 495(b)
17:16-9.1(a)5.	Revision concerning finance companies — senior debt	R. 1974 d.322	6 N.J.R. 495(c)
17:16-13.5	Revisions on legal papers; commercial paper	R. 1974 d.218	6 N.J.R. 361(c)
17:16-27.3	Limitations regarding certificates of deposit	R. 1974 d.63	6 N.J.R. 158(c)
17:16-27.3	Amendment concerning other limitations	R. 1974 d.94	6 N.J.R. 205(a)
17:16-27.4	Legal Papers; certificates of deposit	R. 1974 d.63	6 N.J.R. 158(c)
17:16-32.8(b)	Revisions concerning valuation of units	R. 1974 d.35	6 N.J.R. 124(d)
17:16-32.9(b)	Revisions concerning admission date	R. 1974 d.35	6 N.J.R. 124(d)
18:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R. 1974 d.265	6 N.J.R. 416(b)
17:16-37.1(a)6.	Addition of Federal Financing Bank to approved list	R. 1974 d.264	6 N.J.R. 416(a)
17:16-37.1 et seq.	Repurchase agreements	R. 1974 d.36	6 N.J.R. 125(a)
17:16-38.1 et seq.	Common Pension Fund C	R. 1974 d.266	6 N.J.R. 416(c)
17:16-39.1 et seq.	Rules on bankers' acceptances	R. 1974 d.263	6 N.J.R. 415(b)
17:20-5.10	Revisions concerning lottery agent's compensation	R. 1974 d.146	6 N.J.R. 277(d)
17:20-5.10	Revise agent's compensation rule	R. 1974 d.329	7 N.J.R. 33(b)
17:21-1.4(b)	Revisions on special lotteries	R. 1974 d.224	6 N.J.R. 360(b)
17:21-2.3 et seq.	Revised rules concerning weekly lottery	R. 1974 d.329	7 N.J.R. 33(b)
17:21-5.6(a)6.	Revisions concerning conducting drawings	R. 1974 d.31	6 N.J.R. 124(b)
17:21-6.3 et seq.	Revisions concerning daily lottery	R. 1974 d.134	6 N.J.R. 277(c)

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18:2-1.1	Reproduction of forms	R. 1974 d.182	6 N.J.R. 328(a)
18:6-1.1	Revised definition of cost of doing business	R. 1974 d.243	6 N.J.R. 414(d)
18:12A-1.1 et seq.	Rules for county boards of taxation	R. 1974 d.95	6 N.J.R. 205(b)
18:12A-1.16	Electronic Data processing and tax assessment lists	R. 1974 d.242	6 N.J.R. 414(c)
18:24-10.4	Acceptance in good faith	R. 1974 d.244	6 N.J.R. 414(e)
18:24-10.5	Disclosure of proper exemption basis	R. 1974 d.244	6 N.J.R. 414(e)
18:24-22.1 et seq.	Sales by floor covering dealers	R. 1974 d.123	6 N.J.R. 251(a)
18:24-23.1 et seq.	Rules on bad debts	R. 1974 d.96	6 N.J.R. 208(a)
18:24-24.1 et seq.	Sale and installation of gasoline service station equipment	R. 1974 d.252	6 N.J.R. 415(a)
18:26-8.10	Amendments concerning valuations	R. 1974 d.34	6 N.J.R. 124(c)

### OTHER AGENCIES — TITLE 19

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

(Continued from Page 16)

2. Appeal may be filed with the Board of Public Utility Commissioners and service will not be discontinued pending review by the Board;

3. The customer shall also be notified of the procedures to be followed when filing an appeal with the Board of Public Utility Commissioners.

#### 14:3-7.15 Informal appeal to the Board of Public Utility Commissioners

(a) An informal appeal from an unfavorable complaint determination may be taken to the Board of Public Utility Commissioners within ten days of receipt of the determination by the customer.

(b) The customer shall notify the Secretary, Board of Public Utility Commissioners, 1100 Raymond Boulevard, Newark, New Jersey, in person, or in writing, of:

1. The customer's name, address and account number;

2. The nature of the complaint;

3. The determination of the utility hearing officer;

4. A copy of the notice of appeal shall be sent by the customer to the utility.

(c) The Board shall assign a complaint officer who shall advise the utility that an appeal has been filed; receive the record below from the utility; review and investigate the matter, and issue a decision.

(d) The complaint officer may request additional evidence and/or an informal conference with the parties.

(e) Within ten days of the filing of an appeal, the complaint officer shall issue a decision affirming, modifying or reversing the complaint determination. The decision stating the relevant findings of facts and the reasons for the decision shall be sent by certified mail to the parties.

(f) The decision shall be binding upon the parties unless the customer files a formal complaint in accordance with the Rules of Practice and Procedure before the New Jersey Board of Public Utility Commissioners.

#### 14:3-7.16 Personal visitation to senior citizens

In the event that a utility is proposing discontinuance of service to a customer over the age of 65, and no complaint has been filed by the customer before the proposed date of discontinuance, the utility, before discontinuing service, shall be required to send a personal representative to the customer's place of residence to explain the proposed discontinuance and the customer's rights under these regulations.

Public hearings will be held respecting the proposed action on January 30 and 31, 1975, at 10:00 A.M. at 101 Commerce St., Newark, New Jersey.

Interested persons may present statements or arguments in writing, relevant to the proposed action on or before January 31, 1975, to Ralph Caprio, Secretary of the Board of Public Utility Commissioners at the above address. Comments should refer to the petition's Docket No. 7411-803.

The Board of Public Utility Commissioners, upon its own motion or at the instance of any interested party, may thereaf-

ter adopt these revisions substantially as proposed without further notice.

Anthony J. Grossi  
President, Board of Public  
Utility Commissioners  
Department of Public Utilities

(a)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Proposed Rules on Underground Extensions

The Board of Public Utility Commissioners proposes to adopt new rules governing the installation of residential electric and telephone underground extensions, which permit the recovery of the cost differential between overhead and underground extension by the electric utilities. After notice in the New Jersey Register of April 5, 1973, extensive testimony was taken in this matter.

Because the rules were not adopted within one year of said notice, these rules cannot become effective as of this date. Therefore, utilities and other interested parties may file additional written comments within 20 days of the date of this publication at the address listed below.

Copies of the proposed rules (in Docket 699-648) are available at the engineering division of the Board's offices, 101 Commerce Street, Newark, New Jersey, upon payment of statutory fees.

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

Anthony J. Grossi  
President  
Board of Public Utility Commissioners

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions to Rules on Ballooning

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 6:1-29, 6:1-44 and 27:1A-3, proposes to adopt revised rules governing the take-off and/or landing of balloons in New Jersey and the licensing of balloonists.

Current rules concerning ballooning, which were adopted as emergency rules on November 14, 1974, as R.1974 d.308, and which were published in the December 5, 1974 issue of the New Jersey Register at 6 N.J.R. 494(a), are proposed to be repealed upon the adoption of these new proposed rules.

Full text of the proposed new rules follows:

16:54-6.1 Scope

These rules outline the minimum standards for the estab-

ishment, design, size, location and authorization for the launching/landing sites herein known as balloonports/balloonspots; and, for the licensing of balloonists. This rule does not apply to moored or tethered balloons.

#### 16:54-6.2 Definitions

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

"Balloonport" means any area of land or water of defined dimensions other than a licensed airport, landing field or landing strip approved by the Department of Transportation, Division of Aeronautics, for the take off and/or landing of manned, free-flight balloons primarily for commercial purposes, including but not limited to exhibitions, passenger carrying, demonstrations, races, meets, student or upgrade training.

"Balloonspot" means any area of land or water of defined dimensions approved by the Department of Transportation, Division of Aeronautics for the take off and/or landing of manned free-flight balloons, in certain areas, including but not limited to parking lots, parks, farm land, golf courses, recreation or athletic fields, used for occasional sport balloon operations.

"Ballooning" for the purpose of this rule means the preparation, flight and recovery of any lighter than air aircraft, not engine driven, operated in a manned, free-flight condition.

"Balloon" for the purpose of this rule means any aircraft which is lighter than air and operated in a manned, free-flight condition. There are two subcategories:

1. Free balloon with air-borne heater;
2. Free balloon, gas filled, with gases such as hydrogen and helium with rate of ascent generally controlled by releasing ballast, and rate of descent controlled by releasing gases.

"Balloonist" means an individual operating a manned, free-flight balloon.

"Crew member" means an individual necessary for the act of ballooning.

"Free-flight" means the act of flying a manned, free-flight balloon while such a balloon is not tethered to the ground.

"Moored or tethered flight" means the act of operating a balloon secured to the ground by sufficient and suitable means to permit vertical movements and no intention of launch into free-flight exists.

"Public use" means offering to give, advertising, representing or giving to the public, with or without compensation or other reward, the opportunity and availability to use the licensed facility.

"Nonpublic use" means the authorization to a specific individual or individuals for use as prescribed by the licensee - not normally available to the general public.

#### 16:54-6.3 Take off requirements

No balloon shall take off or operate from any area in this State except an airport, landing field or landing strip duly licensed pursuant to the provisions of Title 6 of New Jersey Statutes Annotated or rules promulgated pursuant thereto.

#### 16:54-6.4 Landing requirements

- (a) Except in case of emergency, no balloon shall land in or upon any area in this State except an airport, landing field or landing strip duly licensed pursuant to the provisions of Title 6 of the New Jersey Statutes Annotated or rules promulgated pursuant thereto.
- (b) A licensed "balloonist" making a take off and/or land-

ing at other than a licensed facility, usually resulting from situations generated by the inherent "wind captive" characteristics of balloons, must exercise extreme caution to preclude property damage or injury to public and the aircrew members. Take offs by the "balloonist" and touch and go's are permitted provided the area meets the minimum standards established for a balloonsport. It is the balloonist's responsibility to coordinate his use of a third party's property. No part of this rule relieves the balloonist of that obligation or responsibility.

#### 16:54-6.5 Classes of licensing

Balloonport/Balloonspot - Public Use, Balloonport/Balloonspot - Nonpublic Use, and Balloonist; shall be the classes of licenses issued under this Chapter. Balloonport/balloonspot and balloonist licenses shall be issued for a one-year period or as otherwise indicated for a lesser period.

#### 16:54-6.6 Standards for issuance of license

(a) The standards for issuance of license are:

Class of License	Dimensions	Qualifications
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1. Balloonport/Balloonspot Public Use (Commercial):	Clear surface area of 200 feet square or 200 feet in diameter. Take off/departure ratio must be 1.1 from the center of the balloonport/balloonspot to provide a margin of safety to any obstruction outside of the balloonport/balloonspot area. (Minimum dimensions for one balloon).	
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2. Balloonport/Balloonspot Nonpublic Use (Sport):	Clear surface area of 100 feet square or 100 feet in diameter. Take off/departure ratio must be 1.1 from the perimeter of the designated area of balloonport/balloonspot. (Minimum dimensions for one balloon).	
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3. Balloonist:	Must possess not less than a commercial pilot's certificate with a free-balloon rating [FAR 61.137].	
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4. Request for waivers of the above criteria may be submitted by special application to New Jersey Department of Transportation, Division of Aeronautics. Approval/disapproval will be based upon the safety of the general public in consideration of the operations involved.

(b) General requirements are:

1. All individual balloonists qualified under the provisions of this rule must obtain a "balloonist" (Fixed Base Operators) license for special authority to conduct ballooning in the State of New Jersey. This license is in recognition of the art of ballooning which requires frequent use of other than licensed facilities. This licensing authority will be used as a means to enhance the safety of ballooning, provide the controls necessary to promote the public safety and advance aeronautics. Other individuals not possessing a New Jersey balloonist license, are restricted to operations from prior licensed facilities unless ballooning under the supervision of a New Jersey licensed balloonist. Abuse of this special privilege as provided by this rule will be cause for revocation of the balloonist license in accordance with the provisions of Title 6, N.J.S.A. 6:1-45; and subject the individual to the penalties provided for in N.J.S.A. 6:1-59.

2. When ballooning is to be conducted for commercial, exhibition purposes or events involving the general public, the proposed take off/and/or landing areas must be evaluated by a representative of the Division of Aeronautics. The written request must be submitted in a reasonable time, not less than five-calendar days, to permit an evaluation of the proposed area, its size, powerline or obstruction proximity, and evaluations of the measures to be used to protect the

public from the potential hazards of the operation, gases or equipment involved.

3. A wind velocity measuring device and wind direction indicator shall be available to provide current wind information at the launch site.

4. In the case of a night flight, the licensed balloonport/balloonspot area shall be provided with sufficient illumination to enable the pilot and crew to take off safely.

5. The balloonport/balloonspot area shall be provided with sufficient fire-fighting protection for the specific type of balloon operation and balloon size engaged in such as hot air, helium and hydrogen. The regulations of the New Jersey Division of Motor Vehicles on transportation of gases; and, the Department of Labor and Industry on the handling of gases must be complied with.

6. A balloonport/balloonspot shall be either enclosed by a fence having a minimum height of three feet or guarded by persons to preclude the public from the immediate operations area.

#### 16:54-6.7 Application for license; balloonport/ balloonspot-public use

(a) All applications for balloonport/balloonspot and balloonist are to be made on Department of Transportation's forms. Application for balloonport/balloonspot and balloonist with the following data submitted as attachments:

1. Written authorization of the property owner, or the lessee if other than the applicant. Upon receipt of the properly completed application, an initial inspection of the balloonport/balloonspot will be conducted by a representative of the Division of Aeronautics.

2. A scaled drawing of the terrain for at least 1,000 feet in all directions from the center of the balloonport/balloonspot showing the locations of the obstructions or hazards related to the facility; and to scale one foot = 400 feet. This scaled drawing must be certified as accurate by a land surveyor, or a civil or professional engineer licensed by the State Board of Professional Engineers and Land Surveyors.

3. A certificate from the appropriate municipal authority that the proposed facility is not contrary to the existing zoning codes and/or applicable ordinances.

#### 16:54-6.8 License issuance fee

(a) The fee for the license of a balloonport or balloonspot (to be considered a landing strip) to be used for the landing or take off of a balloon(s) shall be \$15.00.

(b) The fee for a "balloonist" license shall be \$15.00.

(c) Make checks payable to the New Jersey Division of Aeronautics.

#### 16:54-6.9 Safety requirements

(a) Suitable protective clothing, for example helmets, boots, gloves, flotation gear, and so forth, should be available for all flights consistent with climate conditions and terrain features anticipated over the planned route and altitude of flight.

(b) Launch/recovery crew member personnel shall be provided at the discretion of the balloon pilot during sport operations. The use of unqualified or unbriefed spectators as crew members is prohibited.

(c) Commercial operations of balloons will be accompanied by crew members selected by the pilot and shall consist of persons knowledgeable in balloon operations. Spectator participation in commercial activity is not permitted.

#### 16:54-6.10 Sanction

Any person who knowingly or wilfully makes misrepresentation or false statements to or violates the provisions of this Chapter or Title 6 of the New Jersey Statutes Annotated shall be subject to the fines and penalties as provided by Title 6 of the New Jersey Statutes Annotated.

#### 16:54-6.11 Limitations

Any license issued pursuant to the provisions set forth in this Chapter does not waive any Federal, State or local rules or regulations pertaining to ballooning and may be modified, suspended, or revoked in the interest of public safety or as a result of established violations of any of the provisions of Title 6 of the New Jersey Statutes Annotated.

#### 16:54-6.12 Absolute liability

The owner of every aircraft which is operated over the land or waters of this State is absolutely liable for injuries to persons or property on the land or water beneath, caused by ascent, descent or flight of the aircraft, or the dropping or falling of any object therefrom, and for any other provisions N.J.S.A. 6:2-7, Liability for injuries to person or property; lien on aircraft, mortgages, vendors and trustees not deemed owners.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 29, 1975, to the Director of Aeronautics, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

Notice is also given that interested persons may present statements or arguments in writing or orally in person relevant to the proposed action at a public hearing to be held at the Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625 in conference room B on Thursday, January 30, 1975 at 10:00 A.M. Persons intending to submit views at the public hearing are requested to provide their names and affiliation, if appropriate, to the Director of Aeronautics at the above address not later than January 27, 1975.

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

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions in Speed Limits on Route I-295

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to revise the rule on rates of speed on Route number I-295. The proposed revisions concern the deletion in its entirety the current text of N.J.A.C. 16:28-1.148.

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

16:28-1.148 Route I-295 in Salem, Gloucester, Camden, Burlington and Mercer Counties

(a) In accordance with the provisions of N.J.S.A. 39:4-98 (as amended) the rate of speed designated for the certain part of State Highway Route I-295 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. Zone 1: 35 mph on all connections forming the Route I-295 and Route I-76 Interchange, except the connection from Route I-76 to southbound Route I-295; and

ii. Zone 2: 55 mph on all remaining completed parts of Route I-295 in the above counties.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 29, 1975, to Robert R. Reed Jr., Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Rule on No Left Turns On Certain State Highways

On November 20, 1974, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, concerning no left turns along Route U.S. 206 in Bedminster Township, as proposed in the Notice published October 10, 1974, at 6 N.J.R. 413(a).

Such rule may be cited as N.J.A.C. 16:28-6.1.

An order adopting this rule was filed and effective November 20, 1974, as R.1974 d.324.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Revisions to Rates of Speed On Portions of Route U.S. 202

On November 20, 1974, Frank S. Parker, Chief Engineer of

Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule which revised the rates of speed on certain portions of Route U.S. 202 south of Route number 179.

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

16:28-1.67(a)1.v 55 mph from the beginning of the jurisdiction of the Department of Transportation in the vicinity of Route 29 in Delaware Township, extending through West Amwell and East Amwell Townships and into Raritan Township to Raritan Avenue.

An order adopting these revisions was filed and effective November 20, 1974, as R.1974 d.325 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Revisions in Rates of Speed On Certain State Highways

On November 20, 1974, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 16:28-1.63 and 16:28-1.96, concerning rates of speed along portions of Route numbers U.S. 22 and N.J. 45, as proposed in the Notice published October 10, 1974, at 6 N.J.R. 412(c).

An order adopting these revisions was filed and effective November 20, 1974, as R.1974 d.326.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## TRANSPORTATION

### THE COMMISSIONER

#### Revised Rules for Speed Limits On Certain State Highways

On December 16, 1974, Frank S. Parker, Chief Engineer of Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rules concerning speed limits on certain State highways.

Such revisions delete in its entirety the current text of N.J.A.C. 16:28-1.35 and adopt new text therefor, as well as adoption of a new rule to be cited as N.J.A.C. 16:28-1.160.

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

16:28-1.35 Route 18 in Colts Neck Township, Freehold Township and Marlboro Township in Monmouth County; Madison Township, East Brunswick Township and the City of New Brunswick in Middlesex County

(a) In accordance with the provisions of N.J.S.A. 39:4-98 (as amended), the rate of speed designated for the certain part of State Highway Route 18 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. Zone 1: 55 mph from Route 34 in Colts Neck Township extending through Freehold Township, Marlboro Township, Madison Township and into East Brunswick Township to 1000 feet south of Arthur Street; thence

ii. Zone 2: 50 mph in East Brunswick Township to 800 feet north of School House Lane; thence

iii. Zone 3: 40 mph in East Brunswick Township extending into the City of New Brunswick to 400 feet south of Paulus Boulevard; thence

iv. Zone 4: 50 mph in the City of New Brunswick to 200 feet south of Richmond Street; thence

v. Zone 5: 40 mph in the City of New Brunswick to Route 27.

16:28-1.160 Route I-78 in Warren, Hunterdon, Somerset, Union and Essex Counties

(a) In accordance with the provisions of N.J.S.A. 39:4-98 (as amended), the rate of speed designated for the certain part of State Highway Route I-78 described herein below shall be, and hereby is, established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic: 55 mph along the completed parts of Route I-78 in the above counties.

An order adopting these revisions was filed and effective December 16, 1974, as R. 1974 d.340 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Revisions On Administrative Expenses and the Proration Among Systems

Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and on behalf of the Division of Pensions in the Department of the Treasury, proposes to adopt revisions to the rule concerning administrative expenses and the proration among systems.

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

17:1-1.17 Administrative expenses; proration among systems

(a) Not later than [November 1] **November 15** of each year the Chief of Administrative Services of the Division of Pensions will prepare a complete fiscal statement indicating the administrative expenses incurred by the Division within its

State appropriation for the previous fiscal year, the year ending the prior June 30.

1. Such statement will reflect the total expenses incurred in each account within the Division's appropriation.

2. Supplemental statements will be prepared allocating specific costs attributable to each of the retirement programs within the operation of the respective bureaus.

3. The costs specifically attributable to the Bureau of Police and Fire Funds and other costs specifically attributable to the four retirement systems administered by this bureau will be itemized in a supplemental statement dividing the cost between the several systems on the basis of the pro rata membership of these systems.

4. A supplemental statement will also be prepared pertaining to specific costs attributable to the Teachers' Pension and Annuity Fund and the Public Employees' Retirement System, including the work of the Office of Secretarial Services and other specific costs which will likewise be divided on a pro rata basis determined by the respective membership of these systems.

5. Supplemental statements will be prepared pertaining to other specific programs, such as the State Agency for Social Security and the State Health Benefits program, and so forth.

**6. Included in the administrative expenses incurred by the Division shall be those of the State Division of Investment as the expenses of that Division pertain to the investment of moneys appropriate to each retirement system or fund calculated on a pro rata basis determined by the respective membership of each system.**

(b) To the extent that there are costs which are attributable to the Division as a whole, as distinguished from costs attributable specifically to each separate program administered by the Division, all systems will share in the cost of the Division's expenses also on a pro rata basis.

(c) Such statements will be quoted to the Board or Commission of each system with the appropriate voucher request for reimbursement to the State.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 29, 1975, to:

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

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

Clifford A. Goldman  
Deputy State Treasurer  
Department of the Treasury

(b)

## TREASURY

### STATE LOTTERY COMMISSION

#### Revisions to Various Lottery Rules

On November 27, 1974, Charles C. Carella, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-1 et seq.

and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to various Lottery Commission rules, substantially as proposed in the Notice published November 7, 1974, at 6 N.J.R. 452(b), with only inconsequential structural or language changes, in the opinion of the State Lottery Commission.

Such revisions will be included in various Sections of Chapters 20 and 21 of Title 17 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective December 2, 1974, as R.1974 d.329.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Revisions In Judicial Retirement System

On December 4, 1974, William J. Joseph, Secretary of the Judicial Retirement System in the Division of Pensions of the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:10-3.1 and 17:10-5.7, concerning the Judicial Retirement System, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 359(e).

An order adopting these revisions was filed and effective December 5, 1974, as R.1974 d.335.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## ECONOMIC DEVELOPMENT AUTHORITY

### Proposed Revisions Concerning Fees

The New Jersey Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-1 et seq., proposes to revise N.J.A.C. 19:30-2.1, Application fees, and to delete in its entirety the current text of N.J.A.C. 19:30-2.2, Fee on outstanding balances.

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

#### 19:30-2.1 Application fees

An initial non refundable payment of \$250.00 shall accompany every application for a loan from the Authority, which will be credited toward the application fee if the project is approved by the Authority. The application fee shall be equal to ½ of one per cent of the amount of the loan (toward which credit shall be allowed for the \$250.00 that accompanied the application), and shall be fully paid at the time of closing of the loan [, provided that the application fee shall in no case

be less than \$500.00 or more than \$5,000.00; and provided further], **provided, however**, that there shall be added to the application fee, all bond counsel fees, other legal fees, finders' fees, real estate brokers' fees, underwriting fees, and any other fees or charges incurred by the Authority, by applicants, or by bond holders incidental to the processing or approval of an Authority loan.

#### 19:30-2.2 Reserved [Fee on outstanding balances]

[At the time of the approval of a loan, the Authority shall determine an annual fee not to exceed 1½ per cent of the outstanding balance of a loan to be paid to the Authority on each anniversary date of the loan. Such fees shall be used to repay the State of New Jersey the \$200,000.00 appropriation contained in the Act and to provide the Authority with a reserve fund for the purposes of the Act].

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 29, 1975, to:

Robert S. Powell Jr., Executive Director  
New Jersey Economic Development Authority  
Labor and Industry Building  
Post Office Box 1446  
Trenton, New Jersey 08625

The New Jersey Economic Development Authority, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Robert S. Powell Jr.  
Executive Director  
New Jersey Economic Development Authority

(c)

## ECONOMIC DEVELOPMENT AUTHORITY

### Rules of the Authority

On December 3, 1974, Robert S. Powell Jr., Executive Director of the New Jersey Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted administrative rules, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 455(b).

Such rules may be cited as N.J.A.C. 19:30-1.1 et seq.

An order adopting these rules was filed and effective December 3, 1974, as R.1974 d.332.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

# PORT AUTHORITY OF NEW YORK AND NEW JERSEY

## Revisions to Vehicular Parking Charges for Passenger Ship Piers 88, 90 and 92

On October 30, 1974, the committee on operations of the Port Authority of New York and New Jersey adopted revisions to the vehicular parking schedule of charges for the consolidated passenger ship terminal Piers 88, 90 and 92.

Full text of the revised schedule follows:

Resolved, that the following schedule of charges for vehicular parking at the consolidated passenger ship terminal be and the same hereby is adopted, effective November 15, 1974:

Public Parking	
Boat and nonboat days	
Up to ½ hour	\$ 1.00
Up to 1 hour	2.00
Up to 2 hours	3.25
Up to 3 hours	4.00
Up to 10 hours	4.75
Up to 24 hours	5.00

### Nonboat Days - Early-Bird Rate

Daily Rate - Enter 6 A.M. to 10 A.M. and exit by 6 P.M.	2.25
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### Cruise Parking

Five days	\$20.00
Each additional day	4.00
13 or 14 days	52.00
Each additional day	4.00
21 days	80.00
Each additional day	No charge
30 days	80.00
Each additional day	3.00

### Valet Service

Pick-up and delivery	1.25
Pick-up or delivery only	.75

- All rates include six per cent New York City sales tax
- Five-day minimum

An order adopting these revisions was filed December 9, 1974, as R.1974 d.338 (Exempt, Exempt Agency).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

## Rule on Election Eligibility Lists

On December 11, 1974, Jeffrey B. Tener, acting Executive Director of the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 19:11-2.7, concerning election eligibility lists, substantially as proposed in the Notice published November 7, 1974, at 6 N.J.R. 457(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Public Employment Relations Commission.

The substantive changes involve the insertion of the words "last known mailing" between the words "their" and "addressee" in the latter portion of the first sentence of subsection (a) of N.J.A.C. 19:11-2.7.

An order adopting these revisions was filed and effective December 18, 1974, as R.1974 d.344.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

## REVISIONS ON ARBITRATION

On December 11, 1974, Jeffrey B. Tener, Acting Executive Director of the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 19:12-3.1, concerning arbitration, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 457(b).

An order adopting these revisions was filed and effective December 18, 1974, as R.1974 d.345.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

## REVISIONS ON INTERVENTION

On December 11, 1974, Jeffrey B. Tener, acting Executive Director of the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 19:11-1.13,

concerning intervention, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 456(b).

An order adopting these revisions was filed and effective December 18, 1974, as R.1974 d.346.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

### Revision on Service of Various Documents

On December 11, 1974, Jeffrey B. Tener, acting Executive Director of the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 19:11-1.6, 19:12-1.1 and 19:12-2.1, concerning service of various documents, as proposed in the Notice published November 7, 1974, at 6 N.J.R. 456(a).

An order adopting these revisions was filed and effective December 18, 1974, as R.1974 d.347.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## WATERFRONT COMMISSION OF NEW YORK HARBOR

### Revise Certain Rules of the Commission

On October 31, 1974, the Waterfront Commission of New York Harbor, pursuant to authority of N.J.S.A. 32:23-1 et seq., adopted revisions to various Sections of Part 6 of the regulations of the Waterfront Commission concerning hearings.

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

6.5 Hearing officers; assignment of hearings. Where the commissioners themselves do not conduct a hearing, it shall be conducted by a hearing officer **to be known as an administrative judge** appointed by and directly responsible to the commissioners who shall be an attorney at law in either the State of New York or New Jersey. Hearings shall be assigned to a particular [hearing officer] **administrative judge** by the commission or by a designee of the commission.

6.7 Application for adjournment. Any application for an adjournment made on or after the date fixed for hearing shall be made to the [hearing officer] **administrative judge** and shall set forth in detail the grounds therefor.

6.8 Amendment of notice of hearing. The notice of hearing may be amended upon application by commission staff

counsel to the [hearing officer] **administrative judge** at any time prior to the conclusion of the hearing. If such application is granted, the [hearing officer] **administrative judge** may, in his discretion, grant additional time to the party for further preparation.

6.9 Conduct of hearing; powers of [hearing officer] **administrative judge**. The [hearing officer] **administrative judge** shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of the hearings. He shall have authority to administer oaths, issue subpoenas, rule upon offers of evidence and otherwise so regulate the course of the hearing as to preserve fundamental concepts of fairness and to effectuate the purposes and provisions of the Act.

6.10 Opportunity to testify and cross-examine; issuance of subpoenas. A party shall be afforded reasonable opportunity to present testimony under oath or other evidence relevant and material to the subject matter of the hearing and to cross-examine any witnesses who testify at such hearing. At the request of a party, the [hearing officer] **administrative judge** shall issue subpoenas to compel the attendance of witnesses and the giving of testimony or production of other evidence upon behalf of such party, provided such party shall effect his own service.

6.11 Affidavits, sworn statements and interrogatories.

(a) If at the time of hearing a witness is outside the States of New York or New Jersey or is deceased, commission counsel or a party may offer as evidence at the hearing an affidavit or sworn statement of such witness. Such affidavit or sworn statement shall be admissible into evidence as an exhibit, if the statements therein are otherwise competent, relevant and material. The [hearing officer] **administrative judge** may fix the time within which briefs shall be filed. Briefs received subsequent to such time need not be considered.

(b) Where it has been determined that a witness who is outside the States of New York or New Jersey will voluntarily answer interrogatories, commission staff counsel or a party may propound interrogatories to be answered by such witness and the other side shall have the opportunity to propound cross-interrogatories as prescribed herein.

(c) The interrogatories and cross-interrogatories shall be settled and forwarded by the [hearing officer] **administrative judge** to be answered in writing and subscribed to under oath by such witness. Upon application to the commission, the commission may make an order providing for the taking of such witness' oral testimony pursuant to the settled interrogatories by a person designated by the commission. The expenses of taking such testimony shall be borne by the applicant therefor unless the commission provides otherwise.

6.12 Oral argument; briefs. Oral argument shall be made only before the [hearing officer] **administrative judge** and shall be included in the record of the hearing. Such oral argument may, in the discretion of the [hearing officer] **administrative judge**, be curtailed, provided that a party shall be given an opportunity to submit his argument in writing. Briefs as to facts or law shall be received and may be required to be submitted. The [hearing officer] **administrative judge** may fix the time within which briefs shall be filed. Briefs received subsequent to such time need not be considered.

6.13 [Hearing officer's] **Administrative judge's** report; exceptions to report. Upon the conclusion of a hearing the [hearing officer] **administrative judge** shall, by written memorandum to the commission, set forth his findings and recommendations for action by the commission thereon. A copy of such findings and recommendations shall be served on the parties in interest and furnished to commission counsel, and each may submit written exceptions thereto and written argument thereon within 10 days after service of such findings and recommendations. A copy of the exceptions and arguments shall be served upon each of the other parties in interest or commission counsel, as the case may be. Replies to exceptions and argument may be served in like manner within five days after service of such exceptions and arguments. Unless the commission grants an extension of time, exceptions, argument or replies submitted after the prescribed time need not be considered by the commission.

6.14 Final determination made by commission. The record of the hearing, together with the memorandum of the [hearing officer] **administrative judge** and any exceptions or argument duly submitted, shall be transmitted to the commission for final determination and order.

6.15 Petition to reopen hearing. After the conclusion of a hearing but prior to the making of an order by the commission, a hearing may, upon petition and in the discretion of the [hearing officer] **administrative judge**, be reopened for the presentation of new evidence. Such petition to reopen the hearing shall state in detail the nature of the new evidence, together with the reasons for the failure to submit such evidence prior to the conclusion of the hearing. The commission may upon its own motion and upon reasonable notice reopen a hearing for the presentation of additional evidence.

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An order adopting these revisions was filed December 2, 1974, as R.1974 d.330 (Exempt, Exempt Agency).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### LEADING CITIZENS NAMED TO STATE COMMISSION TO STUDY CAPITAL NEEDS

Gov. Brendan Byrne recently announced the appointment of the 19 members of the Governor's Commission to Study the Capital Needs of New Jersey. Chairman of the Commission is Donald S. MacNaughton, chairman and executive officer of the Prudential Insurance Company.

The Governor said that because legislative action may be required to implement some of the Commission's forthcoming recommendations, he has asked for a report no later than April 15.

"I am confident that this panel of distinguished New Jersey

citizens will be able to identify the needs, determine the cost of meeting them, establish the priorities and recommend a program for financing," he said.

Byrne said he is extremely pleased that New Jersey citizens with such distinguished reputations have agreed to serve on the Commission, adding, "these citizens bring to the Commission the experience and expertise needed to evaluate thoroughly the capital needs of New Jersey."

The other members are:

William O. Baker, of Morristown, president of Bell Laboratories, Murray Hill.

Former United States Secretary of the Treasury C. Douglas Dillon, financier, of Far Hills.

Dr. William G. Bowen, of Princeton, president of Princeton University.

Daniel M. Gaby, of Maplewood, senior vice president of Keyes Martin and Co., Springfield.

John T. Connor, of Morristown, chairman of the board and chief executive officer of Allied Chemical Corp., Morristown. He is a former United States Secretary of Commerce.

Richard W. DeKorte, of Franklin Lakes, a member of the law firm of Jeffer, Walter and Tierney, Paterson. He was Counsel to former Governor William T. Cahill and was a State Assemblyman.

Bryand George, of Teaneck, program officer for the Ford Foundation, New York.

Dudley Gilbert, of Englewood, chairman of the New Jersey chapter of the Sierra Club.

Dr. Horace DePodwin, of Maplewood, Dean of the School of Business at Rutgers University, Newark.

David J. Goldberg, of Lawrence Township, a member of the law firm of Warren, Goldberg and Berman, Trenton. He is counsel to the State Senate majority, and is a former State Transportation Commissioner.

Edward A. Jesser Jr., of Ridgewood, chairman of the board of Peoples Trust of New Jersey, Hackensack.

Richard Sellars, of Peapack, chairman of the board of Johnson & Johnson, New Brunswick.

Robert W. Kleinert, of Franklin Lakes, president of New Jersey Bell Telephone Co., Newark.

Harold A. Shaub, of Gladwyne, Pa., president of the Campbell Soup Company, Camden.

Henry C. Lang, of Wyckoff, senior tax advisor for the Exxon Corp., New York.

Mrs. James Powers, of Short Hills, president of the New Jersey League of Women Voters.

Charles H. Marciante, of Ewing Township, president of the New Jersey AFL-CIO, Trenton.

The Commission will study all major areas of the State's activities, including resource management, environmental protection, transportation, housing, education, institutions, public safety and health and welfare, he said.

Byrne also announced that William Tremayne, a vice president of Prudential Insurance and president of the New Jersey Taxpayers Association, will serve as executive director of the Commission.

Byrne has directed all Cabinet officers and other State employees to cooperate fully and expeditiously with the Commission.

He said the Commission is actively seeking the views of the public and that persons or organizations desiring to express their views should contact executive director Tremayne at the Commission's office at the Prudential Plaza in Newark, phone (201) 336-1234.

## GOVERNOR ANNOUNCES PLANS FOR BICENTENNIAL CELEBRATION

Some of the major plans for New Jersey's celebration of America's Bicentennial have been announced by Gov. Brendan T. Byrne. He said the State's Bicentennial Commission has approved three focal points for the observance:

- Liberty Park, on the Jersey City waterfront in the shadow of the Statue of Liberty, to be developed by the State Department of Environmental Protection as New Jersey's first urban State park.
- Physical improvements at Washington Crossing State Park, eight miles north of Trenton, the site of Washington's historic crossing of the Delaware on Christmas Eve, 1776. The park is expected to be the strongest tourist attraction in New Jersey during the bicentennial period.
- Expansion of facilities and Colonial crafts exhibitions at historic Batsto Village, which furnished munitions for the Revolution. The village is in Wharton State Forest, Burlington County.

In addition to these projects in which the Bicentennial Commission will participate directly and provide financial help, the Governor said the Commission already has voted official endorsement to two projects to be undertaken by other groups.

One is the preservation and development as a State Park of the area along the historic Delaware and Raritan Canal by the newly-established Delaware and Raritan Canal Commission.

The other is the urban industrial park in the Great Falls National Historic District in Paterson, to be carried out by the City of Paterson and Great Falls Development, Inc., a non-profit, public-membership organization formed in 1971.

In the Bicentennial Commission's report to the Governor, Richard W. DeKorte, chairman, said the Commission has set aside \$50,000 for each project to assist Liberty Park, Batsto Village and Washington Crossing Park.

DeKorte said that voter approval last November of the \$200 million Green Acres bond issue will provide funds to assist some of the projects, notably Liberty Park. The Liberty Park plans call for developing a 500-acre park along nearly two miles of deteriorated waterfront.

The Department of Environmental Protection has developed master plans for further development of Batsto Village and Washington Crossing Park. At Batsto, restoration of workers' cottages is already in progress and additional restoration will include reconstruction of the iron furnace, glass house and the lime kiln, as well as an expanded visitor's center and exhibits.

The Governor stressed that the Bicentennial Commission also has been providing assistance, financial and advisory, to encourage local initiative in a wide variety of smaller bicentennial projects throughout the State.

## COMMISSIONER DEFENDS RECENT AUTO INSURANCE RATE INCREASES

State Insurance Commissioner James J. Sheeran last month told the Assembly Banking and Insurance Committee that the standards applied by his Department to rate-making in automobile insurance are "more stringent than those employed anywhere throughout the country".

He explained that, "in the belief that the immediate past experience is the best indicator of future experience, we try to devise a rate that will satisfy the statutory requirements of being neither inadequate nor excessive, so that insurance

will remain readily available to the people of New Jersey".

Appearing as a witness in the committee's inquiry into his reasons for approving auto insurance rate increases on November 7, Sheeran said that the increases were based on higher costs for auto repair and replacement.

"The evidence before me, which I challenge anyone to refute, was that the cost of auto repairs and replacement has been increasing at a more than seven per cent annual rate for the last several years," Sheeran said.

"Yet, in granting a rate revision to insurance companies that insure 71 per cent of New Jersey's motorists, I held the increase to only 5.8 per cent overall. That means that these motorists will pay \$30.7 million in additional premium. Taking into account the \$87 million savings brought about by No-Fault, their insurance bill will still be almost \$57 million less than it was in pre-No-Fault days."

"Even so, I granted the increases reluctantly because I know that our people are beset by price increases for just about everything. I don't like auto rate increases any more than you or the public. But I had to act as I did if I were to respond honestly to the obligations imposed upon me by the Legislature."

Those obligations include, he said, recognition of the legislative requirement that "insurance should be sold within the framework of our free enterprise system and that regulation of the insurance industry must take into account the fundamental principles of that system".

He added: "Thus the Legislature at one point mandates that the rate-making process must provide a 'reasonable profit for the insurer' and, at another, rates that are not 'inadequate for the safety and soundness of the insurer'".

In noting New Jersey's application of stringent standards in rate making, the Commissioner told the Assembly committee that other states, including New York and California, do not require the prior approval of the insurance commissioner before rates can be increased. He said he was opposed to this system of "open" or "competitive" rating because the competition is limited to the "cream" and the "less desirable risks are made to pay dearly".

## REISSUE SOCIAL SERVICE DIRECTORY

A 260-page directory of more than 600 public and private nonprofit social service agencies has been reprinted by the State Department of Community Affairs.

The "Directory of Social Welfare and Health Services in New Jersey", at \$5.00 a copy, is the first consolidated listing of health and social welfare agencies and facilities on a Statewide basis.

Containing a comprehensive cross-index of approximately 5,000 entries, the document is designed for use by professional employees of agencies which provide direct health and welfare services.

Noting that the original supply of 500 copies was depleted within a few months, with an additional 300 requests unfilled, Community Affairs Commissioner Patricia Q. Sheehan said that "this publication has drawn a tremendous response from other State agencies, field workers, volunteer organizations and service institutions, indicating the long-time need for such a publication."

Copies at \$5.00 each may be obtained from the Department of Community Affairs, Publications Section, P.O. Box 2768, Trenton, N.J. 08625. Checks should be payable to Treasurer, State of New Jersey.

## LIST OF STATE ACCEPTANCE DATES AS REPORTED BY BUILDING DIVISION

The monthly listing of "final completion" dates, by trade, on State projects was issued by the Division of Building and Construction in the Department of the Treasury.

By statute, a subcontractor or material supplier must file a claim with the contractor's surety at any time during the contract but not later than 80 days after date of "final completion" and acceptance of the project by the State, or be forever barred as against the surety. The creditor's right against the contractor directly is not affected, however, by this statute.

Listed below for the period November 4 to December 12, 1974 are project numbers, description, location, acceptance date, trade and contractor:

DBC 4740 and 4741, employee housing at New Lisbon, Nov. 4, general construction, EIF.

DBC 7104, employee housing at Marlboro Psychiatric hospital, Nov. 4, general construction, EIF.

DBC 7106, employee housing at Bordentown Reformatory, Nov. 4, general construction, EIF.

DBC 7111, employee housing at Trenton Psychiatric Hospital, Nov. 4, general construction, EIF.

DBC 7112, employee housing at N.J. Neuropsychiatric Institute, Nov. 4, general construction, EIF.

DBC 7142, employee housing at Greystone Park Psychiatric Hospital, Nov. 4, general construction, EIF.

DBC 7578 and 7673, employee housing at Brisbane Child Treatment Center, Nov. 4, general construction, EIF.

DBC 8223, employee housing at Turrell Residential Center, Nov. 4, general construction, EIF.

DBC 6075, power house renovation at Jamesburg Training School, Nov. 21, roofing, Abbey Roofing and Supply.

DBC 6723, phase III, at Vineland Soldiers Home, Nov. 21, plumbing, Liber Rich and Sons, Inc.

DBC 6750, site demolition at Stockton State College, Dec. 9, demolition, R. Donald Hauck.

DBC 6890, partitions and remodeling at State Library, Trenton, Dec. 2, partitions, P.J. Herbert and Co.

DBC 7122, day training center, Morris County, Nov. 21, plumbing, Elling Brothers.

DBC 7156 and 7157, fine arts complex at Montclair State College, Dec. 4, electrical, Weiss Electric, Inc.

DBC 7875, at Correctional Institution for Women, Clinton, Nov. 20, structural steel, Zulla Steel, Inc.

DBC 7975, water and sewer improvements at Cheesequake State Park, Dec. 6, plumbing, Central Jersey Plumbing and Heating Co.

DBC 8704, electric feeders at New Lisbon, Nov. 21, electrical, Paul Chamings, Inc.

DBC 7830, renovate washrooms at Marie Katzenbach School for the Deaf, Dec. 9, general construction, Martell Construction Co.

DBC 8755, fire escapes at Glassboro State College, Nov. 22, general construction, City Line Construction.

DBC 8799, fire escapes at N.J. Neuropsychiatric Institute, Dec. 10, general construction, Martell Construction Co.

DBC 8866, roof repairs at Jersey City State College, Dec. 2, roofing, Abbey Roofing and Supply.

DBC 9074, roof repairs at Vineland Garage, Dec. 3, roofing, A.F. Callan and Co., Inc.

DBC 1088, resurface tennis courts at Montclair State College, Nov. 22, general construction, Burgin and Hamilton, Inc.

DBC 1109, replace roof at Stockton State College, Dec. 4, roofing, John Sykes Co., Inc.

DBC 1139, paint lookout towers at Mizpah and Millville, Nov. 22, painting, Karadis Brothers.

DBC 1297, paint president's residence at Montclair State College, Nov. 22, painting, Jo-Mar Painting Contractors.

## PUBLIC ADVOCATE WORKING WITH INSURANCE DEPARTMENT ON RATE-MAKING DECISIONS

The State Departments of Insurance and of the Public Advocate are now working jointly in insurance rate making. Insurance Commissioner James J. Sheeran and Public Advocate Stanley C. Van Ness said the two Departments have agreed to develop procedures to be followed for all rate filings.

The Insurance Department will prepare summaries of its determinations of the law and facts in recent auto insurance rate cases to assist the Advocate in the performance of his statutory functions. The Insurance Department also will study the desirability of requiring public hearings in certain rate cases in the future.

Procedures tentatively agreed upon include:

- A copy of all prospective rate filings will be forwarded to the Public Advocate.

- Standards will be established by the two Departments to determine when a filing is of such significance as to require a public hearing.

- Development by the Public Advocate, working with the deputy attorney general assigned to the Department of Insurance, of rules and regulations for hearings, notices and intervention.

- Joint sponsorship of needed legislation on procedures for public participation in rate matters.

- Filing of findings of fact and conclusions of law by the Commissioner of Insurance whenever a public hearing has been held, regardless of whether the application is approved or rejected.

## 28-YEAR VETERAN NAMED AS NEW SUPERINTENDENT OF STATE POLICE

Major Eugene Olaff was nominated December 19, 1974 by Governor Brendan Byrne to become Superintendent of the New Jersey State Police at a \$34,181 salary.

Olaff, a 28-year State Police veteran, would succeed Col. David B. Kelly as Superintendent on confirmation by the New Jersey Senate. Olaff, 54, served as Acting Superintendent following Kelly's retirement last July.

In a letter to the Governor, Olaff said he would be pleased to accept the superintendency, but would leave the State Police upon reaching his October 1, 1975 retirement date.

Olaff was recommended to Byrne for the post by a special screening committee established by the Governor following Kelly's retirement. The committee will remain in existence to recommend Olaff's successor.

Olaff was born in Bayonne, served in the Navy during World War II and joined the State Police in 1946. He served in Central Jersey stations until 1952, when he was assigned as an instructor to the Police Academy in West Trenton.

Upon promotion to the grade of sergeant in 1954 he became director of instructors. While temporarily attached to the State Bureau of Navigation in 1958 to direct and organize a Marine Law Enforcement Bureau, Olaff was promoted to staff sergeant. The following year, as a lieutenant, he served in the capacity of division planning officer.

Promotion to captain in 1965 resulted in his assignment as

assistant operations officer. In June, 1967 Olaff was made division operations officer with elevation to the staff rank of major. Appointed Deputy Superintendent in September, 1968 he served as chief of staff for the division.

Olaff has completed courses in police administration and operations at Temple and Northwestern Universities and also the executive management course at the American Management Association school in New York City.

He has two sons and resides with his wife Doris in Florence.

### **WHITE JOINS EDUCATION DEPARTMENT**

Howard E. White Jr. has joined the State Department of Education as assistant director of the Office of Equal Educational Opportunity. He had been assistant superintendent of schools in Baltimore. The post pays \$24,800.

White had previously served as a teacher and school administrator in New Jersey. He was born in Morristown, graduated from Orange High School and received his bachelor's and master's degrees from Montclair State College. He began his teaching career in 1956.

White, 40, is about to receive his Ph.D. degree from the University of Washington. The father of five children, he and his family live in Willingboro.

### **THREE NEW APPOINTMENTS FOR EDUCATION DEPARTMENT**

Dr. Fred G. Burke, State Commissioner of Education, last month announced three key appointments to his staff:

#### **Deputy Commissioner**

Dr. Ralph H. Lataille is the new deputy state commissioner for the Department at a \$38,843 salary.

He had served as deputy commissioner in Rhode Island and also chief of personnel, chief labor negotiator, Federal programs coordinator, social studies consultant and director of the Office of Equal Educational Opportunities.

He has been a high school teacher and formerly taught at Roger Williams College and the University of Rhode Island.

Dr. Lataille, 34, holds bachelor and masters degrees in history and education from Providence College, received a doctorate in public administration and organizational psychology from Yale University and is presently a candidate for a law degree from Suffolk University Law School, Boston.

Dr. Lataille received a grant from the U.S. Office of Education for social science research in India in 1969. He was a recipient of a Kellogg Grant as a mid-career fellow in Yale University's Institute of Social Science and has studied and worked with the National Training Laboratory for Applied Behavioral Science in organizational development.

Dr. Lataille is married to the former Elizabeth Travers of East Providence, R.I., and the father of two children, Michelle and Ralph Jr.

#### **Assistant Commissioner**

Dr. Gary M. Gappert is a new assistant commissioner in charge of the Division of Research, Planning and Evaluation. He was formerly assistant professor of urban affairs at the University of Wisconsin.

Commissioner Burke said the appointment of Dr. Gappert will provide leadership in the Department's capability to meet the requirements of court and legislative mandates to provide a "thorough and efficient" education for the children of New Jersey.

"Gary Gappert combines the talents of economic analysis

and urban development," said Commissioner Burke, "and brings the additional skills we need to meet the educational opportunities in our State."

A graduate of Colorado College, Dr. Gappert, 34, holds a doctorate in economics from the Maxwell School of Syracuse University and a graduate degree in education from McKere College in Uganda. While at Syracuse from 1965 to 1972 he served as assistant director of the Peace Corps Training Center and as director of the Tanzanian program.

Dr. Gappert is married to the former Jean Melaney of Pittsburgh, Pa. The Gapperts have two sons, Gavin and Griffin.

#### **Information Director**

Dr. Joseph R. Corcoran is the new director of public information for the Department at a \$18,951 salary, after 18 years with RCA Service Company where he served as manager of education projects.

Dr. Corcoran is a graduate of Catholic University of America and received his doctor of education degree from Rutgers University's Graduate School of Education in 1974.

In addition to education projects in West Virginia and New York, Dr. Corcoran has worked with a project in Camden where he was responsible for the professional development and training department of a model program of educational improvement for the city school system.

He is a resident of Moorestown, married with three children.

### **JERSEYVISION NAMES INFORMATION DIRECTOR**

Henry J. Smith, formerly publications editor for the New Jersey Public Broadcasting Authority, has been promoted to Director of Information, Research and Development for the State's four-channel TV network.

The appointment to the \$20,300 post was announced by Dr. Lawrence T. Frymire, executive director of the Authority, which operates WNJT TV 52, Trenton; WNJM TV 50, Montclair; WNJB TV 58, New Brunswick; and WNJS TV 23, South Jersey.

Smith, 36, succeeds William H. Pettit, who resigned to become executive assistant to State Agriculture Secretary Philip Alampi.

A native of New Jersey, Smith was previously in public relations, advertising, marketing and management in the home building field and earlier a newspaper editor and reporter.

He resides in Riverside, Burlington County, with his wife and three children.

### **NEW RURAL DEVELOPMENT COORDINATOR**

Appointment of Albert H. Leu of Quakertown as coordinator of rural development in the State Department of Agriculture was recently approved by the State Board of Agriculture.

In the newly-created \$16,479 post, Leu will implement a State rural development program and work with Federal, State, local, public and private agencies to determine rural development needs in such areas as agriculture, sewer and water projects, economic development, community facilities and housing.

Leu is in the Department's Division of Rural Resources under Director Richard D. Chumney and will work closely with the Farmers Home Administration, which has several million dollars available for loans and grants in New Jersey.