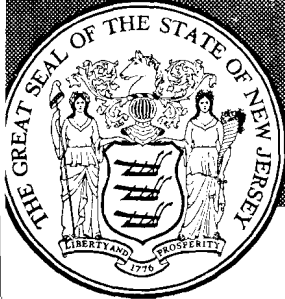


# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director, Office of Administrative Law

G. Duncan Fletcher, Director of Administrative Procedure

Peter J. Gorman, Rules Analyst

**VOLUME 11 • NUMBER 11**

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(Includes rules filed through October 18, 1979)

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ADMINISTRATIVE  
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DEPT OF TRANSPORTATION  
1055 PARKWAY AVE  
TRENTON N J 08625

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NOV 8 1979

REGISTRATION  
MANAGEMENT

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## CHIEF EXECUTIVE

### OFFICE OF THE GOVERNOR

#### Notice of Intent to Certify And Adopt Water Quality Management Plans

Notice is hereby given by the Office of the Governor of intent to certify and adopt, by February 1, 1980, the Water Quality Management Plans for the following areas: Upper Raritan, Upper Delaware, Lower Delaware, Monmouth, Cape May, Ocean, Atlantic, Sussex, and Northeast, New Jersey.

These plans were prepared pursuant to Section 208 of the Federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq. (Supp. 1978) and the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

Copies of the certification documents will be available upon request from the Department of Environmental Protection, Division of Water Resources, Office of Area-wide Planning, P.O. Box CN-029, Trenton, New Jersey 08625. If there is sufficient public interest, a public meeting may be held concerning the certification and adoption of the plans.

For additional information please contact:

Joseph B. Wiley, Program Director  
Division of Water Resources  
Office of Area-wide Planning  
P.O. Box CN-029  
Trenton, New Jersey 08625

This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## BANKING

### THE COMMISSIONER

#### Amendments on Red-Lining

On October 18, 1979, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:16F-1.1 and in accordance with applicable provisions of the Ad-

ministrative Procedure Act, adopted amendments to N.J.A.C. 3:1-9 concerning red-lining substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 426(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Banking.

An order adopting these amendments was filed and became effective on October 18, 1979 as R.1979 d.415.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Amendments to Definition Of Immediate Family

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-2.1 concerning the definition of immediate family.

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

4:1-2.1 Words and phrases defined

“Immediate family” means father, mother, **mother-in-law, father-in-law, grandmother, grandfather, grandchild, spouse, child, foster child, sister or brother of the employee.** It shall also include relatives of the employee residing in the employee's household.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Joseph Lavery  
Director  
Administrative Practices and Labor Relations  
Department of Civil Service  
215 East State St.  
Trenton, N.J. 08618

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

S. Howard Woodson, Jr.  
President, Civil Service Commission  
Department of Civil Service

## NEW JERSEY REGISTER

*The official publication containing notices of proposed rules and rules adopted 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. Issued monthly since September, 1969.*

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**(a)**

## **CIVIL SERVICE**

### **CIVIL SERVICE COMMISSION**

#### **Proposed Amendments on Review of Scoring Key**

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1(a), proposes to amend N.J.A.C. 4:1-9.1 concerning the review of the scoring key.

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

#### **4:1-9.1 Review of scoring key**

(a) For a period of not less than seven calendar days after a written test has been held, and in accordance with regulations approved by the Commission, the Chief Examiner and Secretary shall permit applicants to review a key copy and submit objections with respect to a scoring key for written tests constituting all or part of an examination and consisting entirely of short-answer type questions (that is multiple choice, or other questions which are scored only as wholly right or wholly wrong), for the purpose of arriving at the official scoring key which shall be used in rating the test papers of all applicants. [When a standardized test of an outside agency is used, no review of the booklet can be permitted.]

(b) During review of the scoring key, applicants shall not be permitted to see their own test papers or to copy any of the test questions or answers, but shall be permitted to make such notes as the Chief Examiner and Secretary determines may be necessary to file a protest.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Joseph Lavery  
Director of Administrative Practices  
and Labor Relations  
Department of Civil Service  
215 East State St.  
Trenton, N.J. 08618

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

S. Howard Woodson, Jr.  
President, Civil Service Commission  
Department of Civil Service

**(b)**

## **CIVIL SERVICE**

### **CIVIL SERVICE COMMISSION**

#### **Proposed Amendments on Performance Evaluations**

The New Jersey Civil Service Commission in the Department of Civil Service, pursuant to authority of N.J.S.A. 11:5-1(a), proposes to amend N.J.A.C. 4:1-9.5 and 4:1-20.3 concerning performance evaluations.

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

#### **4:1-9.5 Credits for seniority and record of service**

(a) Promotion examinations [shall] may include an evaluation of records of seniority and performance rating, based on the records of the applicant's employment as of the last day for filing applications for the examination, and on the basis of scales approved by the Chief Examiner and Secretary.

(b) If the supervisor, who completes an Employee Performance Evaluation Improvement System rating for a subordinate, competes in the same promotional examination as the subordinate, such ratings shall not be considered in the computation of the final scores of any of the candidates competing in the examination.

#### **4:1-20.3 Use of performance evaluations**

(a) Performance evaluations shall be used in determining eligibility for salary increases and decreases, [as a factor in promotions], demotions, transfers and removals and if unsatisfactory as a factor in layoffs.

(b) Performance evaluations shall be used as a factor in promotions as long as the supervisor, who completes a performance evaluation for a subordinate, does not compete in the same promotional examination as the subordinate.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Joseph Lavery  
Director, Administrative Practices and  
Labor Relations  
Department of Civil Service  
215 East State St.  
Trenton, N.J. 08618

The Civil Service Commission may thereafter adopt rules concerning this subject without further notice.  
S. Howard Woodson, Jr.  
President, Civil Service Commission  
Department of Civil Service

**(c)**

## **COMMUNITY AFFAIRS**

### **THE COMMISSIONER**

#### **Amendments on Relocation Assistance and Eviction**

On September 27, 1979, Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:31B-1, 20:4-1, 2A:18-6.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:11 concerning relocation assistance and eviction substantially as proposed in the Notice published July 5, 1979, at 11 N.J.R. 317(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Community Affairs.

An order adopting these amendments was filed on September 28, 1979, as R.1979 d.383 to become effective on October 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## COMMUNITY AFFAIRS

### OFFICE OF OMBUDSMAN FOR THE INSTITUTIONALIZED ELDERLY

#### Amendments to Rules of Practice and Procedure

On September 27, 1979, John J. Fay, Jr., State Ombudsman for the Institutionalized Elderly in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27G-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:100 concerning the rules of practice and procedure and public notice requirement as proposed in the Notice published September 6, 1979 at 11 N.J.R. 431(a).

An order adopting these amendments was filed and became effective on September 28, 1979 as R.1979 d.386.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed New Rules on Evaluation Of Tenured Chief School Administrators

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:6-10 et seq., 18A:7A-1 et seq. and 18A:29-14, proposes to adopt new rules concerning the evaluation of tenured chief school administrators, to be cited as N.J.A.C. 6:3-1.22.

Full text of the proposed new rules follows:

#### 6:3-1.22 Evaluation of tenured chief school administrators

(a) Every local board of education shall adopt a policy and implementation procedures for the annual evaluation of the tenured chief school administrator by the local board of education.

(b) The purpose of the annual evaluation shall be to:

1. Promote professional excellence and improve the skills of the tenured chief school administrator;
2. Improve the quality of the education received by the pupils served by the public schools;
3. Provide a basis for the review of the performance of the tenured chief school administrator.

(c) Such policy and procedures shall be developed by each board of education after consultation with the tenured chief school administrator and shall include, but not be limited to:

1. A determination of roles and responsibilities for the implementation of the policy and procedures;
2. Development of a job description and evaluation criteria, based upon the district's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties and responsibilities of the tenured chief school administrator.
3. Specification of methods of data collection and reporting appropriate to the job description;
4. Provision for the preparation of an individual plan for professional growth and development based in part upon any needs identified in the evaluation, which shall

be mutually developed by the board of education and the tenured chief school administrator;

5. Preparation of an annual written performance report by a majority of the full membership of the board of education and an annual summary conference between the board of education, with a majority of the total membership of the board and the tenured chief school administrator present.

(d) A board of education, at its discretion, may hire a consultant to assist or advise in the evaluation process.

(e) Such policy shall be distributed to the tenured chief school administrator upon adoption. Amendments to the policy shall be distributed within 10 working days after adoption.

(f) The annual summary conference between the board of education, with a majority of the total membership of the board and the tenured chief school administrator present, shall be held before the written performance report is filed. The conference shall be held in private, unless the tenured chief school administrator requests that it be held in public. The conference shall include, but not be limited to:

1. Review of the performance of the tenured chief school administrator based upon the job description;
2. Review of the tenured chief school administrator's progress in achieving and/or implementing the district's goals, program objectives, policies, instructional priorities, State goals and statutory requirements;
3. Review of available indicators of pupil progress and growth toward the program objectives.

(g) The annual written performance report shall be prepared by April 30 by a majority of the total membership of the board of education and shall include, but not be limited to:

1. Performance areas of strength;
2. Performance areas needing improvement based upon the job description and evaluation criteria set forth in subsection (c) 2 of this section;
3. Recommendations for professional growth and development;
4. A summary of available indicators of pupil progress and growth and a statement of how these available indicators relate to the effectiveness of the educational program and the performance of the tenured chief school administrator;
5. Provision for performance data which have not been included in the report prepared by the board of education to be entered into the record by the tenured chief school administrator within 10 working days after the completion of the report.

(h) Local board of education policies and procedures for the evaluation of tenured chief school administrators, based upon, but not limited to the above provisions, shall be developed during the 1979-80 school year and shall become operational September 1, 1980. These provisions are the minimum requirements for the evaluation of tenured chief school administrators.

(i) For purposes of this section:

1. Chief school administrator means the superintendent or the administrative principal where there is no superintendent.
2. Available indicators of pupil progress and growth mean the results of formal and informal assessment of pupils as defined in N.J.A.C. 6:8-3.4.
3. Job description means a written specification of the functions, duties and responsibilities of the tenured chief school administrator and the relationship of such func-

tions, duties and responsibilities to those of the local board of education.

(j) Nothing in this section shall preclude a local board of education from applying this section to nontenured chief school administrators.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

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

The State Board of Education may thereafter adopt these new rules substantially as proposed without further notice.

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

**(a)**

## **EDUCATION**

### **STATE BOARD OF EDUCATION**

#### **Proposed Amendments on Thorough and Efficient System of Free Public Schools (Classification Process)**

The State Board of Education, pursuant to authority of N.J.S.A. 18A:7A-1 et seq., proposes to amend N.J.A.C. 6:8-1.1 (Words and phrases defined), 6:8-6.2 (Classification and notification) and 6:8-7.1 (Remedial plan for approved with conditions or unapproved districts or schools) in the rules pertaining to a Thorough and Efficient System of Free Public Schools.

The proposed amendments would modify the process of evaluation and classification, in order to better inform the public about the progress and the needs of the districts and schools.

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

#### **6:8-1.1 Words and phrases defined**

["Approved" means the official classification by the State Department of Education certifying that the school and district complies with prescribed standards, pursuant to law and regulation.]

["Approved with conditions" means that a school or district with specific deficiencies is granted a prescribed period of time in which to plan and implement remediation, pursuant to law and regulation.]

["Unapproved" means that a school or district has failed to show sufficient progress in implementing goals, objectives and standards, pursuant to law and regulation.]

(Insert alphabetically in existing list of definitions.)

"Classification" means a process through which the educational plan, the basic skills program and compliance with other mandatory programs in each district[s] and school[s] are evaluated and designated as approved, approved with conditions or unapproved, pursuant to law and regulation.

"Mandatory programs" means requirements set forth in statutes and regulations.

"School improvement council" means a group of par-

ents, members of the community, teachers, and pupils in secondary schools.

#### **6:8-6.2 Classification and notification**

(a) The commissioner shall classify the educational plan, the basic skills program and compliance with other mandatory programs in each district[s] and each school within a district as approved, approved with conditions or unapproved [, as defined in this chapter], based upon analysis of the annual reports submitted, the results of annual monitoring, the results of annual testing for achievement in basic skills areas, [and] visitations by representatives of the commissioner and corrective action by the district where required [, and in accordance with the following criteria] as follows:

1. Meeting the following criteria shall result in classifications as approved or approved with conditions:

i. Approved:

(1) The development and implementation of the educational plan [has been developed and implemented] are in accordance with the provisions of subchapters 3 and 4; [and]

(2) The basic skills plan [has been developed and] is being implemented, effective remedial programs are being provided for all pupils in need and statewide standards in basic communication and computational skills have been substantially achieved in the judgment of the commissioner; [and]

(3) [Deficiencies in requirements set forth in] The district and each school within the district is in compliance with other mandatory programs. [statutes and regulations, as identified in the annual evaluation, have been remedied.]

ii. Approved with conditions:

[(1) The educational plan is under development in accordance with the provisions of subchapter 3; or]

(1) A remedial plan approved by the commissioner is being implemented to correct those deficiencies identified in the educational plan, basic skills plan or mandatory programs of each district and each school within a district.

[(2) The basic skills plan has been developed and implemented and the district's interim goals have been substantially achieved, in the judgment of the commissioner; or]

[(3) Deficiencies in requirements set forth in statutes and regulations, as identified in the annual evaluation, are in the process of being remedied.]

2. Classification of the educational plan, the basic skills program or mandatory programs as unapproved shall be assigned when [one or more of] the following condition[s] exists:

i. Insufficient progress has been made in the development and/or implementation of the educational plan with no justifiable reason, in the judgment of the commissioner.

ii. Interim goals as identified in the basic skills plan have not been achieved, in the judgment of the commissioner.

iii. Deficiencies in requirements set forth in statutes and regulations, as identified in the annual evaluation, have not been remedied, or no reasonable effort has been made, in the judgment of the commissioner.]

i. A remedial plan requested by the commissioner to remedy deficiencies in either the educational plan, basic skills plan or mandatory programs was not submitted by the district:

ii. A remedial plan to remedy deficiencies in either the educational plan, basic skills plan or mandatory programs was requested by the commissioner, submitted by the district, but not approved by the commissioner;

iii. A remedial plan to remedy deficiencies in either the educational plan, basic skills plan or mandatory programs was submitted and approved by the commissioner but was not implemented fully by the district.

(b) The classification process shall be implemented in accordance with a timetable approved by the State Board of Education.

1. The classification process and timetable shall permit local boards of education to make budgetary provision for the achievement of goals, objectives and standards, and the remediation of deficiencies identified in the annual evaluation and/or educational plan.

(c) The commissioner shall annually notify the chief school administrator and district board of education in writing of district and school evaluations.

(d) The commissioner shall notify the chief school administrator and district board of education in writing of the [district and school] classifications of the educational plan, basic skills program and mandatory programs of the district and schools following final action [on such classification] by the State Board of Education.

(e) The evaluations and classifications of every school and district shall be reported to the public by the district board of education, and a classifications list shall be maintained in the office of the county superintendent and be available to the public.

(f) Nothing in this section shall be construed to limit the authority of the commissioner and State Board of Education to invoke corrective action in accordance with law and regulation.

6:8-7.1 [Remedial plan for approved with conditions or unapproved districts or schools] Requirements for remedial plan

(a) The commissioner shall direct the chief school administrator and board of education responsible for a district or [for a] school [within the district classified as approved with conditions or unapproved], in which the annual evaluation has identified deficiencies, to prepare and submit a remedial plan for review by a specified date. The commissioner shall make available appropriate technical assistance.

(b) [Upon approval of a remedial plan, the commissioner shall assure its implementation in a timely and effective manner.]

The remedial plans submitted for schools identified as having deficiencies in their basic skills programs must include provision for establishing a school improvement council according to guidelines issued by the Commissioner of Education. The membership of said council shall be selected from each of the following categories: parents, members of the community, teachers, and pupils in secondary schools. Such council shall advise and assist with the implementation of the remedial plan.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

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

The State Board of Education may thereafter adopt these revisions substantially as proposed without further notice.

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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments Concerning Flood Plain Delineation of the North Branch Rancocas Creek and The Delineation of the Rancocas Creek and Various Tributaries Within Burlington County

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:13-1.11(c), Delineated Floodways, by adding to it the floodway and flood hazard area delineation of the Rancocas Creek from Bridge Street (Centerton Bridge); upstream to the confluence with the North and South Branches of the Rancocas Creek and the North Branch Rancocas Creek from its mouth upstream to the Lakehurst Road (Pemberton-Browns Mills Road); and the delineation of the Rancocas Creek from its mouth upstream to Bridge Street (Centerton Bridge); Mill Creek from its mouth at its confluence with the Rancocas Creek upstream to Interstate Route I-295 within Willingboro, Westampton and Burlington Township; South Branch Mill Creek from its mouth upstream to John F. Kennedy Parkway in Willingboro Township; a Tributary to Mill Creek from its mouth upstream to Levitt Parkway in Willingboro Township; a Tributary of Mill Creek from its mouth upstream to Woodlane Road in Westampton Township; a Tributary to Assiscunk Creek from the Springfield-Westampton Township Boundary upstream for 2780 feet to the junction of a tributary in Westampton Township; the Mill Race and Mt. Holly Bv-Pass Channel in Mt. Holly Township; Buttonwood Run from its mouth at its confluence with the Mill Race upstream to Branch Street in Mt. Holly Township; Budds Run from its mouth at the confluence with the North Branch Rancocas Creek upstream through Pemberton Borough; Mount Misery Creek from its mouth at the confluence with the North Branch Rancocas Creek upstream from the Greenwood Road Bridge, Mirror Lake and Little Pine Lake, upstream to Trainor Place, Jefferson Lake, Cranberry Branch from the Country Lake Dam Spillway upstream to Lakehurst Road; Pole Bridge Branch from the Country Lake Dam Spillway upstream to the Lipton Station-Whitesbogs Road, a Tributary to Country Lake from its mouth at the confluence with Pole Bridge Branch upstream to the Lipton Station-Whitesbogs Road and Baffin Brook from its mouth at the confluence with Pole Bridge Branch upstream to the Lipton Station-Whitesbogs Road, all in Pemberton Township, Burlington County.

Such proposal is known within the Department of Environmental Protection as Docket No. DEP 055-79-10.

The Water Policy and Supply Council is proposing to amend the aforesaid flood plain delineation and will have held public hearings on this matter on October 22, 1979, at 8:00 p.m. in the Mt. Holly Municipal Building, Council Chambers, 23 Washington St., Mt. Holly, New Jersey.

The proposed amendment affects the above-noted municipalities within the County of Burlington.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and are there-

fore subject to such regulations, are listed in N.J.A.C. 7:13-1.11.

This list is amended from time-to-time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed streams located within Burlington Township, Delanco Township, Delran Township, Eastampton Township, Hainesport Township, Mount Holly Township, Moores-town Township, Mount Laurel Township, Pemberton Borough, Pemberton Township, Riverside Township, Southampton Township, Westampton Township and Willingboro Township, all in Burlington County, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box CN-029, 1474 Prospect Street, Trenton, N.J. 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before November 28, 1979 to: John O'Dowd, Acting Bureau Chief of Flood Plain Management, at the above address.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Proposed Amendments Concerning Delineated Floodways in the Raritan Basin

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et seq., proposes to amend N.J.A.C. 7:13-1.11(d) 3. concerning delineated floodways in the Raritan Basin.

The proposed amendments involve Plate No. 1 (Green Brook Stream) from the mouth to Blue Brook (Type 1) which were adopted by the Water Policy and Supply Council on May 21, 1979. Copies of the report proposing to modify the previously delineated floodway may be inspected in the offices of the Division of Water Resources at 1474 Prospect Street in Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

John H. O'Dowd, Chief  
Bureau of Flood Plain Management  
Division of Water Resources  
P.O. Box CN-029  
Trenton, N.J. 08625

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

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Proposed Amendments Concerning Water Pollution Control Act Regulations

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-1 et seq., proposes to amend the New Jersey Water Pollution Control Act Regulations (N.J.A.C. 7:14-2.5(a)). Such proposal is known within the Department of Environmental Protection as Docket No. DEP 051-79-10.

This proposed revision will make the gallage flow requirements set forth in N.J.A.C. 7:14-2.1 et seq. consistent with the flow limitations set forth in the sewer extension ban regulations found in N.J.A.C. 7:9-13.1 et seq.

The full text of the proposed rule is as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

7:14-2.5 Activities for which approval is not required

(a) Notwithstanding the requirements of section 4(a) of this subchapter, the Department shall not require treatment works approval for the following:

1. Building, installing, modifying, or operating any sewer connection which links any single building to municipal treatment works and through which less than 2,000 [8,000] gallons per day of waste flows; [by gravity;] or

2. Building, installing, modifying, or operating any part of a separate storm sewer system; or

3. Building, installing, modifying, or operating a septic system or other subsurface disposal system, receiving domestic wastes, that is subject to the requirements of P.L. 1954, c.199 (N.J.S.A. 58:11-23 et seq.); or

4. Building, installing, modifying, or operating any industrial treatment works which discharge into municipal treatment works .

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Construction Grants Administration  
Division of Water Resources  
Department of Environmental Protection  
P.O. Box CN-029  
Trenton, N.J. 08625

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

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(c)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Proposed Amendments Concerning Sea Clams

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-42, 13:1D-9, 50:1-5 and 50:2-6.1 et seq., proposes to amend

the rules concerning sea clams. Such proposal is intended to become effective December 1, 1979, if adopted.

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

7:25-12.1 Preservation of the sea clam resource in New Jersey

(a) These regulations are intended to limit the harvest of sea clams from New Jersey waters in an effort to protect, conserve, manage and improve the sea clam resource and industry pursuant to legislative mandate. This is accomplished by a limitation on a number of available licenses, by limiting the weekly harvest, by limiting the total season harvest, specifying fishing times and areas, and other control methods.

(b) Nothing in this regulation shall exempt or exclude any person from compliance with the shellfish regulations adopted by this department pursuant to Chapter 14, Title 24, New Jersey Statutes Annotated, or any other regulation of any department of state government or any federal agency necessary to protect the public health.

(c) General provisions are:

1. Authority: This regulation is adopted pursuant to the specific legislative authority in N.J.S.A. 50:2-6.1; N.J.S.A. 50:2-6.2 and N.J.S.A. 50:2-6.3 (L.1975 c.398). Violations shall be prosecuted pursuant to N.J.S.A. 50:2-6.4 (L.1975 c.398 §4).

2. Judicial notice; codification: The Administrative Procedure Act, N.J.S.A. 52:14B-5(d) provides that judicial notice shall be taken of the text of each rule filed with the Secretary of State, Division of Administrative Procedure. [The publication of this regulation in the New Jersey Administrative Code compilation has been suspended by the Director of Administrative Procedure pursuant to the authority of N.J.S.A. 52:14B-7(c) in that this regulation is of temporary duration (one year unless extended). Subchapter 12 of chapter 25 of Title 7 of the New Jersey Administrative Code has been reserved for this regulation and the citations assigned. Copies of this regulation may be obtained from the Department of Environmental Protection, Division of Fish, Game and Shellfisheries, Box 1809, Trenton, N.J. 08625.]

3. This regulation, when adopted and when effective shall supersede the provisions of the [1977-78] 1979-1980 Sea Clam Regulations.

4. The terms "person" or "vessel" as used in this regulation shall include the captain, owner, or other person responsible for the operation of the vessel.

5. Bushel: A bushel for the purpose of this regulation shall be defined as 1.88 cu. ft. of clams within the shell or 3.25 gallons of shucked clams.

6. Enforcement: These regulations may be enforced by any and all enforcement personnel designated by the Commissioner.

7. Exception: Nothing in this regulation shall apply to research, inventory or educational activities being conducted under permit of the department.

(d) Harvest limitations are:

1. Weekly limitations: Vessels licensed to take sea clams in the waters of this State shall not harvest more than 500 bushels per week from said waters for the period beginning December 1, [1978] 1979 through April 30, [1979] 1980, or until the season is otherwise terminated.

2. When, at any time during the period December 1, [1978] 1979 through April 30, [1979] 1980, the department has determined that 250,000 bushels have been harvested from the waters of this state, the department shall close the State's waters to any further harvesting upon two days public notice. Said notice may be accomplished by publication in newspapers circulating in Monmouth, Ocean,

Salem, Cumberland, Burlington, Atlantic and Cape May Counties, and by certified mail to each licensee.

3. Season: Except for bait purposes as hereafter provided, the season for taking sea clams (*Spisula solidissima*) on the waters of the state shall extend from December 1, [1978] 1979 through and including April 30, [1979] 1980, unless the season is earlier terminated if the season limit is reached.

4. Prohibited fishing areas: Including any areas which may be condemned for the harvest of shellfish without a special permit, the areas in which sea clams may not be taken are limited to those waters enclosed within the following description:

- i. From the house on the bay side of Little Beach:
  - (1) longitude 74° 19.70'W;
  - (2) Latitude 39° 28.29'N.
- ii. Thence seaward 90.8°T on a line which passes through the buoy BW(LE):
  - (1) Longitude 74° 15.90'W;
  - (2) Latitude 39° 28.26'N;
  - (3) Loran A 3H5 - 3176;  
3H4 - 3980.8;
  - (4) Loran C 99304 - 51644;  
99302 - 700712.2.
- iii. 3.25 nautical miles to a point;
  - (1) Longitude 74° 14.39'W;
  - (2) Latitude 39° 28.23'N;
  - (3) Loran A 3H4 - 3986.8;  
3H5 - 3171.1;
  - (4) Loran C 99304 - 51634.4;  
99302 - 70074.2.
- iv. And thence south following the line of the beach 3 nautical miles offshore to a point:
  - (1) Longitude 74° 27.9'W;
  - (2) Latitude 39° 16.9'N;
  - (3) Loran A 3H4 - 3812.8;  
3H5 - 3179.2;
  - (4) Loran C 99304 - 518.18.4;  
99302 - 70111.2.
- v. Thence to the short 268°T to the watertank in Ocean City located at Haven Avenue between 7th and 8th Streets with a
  - (1) Longitude 74° 34.6'W;
  - (2) Latitude 39° 16.9'N.
- vi. And the sanctuary area off Hereford Inlet described as:
  - (1) Longitude 74° 47.5'W;
  - (2) Latitude 39° 00.2'N;
  - (3) Loran A 3H4 - 3562;  
3H5 - 3185.5;
  - (4) Loran C 9930 - W - 16370.9;  
9930 - Y - 52087.5;  
9930 - Z - 70168;
  - (5) 119°T, d. 3 mi. to:
    - (A) Longitude 74° 43.9'W;
    - (B) Latitude 38° 58.7'N;
    - (C) Loran A 3H4 - 3563.5;  
3H5 - 3174;
    - (D) Loran C 9930 - W - 16368.9;  
9930 - Y - 52079.5;  
9930 - Z - 70187;
  - (6) 029°T, d. 2.25 mi. to:
    - (A) Longitude 74° 42.7'W;
    - (B) Latitude 39° 00.7'N;
    - (C) Loran A 3H4 - 3589;  
3H5 - 3176;
    - (D) Loran C 9930 - W - 16368.9;  
9930 - Y - 52054;  
9930 - Z - 70187;
  - (7) 299°T, d. 3 mi. to:
    - (A) Longitude 74° 46.1'W;

- (B) Latitude 39° 02.3'N;
- (C) Loran A 3H4 - 3588;  
3H5 - 3188;
- (D) Loran C 9930 - W - 16371;  
9930 - Y - 52062;  
9930 - Z - 70158;
- (8) 209°T, d. 2.25 mi. to start.

(e) General control methods are:

1. For the purpose of calculating the harvest limit, any licensee fishing at any time in the state's waters on any given day shall have his entire catch for that day counted as part of the harvest limitation.

2. No licensed vessel shall transfer sea clams to a nonlicensed vessel. A nonlicensed vessel shall not receive sea clams from a licensed vessel. All sea clams harvested in New Jersey waters shall be landed in New Jersey.

3. Marking: The top and sides of the licensed vessel shall be marked with the license number which numbers shall be at least 18 inches in size, clearly legible, in good repair and with no obstruction to view.

4. Notification: Licensed vessels, shall each day, notify the New Jersey Marine Police of their intended fishing location. The notification may be by phone or radio to the Atlantic City station of the New Jersey Marine Police. The Marine Police shall note such notification in their official log.

5. Seaward boundary: Where the lines describing areas open for fishing pass through a sanctuary or condemned waters as delineated by the department, the line be deemed to conform to the seaward boundaries of said area.

6. Time: Except for bait purposes as hereinafter provided, sea clams shall be harvested from the waters of this state on Monday through Saturday between sunrise and 4 p.m.

(f) Licensing rules are:

1. General: Licenses shall be issued pursuant to N.J. S.A. 50:2-6.1 et seq. (L.1975, c.398). A license year shall be the calendar year.

2. Issuance: An applicant may be issued a license if he had a license in one of the two preceding license years.

3. Transfer of ownership: A person transferring ownership of his licensed vessel may:

i. Be issued a new license within two years of December 31 of the year for which his former vessel was licensed,

ii. File a notarized Statement of Intent with the department indicating that he will not apply for a replacement license, or,

iii. Wait the two year period at which time his option to re-license shall expire. The Department shall issue a license to the new owner of the transferred licensed vessel if the former owner has filed said Statement of Intent. The filing of a Statement of Intent shall not extend the two year option period. The new owner shall meet all statutory criteria for licensing.

4. Transfer of license: A right to a license may be transferred from one vessel to another provided that all statutory criteria for licensing are satisfied. A new license will be issued to the vessel with the acquired right after presentation of the transferror's license and payment of the license fee.

[4]5. Casualty loss: A replacement license for any licensed vessel which may be lost or destroyed or disabled shall be issued only to the former vessel owner at any time within two years of December 31 of the year for which the disabled, destroyed or lost vessel was licensed.

[5]6. Specific conditions for license renewal: License renewal is specifically conditioned on the continuing conformance of the licensee with all the requirements of this

regulation. No license shall be issued for vessels that have not filed the required reports or paid the required landing fee.

(g) Miscellaneous provisions are:

1. Bait clams:

i. License and permit required: A license for the taking of sea clams shall also be required for the taking of bait clams. In addition, the special permit issued pursuant to Chapter 14, Title 24 of the New Jersey Statutes Annotated from the Division of Water Resources shall be required.

ii. Area: Bait clam licensees shall harvest only in waters designated as condemned or specially restricted or otherwise specially designated for bait clam purposes by the Division of Water Resources.

iii. Season and time: Except for Sundays, the season for taking of bait clams only shall extend throughout the year. The time for taking bait clams shall be Monday through Saturday between sunrise and 4 p.m. from October 1 to April 30 and from ½ hour before sunrise to 4 p.m. during the period May 1 through September 30.

2. Rebuttable presumptions: The presence of a dredge overboard at any other time or in any of the prohibited ocean areas or both shall be rebuttable evidence of a violation of the provisions of this regulation. Any malfunctions of gear causing the dredge to be left overboard in prohibited areas or at prohibited times or both, shall be reported immediately to the New Jersey Marine Police, Atlantic City Station, who shall log such report.

3. Dredge size: No vessel shall use in the waters of this state more than a single dredge at any time in any boat. [and such dredge shall not exceed 60 inches in length of cutting bar as measured from the inside of the upright frames.]

4. Shucked clams: All sea clams shall be landed in their shell, except that shucked clams may be landed pursuant to an applicable permit from the New Jersey Department of Health. For shucked clams, the equivalent weekly harvest limit shall apply.

5. Tagging: Each cage or container of sea clams, whether in the shell or shucked, landed in New Jersey shall be tagged with the name of the harvesting vessel and the date the clams were harvested. Such cage or container shall remain so tagged until empty when the tag shall be removed.

(h) Reports rules are:

1. All licensed vessels that land any sea clams including bait clams in this state shall provide to the Director, Division of Fish, Game and Shellfisheries:

i. [Weekly] Sea clam catch reports (forms to be supplied by the division) which specify the vessel name, sea clamming license number, and home port; and for each date, the time at sea, the latitude and longitude or loran hearings of all locations fished; and for catch location fished, the depth, the time fished, the number of tows per hour, and the catch in bushels; and for each landing, the port, the date the clams were sold, whether they were bait or edible clams. All reports are to have the name and signature of the captain attesting to the validity of the report. Monthly reports will be due for the months of December, January and February and weekly reports for the balance of the season. The reports shall be mailed to the Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, New Jersey 08625, together with check or money order in proper amount, made payable to the "Treasurer, State of New Jersey" no more than five working days after the [weeks] report period's end.

2. Division will furnish catch total reports to all licensees as often as is practicable.

3. Except for the catch in bushels, all information pro-

vided on the sea clam catch reports shall not be available for public inspection.

(i) Licensees shall pay a fee of five cents \$0.05, for each bushel, or its equivalent, of sea clams harvested from the waters of this state. The Department shall use such monies for the conservation, protection, management, and improvement of the sea clams resource and industry.

(j) If any provision of these regulations or their application to any person or circumstance is held invalid, the remainder of the regulations and the application of such provisions to person or circumstances other than those to which it is held invalid shall not be affected thereby.

(k) Notice is hereby given that the Department may deny the license application for or suspend the license, or deny the landing privileges of any person who violates the provisions of these regulations until said person appears personally or by counsel before the Commissioner or his designee to show cause why such suspension or denial should not be continued. Such action shall take effect upon eight (8) days notice to the violator, within that time, he personally or by counsel contacts the Department to request a hearing; in which case the action of the Department shall be suspended pending the outcome of the hearing.

Note: N.J.A.C. 7:25-12.4 is proposed to be deleted and marked as Reserved.

A public hearing on the proposal will be held on November 20, 1979 at 7:30 P.M. in the lecture hall of Stockton State College, Pomona, N.J.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1979 to:

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

The Department of Environmental Protection may thereafter adopt these rules substantially as proposed without further notice.

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### Notice of Policy Memorandum

Take notice that Arnold Schiffman, Director of the Division of Water Resources in the Department of Environmental Protection, has issued the following policy memorandum concerning the application of Division regulations to common sewer collection lines in an individual subsurface sewage disposal system.

Full text of the policy memorandum follows:

POLICY MEMORANDUM NO. 052-79-10  
APPLICATION OF DIVISION REGULATIONS  
TO COMMON SEWER COLLECTION LINES IN AN  
INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL  
SYSTEM

#### SCOPE:

This policy clarifies the set of regulations governing the approval of common sewer collection lines and whether state or only local approval is needed before the construction of such sewer collection lines.

#### PURPOSE:

For the purpose of this policy common sewer collection lines are defined as those lines that lead from more than one building and that combine wastewaters from more than one outlet through a common, jointly used line to a subsurface disposal area. In the past there has been some confusion within the Department as to whether these common sewer collection lines are governed by Treatment Works Approval Regulations (N.J.A.C. 7:14-2.1 et seq.) or regulations for the construction of individual subsurface disposal systems (N.J.A.C. 7:9-2.1 et seq.). This policy confirms that such common sewer collection lines are governed by N.J.A.C. 7:14-2.1 et seq. and require Department approval prior to construction.

#### AUTHORITY:

N.J.A.C. 7:14-2.1 et seq. (Approval of Facilities for the Prevention, Collection, Treatment or Discharge of Pollutants), promulgated pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., requires written Departmental approval before building, installing, modifying or operating any treatment works, defined under N.J.A.C. 7:14-1.4 as including intercepting sewers and sewage collection systems.

#### POLICY:

##### A. Background

Questions have been raised as to whether or not common sewer collection lines leading from more than one building unit to a subsurface sewage disposal system needed Department treatment works approval. N.J.A.C. 7:9-2.14 states that joint use of an individual sewage disposal system is permissible if the local board of health grants permission and if only one legal entity is responsible for the maintenance and operation of said system. Some Department reviewing units have interpreted this regulation as including the building sewer, the common sewer collection line, and the subsurface disposal area within the individual sewage disposal system. This is not a correct interpretation of the definition of individual subsurface sewage systems. Building sewers leading directly to a subsurface disposal area or to the point of connection of a common, jointly used sewer line are part of such system, as is the subsurface disposal area itself. The common, jointly used sewer line is not part of such system so long as it leads from two or more separate building units into a common subsurface disposal area, or if it is composed of one line located outside of one building unit that has more than one connection from that building unit into the outside common line that leads into a subsurface disposal area. This common sewer collection line is regulated under N.J.A.C. 7:14-2.1 et seq. and will require department treatment works approval.

##### B. Implementation

This policy memorandum confirms an existing procedure rather than changing past procedure, its purpose being to establish a consistent approval policy for the entire Division. It affects all individual subsurface disposal systems coming within N.J.S.A. 58:11-23 et seq. ("Chapter 199") and N.J.A.C. 7:9-2.1 et seq. Subsurface sewage disposal systems that lead from an individual building unit directly to a subsurface disposal area will not require Department approval so long as these systems conform to N.J.A.C. 7:9-2.9. Subsurface sewage disposal systems will need Department approval if the system contains a

common sewer collection line. This common, jointly used line will require treatment works approval even if it is maintained and operated by one legal entity. That legal entity must obtain Department as well as local board of health approval for the common line. The Construction Grants Administration of the Division of Water Resources will conduct the treatment works approval review of the common sewer collection line and will be responsible for the issuance of denial of a permit.

This policy will not affect the present review of campground and education treatment facilities, which are governed by regulations other than those promulgated under the New Jersey Water Pollution Control Act.

Take notice that this policy memorandum is not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

Howard H. Kestin  
Director  
Office of Administrative Law

### (a)

## ENVIRONMENTAL PROTECTION

### PINELANDS COMMISSION

#### Amendments to Procedures for Processing Applications for Development

On October 2, 1979, Franklin E. Parker, Chairman of the Pinelands Commission in the Department of Environmental Protection, pursuant to authority of L.1979, c.111, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:1G-2.1(d)3. concerning the procedures for processing applications for development.

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

7:1G-2.1(d)3. Simultaneously with the filing of an application with the Commission the applicant, unless no local approval is necessary or unless only one single family dwelling is involved in the application, shall:

1. File a copy of the application with the planning board in each municipality in which the proposed project is located, and
2. Publish notice of the filing of such application in each newspaper designated for the publication of legal notices in the municipality.

An order adopting these amendments was filed and became effective on October 2, 1979 as R.1979 d.394 (Ex-empt, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

### (b)

## ENVIRONMENTAL PROTECTION

### PINELANDS COMMISSION

#### Emergency Amendments Concerning Water Quality Standards

On October 2, 1979, Franklin E. Parker, Chairman of the Pinelands Commission in the Department of Environmental Protection, pursuant to authority of L.1979, c.111,

and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 7:1G-1.11(a)2. concerning water quality standards in the interim rules for review and approval or applications for development or construction.

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

7:1G-1.11(a)2. Standard #2:

[Sites or parts of sites which are dependent on on-site waste disposal systems where percolation tests conducted in accordance with procedure outlined in Chapter 199 indicates a percolation rate of less than the range of 5-8 minutes to the inch.] **Developments which will result in the violation of New Jersey surface, ground or potable water quality standards or which will result in the degradation of existing water quality.**

i. Water quality standards refer to those cited in the New Jersey Department of Environmental Protection, Division of Water Resources' Surface Water Quality Standards (N.J.A.C. 7:9-4 et seq.), Central Pine Barrens Critical Area Regulations (N.J.A.C. 7:9-10.1 et seq.) and Safe Drinking Water Act Regulations (N.J.A.C. 7:10-1 through 7:10-11.3 et seq.).

ii. Safe Drinking Water Act Regulations adopt a maximum contaminant level of 10 ppm of NO<sub>3</sub>-N (nitrate as N) for potable water standards. Violation of this standard will be given major consideration in determining whether a development is approved or denied.

iii. In certain cases where specific standards for contaminant levels do not exist, existing water quality will be considered.

An order adopting these amendments was filed and became effective on October 2, 1979 as R.1979 d.395 (Ex-empt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

### (c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

#### 1980 Fish Code

On September 11, 1979, Harry McGarrigel, Acting Chairman of the Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted the 1980 Fish Code substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 370(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

A reference to this adoption will appear in N.J.A.C. 7:25-6. Such Fish Code is known within the Department of Environmental Protection as Docket No. DEP 045-79-07.

An order adopting the 1980 Fish Code was filed on October 12, 1979 as R.1979 d.403 to become effective on January 1, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES  
FISH AND GAME COUNCIL

### Amendments to 1979-1980 Game Code

On October 9, 1979, Harry McGarrigel, Chairman of the Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the 1979-1980 Game Code substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 433(a) with only inconsequential structural or language changes in the opinion of the Department of Environmental Protection.

A reference to this adoption will appear in N.J.A.C. 7:25-5. Such amendments are known within the Department of Environmental Protection as Docket No. DEP 023-79-04(a).

An order adopting these amendments was filed and became effective on October 12, 1979 as R.1979 d.404.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Amendments Concerning Control And Prohibition of Air Pollution By Volatile Organic and Toxic Substances

On October 17, 1979, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 26-2C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to the rules concerning the control and prohibition of air pollution by volatile organic and toxic substances substantially as proposed in the Notice published November 9, 1978, at 10 N.J.R. 477(b) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

The original proposal was divided into two segments when it was adopted. Those amendments concerning the control and prohibition of air pollution from volatile organic substances will be reflected in Subchapter 17 of Chapter 27 in Title 7 of the New Jersey Administrative Code while the amendments concerning volatile organic substances will be reflected in N.J.A.C. 7:27-16. These and other changes adopted are discussed in the Evaluation of Testimony section of the Report of Public Hearing issued by the Department of Environmental Protection and copies of these documents are available from:

Herbert Wortreich  
Chief, Bureau of Air Pollution Control  
CN-027  
Trenton, N.J. 08625

An order adopting these amendments was filed on October 17, 1979, as R.1979 d.414 to become effective on December 17, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

### Amendments Concerning Upstream Lines Requiring Licenses

On October 9, 1979, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority N.J.S.A. 23:1-2, 23:3-1, 23:9-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:25-16.1 concerning upstream lines requiring licenses as proposed in the Notice published August 9, 1979 at 11 N.J.R. 370(b).

Such adoption is known within the Department of Environmental Protection as Docket No. DEP 044-79-07.

An order adopting these amendments was filed and became effective on October 12, 1979 as R.1979 d.405.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Amendments Concerning Floodway Delineation of Streams Within The Raritan and Rahway River Basin

On October 9, 1979, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:16A-60 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11(d) concerning floodway delineation of streams within the Raritan and Rahway River Basin as proposed in the Notice published February 8, 1979 at 11 N.J.R. 61(a).

An order adopting these amendments was filed and became effective on October 18, 1979 as R.1979 d.418.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Rules on Sludge Quality Assurances

On October 15, 1979, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority

of N.J.S.A. 13:1D-9(c), 58:10A-1, 58:11-51 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:14-4.1 et seq., concerning sludge quality assurances substantially as proposed in the Notice published June 7, 1979 at 11 N.J.R. 274(d) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

An order adopting these rules was filed and became effective on October 18, 1979 as R.1979 d.419.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Amendments Concerning Floodway Delineations of Streams Within The Passaic River Basin

On October 15, 1979, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 58:16A-60 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11 concerning floodway delineations of streams within the Passaic River Basin as proposed in the Notice published February 8, 1979 at 11 N.J.R. 60(a).

An order adopting these amendments was filed and became effective on October 19, 1979 as R.1979 d.430.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendment to Rules on Procedural and Methodological Regulations to Implement Chapter 83, P.L. 1978

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend the rules concerning the procedural and methodological regulations to implement Chapter 83, P.L. 1978.

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

8:31B-3.8(b)1. A charge of fifty cents (\$.50) per adjusted admission as defined by the American Hospital Association, for each adjusted admission in the year of the current cost base, shall be assessed each institution for which the Commission determines a preliminary cost base prior to January 1, 1983.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 24, 1979 to:

James R. Hub  
Director, Health Economics Services  
N.J. Department of Health  
John Fitch Plaza  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments to the Standards and General Criteria for the Planning and Certification Of Need for Regional End Stage Renal Disease Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board proposes to amend N.J.A.C. 8:36A, the Standards and General Criteria for the Planning and Certification of Need for Regional End Stage Renal Disease Services.

Amendments are offered to achieve conformance with Federal regulations published pursuant to the End State Renal Disease Amendments of 1978—Public Law 95-292. Minimum utilization rates for ESRD dialysis services on both an inpatient and outpatient basis are increased, with new facilities to require the saturation of existing facilities within 60 minutes traveling time. Back-up on chronic peritoneal dialysis services are addressed. Processing of Certificate of Need or designation applications for additional ESRD services shall await the completion of HSA and statewide ESRD plans.

Copies of the 19 pages of full text of the rules and proposed amendments may be obtained from or made available for review by contacting:

John C. Scioli  
Acting Coordinator  
Health Planning Services  
Dept. of Health—Room 802  
P.O. Box 1540  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(d)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendment to Definition of Governing Authority

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, pro-

poses to amend the definition of governing authority in the Standards for Licensure of Home Health Agencies in N.J.A.C. 8:42-1.1. The proposal concerns a change in a citation within that definition.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):  
8:42-1.1 Definitions and/or qualifications

“Governing authority” means the organization, person or persons incorporated or functioning under N.J.S.A. 26:3-1 et seq. or N.J.S.A. 26:3A[1]2-1 et seq., designated to assume full legal responsibility for the policy determination, management, operation and financial viability of the home health agency.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Wanda J. Marra  
Coordinator, Standards Program  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendment to Expiration Date Concerning Manual of Standards for Licensure of Alcohol Abuse Inpatient Treatment Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:42-3 by delaying the expiration date of the standards for licensure of alcohol abuse inpatient treatment facilities from December 31, 1979 to June 30, 1980.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Wanda J. Marra  
Coordinator, Standards  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments Concerning Computerized Axial Tomography Services

Dr. Joanne E. Finley, Commissioner of Health, pursu-

ant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend portions of N.J.A.C. 8:43A-1.71 concerning computerized axial tomography services.

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

8:43A-1.71(a)6. Scan shall mean one computerized axial tomography patient procedure including, during a single visit, the initial scan plus any necessary additional scans of the same anatomic area of diagnostic interest.

8:43A-1.71(d)1. The facility shall perform at least [1,500] 3,000 scans in its first year of operation and in each succeeding year of operation as a licensed computerized axial tomography facility.

[(d)2. The facility shall perform at least 3,000 scans in its second and each succeeding year of operation.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Wanda J. Marra  
Coordinator, Standards  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendment Concerning Emergency Medical Care And Defibrillators

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:43A-1.21(b) concerning emergency medical care and defibrillators.

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

8:43A-1.21(b) Each facility shall maintain, as a minimum, the following emergency equipment:

1. Oxygen;
2. [Defibrillator;] (Reserved);

...

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Wanda J. Marra  
Coordinator, Standards  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendment to Expiration Date Concerning Standards of Licensure of Ambulatory Care Facilities—Alcohol Abuse Treatment Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:43A-1.72 by delaying the expiration date of the standards for licensure of ambulatory care facilities—alcohol abuse treatment services from December 31, 1979 to June 30, 1980.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Wanda J. Marra  
Coordinator, Standards  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules Concerning Construction Standards Regarding Ambulatory Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new rules concerning construction standards in the Manual of Standards for Licensure of Ambulatory Care Facilities.

Full text of the proposal follows:

8:43A-1.73 Construction standards; small primary health care centers and ambulatory care facilities over 6,000 square feet

(a) Standards for new buildings, additions, alterations and renovations to existing buildings for ambulatory health care facilities under 6,000 square feet shall be in accordance with the Uniform Construction Code and the Standards imposed by the United States Department of Health, Education and Welfare (HEW), the Department of Health, and the Department of Community Affairs, specifically the HEW Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HEW Publication No. HRA 79-14500, Section 14). In order to avoid conflict Sections 302 (except as it pertains to area limitations), 1202.7 and 1216.0, Article 5 except Sections 513.0, 519.0, 520.0, and 521.0, and Article 6 except Sections 618.7 through 618.9.3 of the building subcode of the New Jersey Code shall not govern with respect to health care facilities. The HEW (HRA) 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

(b) Standards for new buildings, additions, alterations

and renovations to existing buildings for ambulatory health care facilities over 6,000 square feet shall be in accordance with the Uniform Construction Code and the Standards imposed by the United States Department of Health, Education and Welfare (HEW), the Department of Health, and the Department of Community Affairs, specifically the HEW Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HEW Publication No. HRA 79-14500, Section 9). In order to avoid conflict Sections 302 (except as it pertains to area limitations), 1202.7 and 1216.0, Article 5 except Sections 513.0, 519.0, 520.0, and 521.0, and Article 6 except Sections 618.7 through 618.9.3 of the building subcode of the New Jersey Code shall not govern with respect to health care facilities. The HEW (HRA) 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

Note: HEW Publication No. (HRA) 79-14500 may be obtained from the U.S. Government Printing Office, Washington, D.C., at a cost of \$3.00.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Joseph A. DiCara  
Chief, Health Facilities  
Construction and Monitoring  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments to Standards for the Licensure of Long Term Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to add a new amendment to N.J.A.C. 8:43B-3.1 concerning the standards for the licensure for long term care facilities.

Full text of the proposal follows:

8:43B-3.1(f) Standards for new buildings, additions, alterations and renovations to existing building shall be in accordance with the Uniform Construction Code and the standards imposed by the United States Department of Health, Education and Welfare (HEW), the Department of Health, and the Department of Community Affairs, specifically the HEW Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (HEW Publication No. HRA 79-14500). In order to avoid conflict, sections 302 except as it pertains to area limitations 1202.7, 1216.0, Article 5 except sections 513.0, 519.0, 520.0, 521.0, and Article 6 except section 618.7 through 618.9.3 of the building subcode of the New Jersey Uniform Code shall not govern with respect to health care facilities. The HEW HRA 79-14500 shall serve as the Uniform Code of the State in all matters regulated by the sections herein specified.

Note: HEW Publication No. HRA 79-14500 may be obtained from the United States Government Printing Office, Washington, D.C., at a cost of \$3.00.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Joseph A. DiCara  
Chief, Health Facilities  
Construction and Monitoring  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments Concerning the Number of Physicians and Cardiac Diagnostic and Surgical Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend certain sections within the Standards for Licensure of Hospital Facilities regarding the number of physicians and cardiac diagnostic and surgical services.

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

8:43B-17.12(c)1. [Two] **One** physician[s], [one of whom] who shall be the physician-director [and one of whom shall be an associate to assist the director];

8:43B-17.13(a) A regional cardiac surgical center shall provide, as a minimum, diagnostic services and cardiovascular surgical services, including open heart, closed heart, and coronary artery surgery as well as surgery of the great vessels. Diagnostic services shall meet the standards specified in section 12 of this subchapter with the exception of N.J.A.C. 8:43B-17.12.(c)1, and shall have two full-time physicians, one of whom shall be the physician-director, and one of whom shall be an associate to assist the director.

8:43B-17.16 "Associate physician (regional cardiac surgical center)" [(cardiac diagnostic facility)] shall mean a physician trained in cardiovascular catheterization, as defined and specified in the hospital's policy and procedure manual(s).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Wanda J. Marra  
Coordinator, Standards  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments Concerning Respiratory Therapists

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to amend N.J.A.C. 8:43B-7.2(c)10. concerning respiratory therapists in the Standards for Licensure of Hospital Facilities.

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

8:43B-7.2(c)10.ii. All telephone and verbal orders from a licensed physician shall be countersigned by the physician within 24 hours. All telephone and verbal orders shall be accepted only by a licensed professional nurse except for physical therapy orders which shall be accepted and recorded by a licensed professional nurse and/or a licensed physical therapist or respiratory therapy orders which shall be accepted and recorded by a licensed professional nurse and/or a respiratory therapist.

(1) "Respiratory therapist" shall mean a person who is registered by or awaiting the results of the registry examination administered by the National Board for Respiratory Therapy.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Wanda J. Marra  
Coordinator, Standards  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules Concerning Construction Standards and Cardiac Diagnostic And Surgical Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new rules concerning construction standards and cardiac diagnostic and surgical services.

Full text of the proposal follows:

8:43B-17.18 Construction standards

(a) A facility dedicated completely to Cardiac Catheterization/Coronary Angiographic Laboratories Suite shall comply with the State of New Jersey Uniform Construction Code, Chapter 23, Title 5, New Jersey Administrative Code and the amendments to this code, Use Group I-2.

(b) A facility dedicated completely to Cardiovascular Surgical Services shall comply with the State of New

Jersey Uniform Construction Code, Chapter 23, Title 5, New Jersey Administrative Code and the amendment to this code, Use Group I-2.

(c) The Construction Standards for this Unit shall be the State of New Jersey Uniform Construction Code, Chapter 23, Title 5, New Jersey Administrative Code and the amendments to this Code, Use Group I-2.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Joseph A. DiCara  
Chief, Health Facilities  
Construction and Monitoring  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Notice of Extension of Comment Period Concerning Proposed Rules On Labeling, Sales and Distribution Methods of Cosmetics

Take notice that the Department of Health intends to extend the comment period concerning the proposed new rules on labeling, sales and distribution methods for cosmetics intended for professional use only (See: 11 N.J.R. 434(c) in the September 6, 1979, issue of the New Jersey Register) from September 26, 1979, to November 19, 1979.

This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HEALTH

### THE COMMISSIONER

#### Rule Concerning Temporary Reporting Procedures

On September 18, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:31A-5.5, concerning temporary reporting procedures for the implementation of S446 substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 374(d) with only inconsequential structural or language changes in the opinion of the Department of Health.

An order adopting this rule was filed and became effective on September 19, 1979 as R.1979 d.368.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HEALTH

### THE COMMISSIONER

#### Amendments to Standards and General Criteria for The Planning, Certification of Need and Designation of Perinatal Services

On September 17, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Appendix B in N.J.A.C. 8:31-8, concerning the standards and general criteria for the planning, certification of need and designation of perinatal services substantially as proposed in the Notice published July 5, 1979, at 11 N.J.R. 328(a) with only inconsequential structural or language changes in the opinion of the Department of Health.

An order adopting these amendments was filed and became effective on September 19, 1979 as R.1979 d.369.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HEALTH

### THE COMMISSIONER

#### Amendments on Clinical Laboratories Licensure Fees

On September 27, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 45:9-42 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:45-1.3 concerning clinical laboratories licensure fees as proposed in the Notice published September 6, 1979 at 11 N.J.R. 437(c).

An order adopting these amendments was filed and became effective on October 5, 1979 as R.1979 d.398.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## HEALTH

### THE COMMISSIONER

#### Amendments Concerning Hours of Counseling and Availability of Hours

On October 16, 1979, David A. Wagner, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43A-1.52, 8:43A-1.59 and 8:43A-1.63 concerning hours of counseling and availability of hours in the Manual of Standards for Ambulatory Care Facilities—Drug Abuse Treatment Services as proposed in the Notice published July 5, 1979, at 11 N.J.R. 330(a).

An order adopting these amendments was filed on October 17, 1979, as R.1979 d.406 to become effective on December 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HEALTH

### THE COMMISSIONER

#### Rules on Financial Elements and Reporting

On October 16, 1979, David A. Wagner, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:31B-4, concerning financial elements and reporting substantially as proposed in the Notice published July 5, 1979, at 11 N.J.R. 329(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on October 17, 1979 as R.1979 d.407.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HEALTH

### THE COMMISSIONER

#### Rules on Procedural and Methodological Regulations to Implement Chapter 83, P.L. 1978

On October 16, 1979, David A. Wagner, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the procedural and methodological regulations to implement Chapter 83, P.L. 1978, substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 436(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

Such rules will be cited as N.J.A.C. 8:31B-3 rather than as N.J.A.C. 8:31B-3 and 8:31B-4 as was indicated in the Notice of Proposal.

An order adopting these rules was filed and became effective on October 17, 1979 as R.1979 d.408.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HEALTH

### THE COMMISSIONER

#### Amendment Concerning Dexamethasone As Therapeutic Agent

On October 16, 1979, Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:2K-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment, to be cited as N.J.A.C. 8:31-25.1(a)23, concerning the addition of dexamethasone to the list of therapeutic agents as proposed in the Notice published September 6, 1979 at 11 N.J.R. 435(a).

An order adopting this amendment was filed and became effective on October 17, 1979 as R.1979 d.409.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HEALTH

### THE COMMISSIONER

#### Amendments Concerning Waiver Of Emergency Room Services

On October 16, 1979, David A. Wagner, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43B-1.11(q)7.ii concerning the waiver of emergency room services as proposed in the Notice published September 6, 1979 at 11 N.J.R. 437(a).

An order adopting these amendments was filed on October 17, 1979, as R.1979 d.410 to become effective on December 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## HEALTH

### THE COMMISSIONER

#### Amendments Increasing Certain Laboratory Fees

On October 16, 1979, Allen N. Koplin, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-47, 26:4-47 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:45-2.1 and 8:45-2.2 concerning the increase of certain laboratory fees as proposed in the Notice published September 6, 1979 at 11 N.J.R. 438(a).

An order adopting these amendments was filed on October 17, 1979 as R.1979 d.411 to become effective on November 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HEALTH

### DRUG UTILIZATION REVIEW COUNCIL

#### Amendments Concerning Drug Evaluation and Acceptance Criteria

On October 15, 1979, Sanford Luger, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:70-1.1(c)4 and 8:70-1.4 concerning drug evaluation and acceptance criteria as proposed in the Notice published September 6, 1979 at 11 N.J.R. 438(b).

An order adopting these amendments was filed and became effective on October 17, 1979 as R.1979 d.412.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HIGHER EDUCATION

### EDUCATIONAL OPPORTUNITY FUND BOARD

#### Proposed Amendments Concerning Student Eligibility

The Educational Opportunity Fund Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-33, proposes to amend N.J.A.C. 9:11-1.1 concerning student eligibility for participation in the Educational Opportunity Fund program.

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

9:11-1.1(c)6. Students may not receive assistance under the programs administered by the Educational Opportunity Fund Board if information is made known that they owe a refund on a grant or scholarship previously received from a state or federal program through any institution, or are in default on any student loan made or insured by the federal government at any institution.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Eric M. Perkins  
Administrative Practice Officer  
N.J. Department of Higher Education  
225 West State St.  
Trenton, N.J. 08625

The Educational Opportunity Fund Board may thereafter adopt rules concerning this subject without further notice.

T. Edward Hollander  
Chairman, Educational Opportunity  
Fund Board  
Department of Higher Education

(c)

## HIGHER EDUCATION

### HIGHER EDUCATION ASSISTANCE AUTHORITY

#### Amendments on Loan Amounts And Eligibility Requirements

On October 10, 1979, William C. Nester, Director of the New Jersey Higher Education Assistance Authority of the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:9-1.12(a)3. and 9:9-5.3 concerning loan amounts and eligibility requirements as proposed in the Notice published July 5, 1979 at 11 N.J.R. 342(b).

An order adopting these amendments was filed and became effective on October 11, 1979 as R.1979 d.401.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HUMAN SERVICES

### DIVISION OF MENTAL HEALTH AND HOSPITALS

#### Amend Construction Assistance for Community Mental Health Facilities

Ann Klein, Commissioner of Human Services, pursuant to authority of Chapter 93, P.L. 1976 and Chapter 42, P.L. 1977, proposes to amend N.J.A.C. 10:37-12 concerning construction assistance for community mental health facilities.

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

#### 10:37-12.2 Definitions

"Community-based" refers to those programs and/or facilities which are not located on the grounds of, or operated by, a State or county psychiatric institution.

"Construction of facilities" means the planning, erection, acquisition, improvement, rehabilitation, reconstruction, development and extension of facilities, including [all equipment necessary to the operation thereof and includes] the acquisition of [real property] necessary for said purposes.

#### 10:37-12.3 Program priorities

(a) Priority will be given to facilities which provide the following services:

1. Screening crisis intervention [services],
2. Transitional residential [services],
3. Community psychiatric inpatient [services], and
4. Outpatient and other services that meet critical needs identified in State, [county and] regional and county [mental health] plans [as these plans are developed].

#### 10:37-12.4 [Fiscal] Capital construction priorities and local matching requirements

(a) Preference will be given to grant requests [of between \$10,000 and \$50,000, which concern primarily improvement, rehabilitation, reconstruction, development

and extension of existing facilities.] which propose acquisition and minor rehabilitation of residential structures for use in providing screening/crisis intervention and transitional facilities in the case of community psychiatric inpatient, outpatient and other service facilities, preference will be given to grant requests which propose reconstruction and/or extension of existing facilities. The matching requirements for facilities providing programs in the priority areas are as follows:

1. Screening services/crisis intervention: 100% State;
2. Transitional [services] residential: 90% State, 10% Local;
3. Community psychiatric inpatient, outpatient, and other services: 60% State, 40% Local;

[(b) Facilities for community psychiatric inpatient, outpatient and other services in poverty areas will be eligible for grants up to a 90% State, 10% local matching basis.]

#### 10:37-12.5 Eligible agencies

Any community based public or private non-profit New Jersey agency incorporated to provide community mental health and/or social support services is eligible to receive construction assistance.

#### 10:37-12.6 Allowable costs

(a) Construction assistance for acquisition will be available only in those cases in which the acquired facility expands the current service capability of the sponsoring agency.

(b) Construction assistance [for equipment will only be available for fixtures] may include project development expenditures for certain non-construction items such as architectural, engineering, legal and other fees. Equipment, with the exception of fixed equipment or fixtures considered necessary for facility operation, is not an allowable cost. The determination of allowable non-construction costs will be made by Division and Department representatives on a case by case basis.

#### 10:37-12.8 Conditions

(a) Conditions are as follows:

1. [Compliance with Certificate of Need procedures]; Compliance with all applicable federal, State and local provisions for permits, certificates, approvals and assurances.
2. A formal commitment of local match resources;
3. A formal commitment to provide services for a minimum time period agreed upon by [to be negotiated between] the Division and the sponsoring agency. [The time period will depend on:
  - i. The size of the grant;
  - ii. Depreciation considerations;
  - iii. The type of service offered; and
  - iv. Consideration of regional needs;]

This time period will be determined through the use of a formula based on the amount of the State capital funds granted for the project.

4. Consistency with the recommendations and principles of the Feasibility Plan for Developing Community-Based Residential and Human Services Facilities in New Jersey. [Appropriate sections document will be made available to county mental health boards and applicant agencies upon request.]

5. Submission of fiscal assurances as requested by the Division.

#### 10:37-12.9 State approval

(a) After review by the Division and [the] Department[']s Capital Facilities planning staff [Construction

Unit] the Department Commissioner shall approve State financial participation [to those sponsoring agencies whose proposals] in the development of those capital improvement proposals which comply with the regulations of the Department.

(b) The Commissioner shall [notify sponsoring agencies of her action and certify the amount of State participation allowed.] grant final approval of all capital improvement program contracts executed with agency sponsors.

#### 10:37-12.10 Interim inspections

The Department shall have the right to conduct [will conduct interim] inspections at various stages of construction to [insure that the approved project is constructed in accordance with the conditions and phase in schedule of the contract and with all applicable State and Federal laws.] for purposes of reviewing construction progress, work quality and project expenditures.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Frank DeVito  
Facilities Planner  
Office of Community Services  
Division of Mental Health and Hospitals  
Department of Human Services  
Capital Place One  
222 South Warren St.  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### BUREAU OF MANAGEMENT AND PLANNING

##### Proposed Amendments to Long Term Care Facilities Rate Review Guidelines

Ann Klein, Commissioner of the Department of Human Services, pursuant to N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:63-3.1, 3.2, 3.4 and 3.5 concerning rate review guidelines for long term care facilities.

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

#### 10:63-3.1 Timing

Commencing with fiscal years ending with November 30, 1977, LTCF's are to furnish required cost studies to the Department of Health, Health Economics Services within [105] 90 days of the close of each fiscal year. For rate review purposes, the period for which these actual data are reported will constitute the "base period" for establishing prospective per diem reimbursement rates to be in effect for one full year commencing six months after the end of the base period, or 75 days after the receipt of the report; whichever is later. These rates will not be subject to routine retroactive adjustments except for matters as specified in the Guidelines.

### 10:63-3.2 Rate components

[(a) The prospective rates will be established at the lower of (1) actual unscreened historical costs per day plus a return on net equity (except for voluntary and governmental facilities) or (2) "screened" CFA rates per day calculated by applying standards and reasonableness criteria ("screens") to the following six rate components as identified on reporting Schedule A.]

(a) The calculation of prospective reimbursement rates will include the following cost components as identified on reporting Schedule A:

1. Raw food cost;
2. General service costs;
3. Property-operating costs;
4. Amortization of special expenditures;
5. Patient care expenses;
6. Property-capital costs.

(b) Standards and reasonableness criteria ("screens") will be applied to cost elements of items 1 through 5 listed above. Reimbursement rates will include the lower of actual expenditures or reasonable costs as determined by the screening process for applicable cost elements.

(c) Property-capital reimbursement will be based on reasonable appraised values of building, land, and fixed equipment or historical property cost, including return on net equity for proprietary facilities, whichever is lower.

(d) Further details of this methodology change are available from the Division of Medical Assistance and Health Services.

[(b)] (e) A provision for inflation will be added to reasonable base period costs in calculating the prospective rates as described in section 18 of this subchapter. [Finally, a working capital provision will be added as described in section 19 of subchapter.]

### 10:63-3.4 Raw food costs

(a) Raw food costs per patient day for voluntary and proprietary LTCF's which provide their own food service and which had over 20 per cent Medicaid patient days in the base period will be determined. LTCF's which contract for their dietary operations will be excluded. These per diem costs will be ranked in descending order on a statewide basis. The reasonableness limit will be set at 120 per cent of the median cost per day.

(b) For LTCF's below this limit, prospective rates will be based upon actual costs. Where homes report unit costs 15 per cent or more below the median, the Department of Health, Health Facilities Inspection, will be asked to inspect the food operations for compliance with state standards.

(c) For LTCF's above that limit, actual raw food costs will be added to other general service expenses and subjected to a screen of the combined total [as described in section 5 of this subchapter].

### 10:63-3.5 General service expenses

[(a) Three levels of reasonableness limits will be developed for the purpose of screening base period general service costs.

1. Level I — The median equalized per diem costs, excluding raw food, of proprietary and voluntary LTCF's which had over 20 per cent Medicaid patient days in the base period.

2. Level II — 105 per cent of Level I

3. Level III — Level II plus the reasonableness limit developed for raw food costs as described in section 4 of this subchapter.

(b) For LTCF's whose equalized general service costs excluding raw food are above the Level I limit, the following base period costs will be considered unreasonable to

the extent that they contribute to the excess above the Level I limit.

1. All costs in the Management Cost Centers;

2. Administrator costs in excess of 110% of the median costs in comparably sized LTCF's where such positions are filled by personnel unrelated to owners.

(c) For LTCF's whose base period raw food costs are less than the limit developed per section 4 of this subchapter, the Level II reasonableness limit will be applied to total general service expenses excluding raw food.

(d) For LTCF's whose base period raw food costs exceed the limit developed per section 4 of this subchapter, the Level III limit will be applied to total general service expenses including raw food.

(e) The five per cent latitude will be reduced to the extent that compensation rates of individuals in a LTCF exceed 125 per cent of the compensation rates of comparable positions in other LTCF's.]

(a) For purposes of screening reported base period costs, the general services category will be segregated into the following cost components:

1. Food;
2. Administrator;
3. Assistant administrator;
4. Other general services/legal fees;

(b) Reasonableness limits will be developed for each of the components of cost in subsection (a) of this section. Reimbursement rates will include the lower of actual costs or reasonable limits developed for each component. No trade-offs among cost components will be allowed with the exception of raw food.

(c) The bases for screen development, and reported costs subject to applicable screens, are as follows:

1. Food—as indicated in this section; raw food costs;
2. Administrator—reasonable compensation of unrelated administrators as determined by the regression analysis formula utilized by the Division of Health Economics Services.

i. The administrator screen will be applied to the aggregate reported costs of management, administrator, and assistant administrator, for facilities with less than 240 licensed long term care beds.

ii. Compensation and special fringe benefits of all owners, officers, related parties, and other employees acting in an administrative capacity must be reported as management unless such parties specifically carry out the function of administrator or assistant administrator.

iii. Non-working officer, owner, or related party compensation and special fringe benefits are non-allowable.

3. Assistant administrator—Limited to 125 per cent of median unrelated assistant administrator compensation.

i. This cost category will apply only to facilities which exceed 239 licensed long term care beds.

4. Other general services/legal fees—This category will consist of the following cost elements:

- i. Other administrative;
- ii. Dietary;
- iii. Laundry and linen;
- iv. Housekeeping;
- v. Other general services.

(d) Reasonableness limits for other general services cost element will be established at a statistically reliable percentage of median costs as reported by proprietary and voluntary facilities which had over 20 per cent Medicaid patient days.

(e) A level of reasonableness will also be established for legal fees, consistent with the method employed for the other general services cost category.

(f) Reasonableness tests will exclude from rate calculations the greater of excess other general services or legal fee costs.

1. The following examples illustrate this procedure assuming reasonableness limits are established at \$100,000, and \$5,000 for other general services and legal fees respectively:

	Reported Costs	Excess
<b>Case #1</b>		
Other general services	\$110,000	\$10,000
Legal fees	\$ 7,000	
<b>Case #2</b>		
Other general services	\$ 98,000	\$ 2,000
Legal fees	\$ 7,000	
<b>Case #3</b>		
Other general services	\$ 99,000	—0—
Legal fees	\$ 4,500	

Interested persons may present statements in writing relevant to the proposed amendments on or before November 28, 1979 to:

Mr. Edward Lepelis, Chief  
 Long Term Care Rate Setting Unit  
 Bureau of Management and Planning  
 Division of Medical Assistance and Health Services  
 P.O. Box 2486  
 Trenton, New Jersey 08625

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

Ann Klein  
 Commissioner  
 Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning the Determination of Presumptive Eligibility

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend Section 3100 of the Public Assistance Manual concerning the determination of presumptive eligibility (N.J. A.C. 10:81-3.2 and 10:81-3.3).

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

10:81-3.2 Documentation and recording of program eligibility requirements

Fundamental to the establishment of eligibility for public assistance is the documentation of eligibility requirements. Under certain conditions, presumptive eligibility may be recognized.

The existing text of N.J.A.C. 10:81-3.3 is to be deleted and replaced with the following new text therein.

10:81-3.3 Presumptive eligibility

(a) Presumptive eligibility shall be determined when, based on the applicant's written statement signed under oath, immediate need exists and other program requirements appear to be met (see PAM 2500 and ASH 202).

1. Immediate need: Immediate need shall be recognized when the available resources of an applicant are insufficient to meet current living expenses.

2. Presumptive eligibility (P.E.) grant: When pre-

sumptive eligibility is determined in accordance with Section 3110, a grant of assistance shall be issued on the date of application and continued as necessary during completion and verification of the applicable eligibility requirements (see Section 4300). If a condition of immediate need develops during the verification process, a grant shall be issued as soon as immediate need is apparent in the same manner as if it had existed at the time of application.

1. See Section 203 of the Assistance Standards Handbook for determination of the initial grant.

3. Validation: The CWA must validate all applicable eligibility requirements within two months following the month in which assistance is initially granted. This shall be accomplished by reliance upon documentary (factual recorded information) or non-documentary (factual oral or written statements by reliable individuals possessing personal knowledge) sources of evidence. Failure of CWA to complete validation which is not due to lack of client cooperation shall not jeopardize the client's continued assistance.

4. Client cooperation: Applicants are usually able to help select the most likely sources for corroboration of essential eligibility information. If they are not willing to have the necessary inquiries made or to secure the required information from such sources themselves, it shall be explained that the county welfare agency will be unable to grant assistance. This choice and the consent form printed on the application which allows others to be contacted will be explicitly explained (see Sections 1110, 1140).

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1979 to:

G. Thomas Riti, Director  
 Division of Public Welfare  
 Box 1627  
 Trenton, New Jersey 08625

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

Ann Klein  
 Commissioner  
 Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning Temporary Absence from the Home by a Parent, Parent-Person or Child

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend Sections 3700 and 3923.4(a) of the Public Assistance Manual concerning regulations governing temporary absence from the home by a parent, parent-person or child (N.J.A.C. 10:81-3.32, 3.33, 3.34 and 10:81-3.38).

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

10:81-3.32 Temporary absence of a family member

Eligibility for AFDC may exist during the absence of a child, parent or parent-person from the home under the circumstances described in this section. When the absence is foreseeable, the CWA should make appropriate plans.

10:81-3.33 Child or parent in an institution

(a) When a child who would be otherwise eligible for AFDC is out of the home due to voluntary/involuntary placement in an institution, he/she shall be recognized as a member of the eligible unit so long as it is anticipated that he/she will return home within one year from the date of the placement.

(b) See ASH 124.2 regarding adjustments to the grant for children who are absent from the home.

1. A child whose placement is specified for a period longer than one year shall not be eligible during the entire period of placement. (See ASH 206 regarding visits home of seven or more days.)

2. Placement for an unspecified or indeterminate period shall be construed to be for less than one year. Should such period extend beyond one year, the child shall be deleted from the eligible unit.

3. In the case of a new application, eligibility of an institutionalized child shall be based on the specified length of the placement starting from the date the placement began.

(c) The term "parent" as used in this section includes both parents and parent-persons.

(d) In AFDC-C, when a parent is absent for diagnostic treatment or care and, even though hospitalized, is able to retain responsibility for supervising a plan for adequate care and control of his/her child(ren), eligibility shall continue so long as necessary to complete recovery but not to exceed three months. (Use of a temporary payee is not precluded; see Section 4520 of the Public Assistance Manual.)

1. When it appears that the absence will continue for more than three months, the case will be reevaluated relative to the care and protection of the children and approval of the State office obtained for continued eligibility of the parent.

2. See ASH 124.2 regarding appropriate adjustments to the grant.

(e) In AFDC-F and -N cases, when a parent is absent from the home due to one of the following conditions, the case shall be immediately reviewed for transfer to AFDC-C if:

1. A parent is hospitalized and such condition will continue for at least 30 days; or

2. A parent is committed to an institution and such absence will continue for at least 30 days.

10:81-3.34 Absence for reasons other than institutional

(a) The county welfare agency shall obtain approval from the State office to continue a child in the grant during any visit, vacation or temporary absence from the home for reasons other than institutional placement which will continue for more than 30 days.

(b) Temporary absence of not more than 30 days for whatever reason will not affect eligibility provided that adequate care and supervision of the child(ren) has been arranged in advance. When necessary, arrangements will be made by the county welfare agency regarding issuance of the grant.

1. The county welfare agency shall obtain approval from the State office for continuing eligibility in unusual situations of temporary absence lasting more than 30 days.

(c) When the entire family unit leaves the State for a temporary visit, the provisions of Section 3510 shall apply.

10:81-3.38(c)4. [i. Action may result in circumstances requiring repayment to the CWA.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1979 to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, New Jersey 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments to Assistance Standards Handbook

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend Sections 124 and 213.3 of the Assistance Standards Handbook concerning a cross-reference to PAM 3710 and 3720, continued eligibility for AFDC of a person in a Residential Job Corps Center, and treatment of jointly owned resources in stepparent situations (N.J.A.C. 10:82-1.6 and 10:82-2.9).

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

10:82-1.6 Eligible person temporarily in an institution or job corps center [(all segments)]

(a) A member of the eligible unit who is temporarily in an institution [(defined in PAM Section 3732) but for whom the family is still responsible] in accordance with PAM Sections 3710 or 3720 shall continue to be regarded as an eligible member of that unit. [Temporary shall be construed as a period not exceeding 6 calendar months, unless prior authorization has been received from the State office.]

1. When the absence of an -N segment parent will continue for [at least one calendar month] 30 days or longer, the remaining members of the family may be eligible for AFDC-C.

(c) [When a child under the age of 18 is placed involuntarily in an institution and it is determined that his/her treatment as verified by the institution involves visits to his/her home on a regular and frequent basis, such child shall be included under the provisions of this section.] When a child receives vocational training at a Residential Job Corps Center which permits him/her to return home for weekends, the child shall be considered temporarily absent and regarded as an eligible member of the family unit. (A child received training at one of the three National Job Corps Centers located in Kentucky, Indiana and Utah is to be considered permanently absent and shall not be considered a member of the eligible unit.)

10:82-2.9(d)1. Normally, resources jointly owned by the natural or adoptive parent and the stepparent shall be disregarded in determination of the children's eligibility. However, when some part of a resource is clearly identifiable as belonging to the natural or adoptive parent, it shall be considered in relation to the eligible unit in accordance with regulations in ASH Chapter 300 and PAM 3900.

i. For example, commingled bank and savings accounts will be disregarded. In disposal of jointly owned property/assets on the other hand, the natural or adoptive

parent's share would be identifiable and thus recognized as a resource to the eligible children. (See PAM Section 3943 regarding agreements to repay. The natural or adoptive parent is not exempt from this responsibility.)

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1979 to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627

Trenton, New Jersey 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning an Institutionalized Child, Homemaker Service, Travel Expenses for Health Care And Emergency Assistance

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend Sections 206, 512, 513 and 530.2 of the Assistance Standards Handbook concerning an institutionalized child, homemaker service, travel expenses for health care, and emergency assistance (N.J.A.C. 10:82-2.6, 10:82-5.4, 10:82-5.5 and 10:82-5.10).

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

10:82-2.6(b) When an institutionalized child is on temporary visit home (and an AFDC eligible case is not in existence), he/she may be eligible for General Assistance if the visit does not exceed 21 consecutive days. In such instances the CWA shall refer the child to the appropriate MWD. If the length of such child's visit is expected to exceed 21 days, the CWA shall process the AFDC application and evaluate the family's eligibility for AFDC for the duration of the visit.

[10:82-5.4 Expenses incident to homemaker service

(a) When homemaker service is not available through staff service of the county welfare agency and is not otherwise available to the eligible unit without cost, homemaker service may be purchased for the eligible unit by direct contractual arrangement and payment (as an administrative/service expense) between the county welfare agency and the community agency furnishing approved homemaker service or an individual, other than the spouse, who is mutually acceptable to the eligible unit and the county welfare agency. Such purchase may be made for a person or persons for whom illness, death or other disruption in normal family living has created problems and for that reason homemaker service (other than "home health aide" service provided under the Medicaid program) is essential.

(b) Homemaker service shall be provided only for a person(s) who lives alone or as a member(s) of a family group.

(c) Homemaker service, when purchased, shall be at

the most reasonable rate for which the service can be obtained.]

10:82-5.5 [Travel costs for health care] (Reserved)

[Provision of transportation necessary for eligible persons to secure and use health services and resources, when payment for such transportation is not available under Medicaid, shall be recognized as a service. Such service, if not provided by the agency as an in-house service or by volunteer arrangements, may be purchased by the agency, or purchased by the client with prior authorization by the agency, at the most reasonable rate obtainable. Such authorized travel costs may, where necessary, include those of a parent who accompanies a child in need of health care. Payment for such service shall be made as an administrative/service expense.]

10:82-5.4 Service payments from other sources

Payment for such items as homemaker service and travel costs for health care may be available through Title XX or Medicaid funds, where applicable.

530.2 The following conditions must be observed with respect to all expenditures by the county welfare agency for which federal and/or State matching is claimed under the classification of emergency assistance:

10:82-5.10(b)1. There shall be no [claim for] federal matching with respect to payments authorized under Section 530.1 more frequently than during one consecutive period of thirty days within any twelve consecutive months. [unless there has been special review and affirmative action by the county welfare board itself, duly recorded in the minutes of a regular or special meeting; under such circumstances] State matching only [but no federal matching can be allowed] will be available at other times.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1979 to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627

Trenton, New Jersey 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Allowance Schedules and Medically Needy Individuals

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 proposes to amend Section 337.1(b) of the General Assistance Manual concerning allowance schedules used to determine excessive medical costs for medically needy individuals who are ineligible for CWA administered public assistance or SSI payments administered by the SSA. (N.J.A.C. 10:85-3.3.)

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

10:85-3.3(e)1.ii. Income levels: For the purpose of determining excessive medical costs, the total available monthly income (see (c) below) of individuals, couples

or families with children is measured against the appropriate allowance standard [in Schedule I,]. (See Section 312 regarding eligible unit concept and Appendix C for schedules in AFDC and SSI.)

10:85

**APPENDIX C**

**TABLE A**

**Public Assistance Allowance Standards  
AFDC Program**

Schedule I AFDC-C AFDC-F	Number in Eligible Unit
\$128	1
255	2
336	3
386	4
436	5
486	6
536	7
586	8
636	9
686	10
add \$50 each person	more than 10

**TABLE B**

Variations in Living Arrangement	SSI and Medicaid Income Eligibility [Income] Standards (Countable Income)
Licensed Boarding Home	
Eligible person	\$339.00
Eligible couple	\$678.00
Head of Household Living Alone	
Eligible person	\$231.00
Eligible couple	\$324.00
Eligible individual with ineligible spouse only	\$324.00
Living with Others	
Eligible person	\$211.00
Eligible couple	\$317.00
Living in Household of Another (Receiving Support and Maintenance)	
Eligible person	\$164.00
Eligible couple	\$282.00
Title XIX Approved Facility—includes person in acute care hospital, skilled nursing facility, intermediate care fa- cility (Level A, B, and ICFMR), li- censed special hospital (Class A, B, C) and Title XIX psychiatric hospital (for persons under 21 and 65 and over) or a combination of these facilities for a full calendar month.	\$624.60*

\* The Medicaid "Cap" is applied to gross income (i.e., income prior to application of income exclusions).

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1979 to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, New Jersey 08625

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

Ann Klein  
Commissioner  
Department of Human Services

**(a)**

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Proposed Amendments on Criteria for  
Student Exemption from Work Registration**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 proposes to amend Section 343.3(a)(3) of the Food Stamp Manual concerning criteria for student exemption from work registration (N.J.A.C. 10:87-3.18).

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

10:87-3.18(b)3.i.(3) head of a household containing one or more other persons to whom the student supplies more than one-half of their support. (AFDC payments received by students is not support supplied by the student and thus shall not be included in the determination of the amount of support supplied); or

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1979 to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, New Jersey 08625

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

Ann Klein  
Commissioner  
Department of Human Services

**(b)**

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Proposed Amendments Concerning Living  
Allowance Deductions**

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 proposes to amend Section 553 of the Medicaid Only Manual concerning the updating of the dollar amounts that may be deducted from an institutionalized individual's income for the maintenance of his/her dependents (N.J.A.C. 10:94-5.8).

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

10:94-5.8(a)2.ii.(2) For dependent children and spouse, if any, who resided with the institutionalized individual immediately prior to placement, a monthly amount shall be deducted not to exceed the maximums in the schedule below:

Number of Dependents	Maximum Deduction
1	[\$124] 128
2	[247] 255
3	[326] 336
4	[374] 386
5	[426] 436
6	[482] 486

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1979 to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, New Jersey 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### THE COMMISSIONER

#### Proposed Repeal of Certain Outdated Rules

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 9:3-37 et seq. and 30:4C-4 et seq., proposes to repeal certain rules which are now considered to be outdated or now covered by other rules within Title 10 of the New Jersey Administrative Code.

A summary of the rules proposed to be repealed in Title 10 of the New Jersey Administrative Code follows:

1. Chapter 99—Purchase of Adoption Services from the Private Agencies. These rules were superseded by R.1976 d.363; effective November 17, 1976; See: 8 N.J.R. 468(b), 8 N.J.R. 558(c); amending N.J.A.C. 10:120.

2. Chapter 102—Basic Adoption Law of New Jersey. These rules were nearly a verbatim copy of New Jersey's former adoption statute (i.e., N.J.S.A. 9:3-17 through 9:3-36) which were repealed on March 8, 1978. The new statutes on this subject are now cited as N.J.S.A. 9:3-37 et seq. but will not be reproduced in Title 10 of the New Jersey Administrative Code.

3. Chapter 105—Delegation of Administrative Responsibility. Such responsibilities are outlined in N.J.S.A. 30:4C-4(b), (c), (d) and (h).

4. Chapter 107—Purchase of Institutional Services by the Bureau of Children's Services. These rules have been superseded by the rules now cited as N.J.A.C. 10:127.

5. Chapter 108—Manual of Standards for Children's Institutions. These rules have been superseded by the rules now cited as N.J.A.C. 10:127.

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

Bernice L. Manshel  
Director  
Division of Youth and Family Services  
One South Montgomery Street  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to the Division of Youth and Family Services at the above address.

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

Ann Klein  
Commissioner  
Department of Human Services

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Notice of Clarification of Status of Certain Rules in the Long Term Care Services Manual

Take notice that the Department of Human Services intended to amend only subchapter 1 of chapter 63 in Title 10 in the New Jersey Administrative Code rather than that entire chapter when it adopted amendments to the Long Term Care Services Manual on March 29, 1979, as R.1979 d.126 (See: 10 N.J.R. 190(b) and 11 N.J.R. 248(b)). However, in the most recent update of Title 10 in the New Jersey Administrative Code, subchapters 2 through 5 were erroneously deleted from chapter 63.

Subchapter 2, Billing Procedures (R.1978 d.216; effective July 1, 1978; See: 10 N.J.R. 253(b) and 10 N.J.R. 345(a)), and Subchapter 3, Cost Study, Rate Review Guidelines and Reporting System (R.1974 d.43; effective February 19, 1974; See: 6 N.J.R. 14(b) and 6 N.J.R. 117(c) as amended by R.1975 d.149; effective June 3, 1975; See: 7 N.J.R. 165(b) and 7 N.J.R. 328(c) will appear in Chapter 63 in the next update of Title 10 of the New Jersey Administrative Code.

Subchapters 4 and 5 in chapter 63 were also intended to remain in that chapter as originally adopted by R.1977 d.133; effective May 1, 1977; See: 9 N.J.R. 123(a) and 9 N.J.R. 238(a). However, the text of subchapters 4 and 5 have recently been deleted by R.1979 d.325; effective August 16, 1979; See: 11 N.J.R. 280(a) and 11 N.J.R. 448(e), and therefore the text of those two subchapters will not appear in the next update of Title 10. The rules on medical day care services previously appearing in subchapters 4 and 5 in chapter 63 are now located in chapter 65 in Title 10 of the New Jersey Administrative Code in amended form.

This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Emergency Amendments to Pharmaceutical Assistance to the Aged Manual Concerning Definition of Lifeline Credit Program

On September 20, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 10:69A-2.1 in the Pharmaceutical Assistance to the Aged Manual concerning the definition of the lifeline credit program.

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

10:69A-2.1 Definitions

“Lifeline credit program” means the line of credit to be used to pay annual utility bills. Such credit under provisions of P.L. 1979, c.197 shall not be considered annual income for purposes of financial eligibility for PAA. Applicants and reapplicants for PAA are not required to report the benefits of the lifeline credit program on the PAA application or reapplication form.

An order adopting these amendments was filed and became effective on September 25, 1979 as R.1979 d.375 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Amendments Concerning a Standard Utility Allowance in the Food Stamp Program**

On October 1, 1979, Gerald J. Reilly, Acting Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-5.10 and 10:87-12.1 concerning the standard utility allowance in the food stamp program substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 448(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on October 1, 1979 as R.1979 d.387.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

**HUMAN SERVICES**

**DIVISION OF YOUTH AND FAMILY SERVICES**

**Rules Concerning the Obligation of DYFS to Inform Prosecutors of Certain Child Abuse and Neglect Cases**

On October 9, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 9:6-8.36(a) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:129, concerning the obligation of DYFS to inform prosecutors of certain child abuse and neglect cases substantially as proposed in the Notice published February 8, 1979, at 11 N.J.R. 74(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these rules was filed and became effective on October 11, 1979 as R.1979 d.400.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Amendments Concerning Pharmaceutical Services**

On October 15, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:51-1.9(a)10. concerning pharmaceutical services as proposed in the Notice published December 7, 1978 at 10 N.J.R. 540(a).

An order adopting these amendments was filed on October 17, 1979 as R.1979 d.413 to become effective on December 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Amendments to Food Stamp Manual**

On October 18, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-3.12, 10:87-6.22, 10:87-9.3, 10:87-11.15 and 10:87-11.28 in the Food Stamp Manual substantially as proposed in the Notice published August 9, 1979 at 11 N.J.R. 379(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on October 18, 1979 as R.1979 d.422.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Amendments Concerning Eligibility of an Applicant for AFDC-F or -N Benefits Pending a Determination of Incapacity**

On October 18, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, amended N.J.A.C. 10:81-2.7 concerning eligibility of an applicant for AFDC-F or -N benefits pending a determination of incapacity as proposed in the Notice published September 6, 1979 at 11 N.J.R. 446(a).

An order adopting these amendments was filed on October 18, 1979 as R.1979 d.423 to become effective on December 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments to Assistance Standards Handbook

On October 18, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 10:82-1.7, 10:82-2.14, 10:82-4.6 and 10:82-4.15 in the Assistance Standards Handbook as proposed in the Notice published September 6, 1976 at 11 N.J.R. 447(b).

An order adopting these amendments was filed on October 18, 1979, as R.1979 d.424 to become effective on November 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Extension of Medical Benefits to a Newborn Child And a Cross Reference Regarding LRRs

On October 18, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 10:81-8.22 and 10:81-8.23 concerning the extension of medical benefits to a newborn child and a cross reference regarding LRRs as proposed in the Notice published September 6, 1979 at 11 N.J.R. 447(a).

An order adopting these amendments was filed on October 18, 1979 as R.1979 d.425 to become effective on November 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Legally Responsible Relatives

On October 18, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 10:81-3.35 and 10:82-3.8 concerning legally responsible relatives as proposed in the Notice published September 6, 1979 at 11 N.J.R. 446(b).

An order adopting these amendments was filed on October 18, 1979 as R.1979 d.427 to become effective on December 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Statement of Principles

On October 18, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 10:81-1.1(d) concerning the statement of principles substantially as proposed in the Notice published August 9, 1979 at 11 N.J.R. 376(b) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

Take notice that the proposal regarding N.J.A.C. 10:81-1.14, Reporting alleged employee misconduct toward a client, is being withdrawn.

An order adopting these amendments was filed on October 18, 1979 as R.1979 d.426 to become effective on December 1, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Deletion of Several Forms Used in the AFDC Program

On October 18, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 10:81-2.1 et seq. concerning the deletion and revision of certain forms used in the AFDC program substantially as proposed in the Notice published July 5, 1979 at 11 N.J.R. 344(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on October 18, 1979 as R.1979 d.428.

Howard H. Kestin  
Director  
Office of Administrative Law

(f)

## LABOR AND INDUSTRY

### THE COMMISSIONER DIVISION OF WORKPLACE STANDARDS

#### Proposed Revised Rules on Liquefied Petroleum Gases

John J. Horn, Commissioner of Labor and Industry, pursuant to the authority of N.J.S.A. 21:1B-2c, proposes to adopt revised rules to be cited as N.J.A.C. 12:200, on the design, construction, location, installation and operation of liquefied petroleum gas systems, and also with-

draws Chapter 52, Liquefied Petroleum Gases of Title 13, N.J.A.C. as a rule of the Department of Labor and Industry as provided by N.J.S.A. 21:1B-10a.

Copies of the 18 pages of the proposal may be obtained from:

William J. Clark, Assistant Commissioner  
Division of Workplace Standards  
Department of Labor and Industry  
Post Office Box 2191  
Trenton, New Jersey 08625

In accordance with the provisions of N.J.S.A. 21:1B-2c, a public hearing will be held on November 19, 1979 at 9:30 A.M. in Room 1301 of the Labor and Industry Building at John Fitch Plaza, Trenton.

Interested persons or organizations may make oral presentations at the hearing or provide statements or arguments in writing relevant to the proposed action prior to and up to ten days after the date of the hearing at the above address.

The Department of Labor and Industry may thereafter adopt rules on this subject without further notice.

John J. Horn  
Commissioner  
Department of Labor and Industry

(a)

## LABOR AND INDUSTRY

### DIVISION OF WORKPLACE STANDARDS OFFICE OF WAGE AND HOUR COMPLIANCE

#### Listing of Prevailing Wage Rates for Construction Workers on Public Works Projects

On September 19, 1979, William J. Clark, Assistant Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-56.25 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, filed a listing of the prevailing wage rates for construction workers on public works projects.

The listings include the classification, hourly prevailing wage rates, benefits and overtime data for construction workers on public works projects for the entire State as well as for each of the 21 counties within this State.

Copies of the approximately 298 pages of the full text of this listing may be obtained from or made available for review by contacting:

Public Contracts Section  
Office of Wage and Hour Compliance  
Department of Labor and Industry  
John Fitch Plaza  
Trenton, N.J. 08625

An order adopting this listing was filed on September 19, 1979, as R.1979 d.370 (Exempt. Procedure Rule). Take notice that this listing is not subject to codification and will not appear in Title 12 of the New Jersey Administrative Code.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF BEAUTY CULTURE CONTROL

##### Proposed Amendments Concerning Non-English Speaking Student Enrollment

Richard G. Griswold, Executive Secretary, Board of Beauty Culture Control in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:4A-1 et seq., proposes to amend a rule to permit Non-English Speaking Student Enrollments in beauty schools licensed by the Board.

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

##### 13:28-2.11 [Language requirement] Non-English Speaking Student Enrollment

[Schools shall not enroll any student who does not read, write or speak the English language] Upon acceptable evaluation of a potential Non-English speaking student, in order to determine that such student is likely to succeed in the intended course of study, a licensed beauty school may enroll other than English speaking persons for instruction, providing the board approved enrollment agreement and application for student registration specifies the language in which the course will be offered. The licensed beauty school must submit the text of the enrollment agreement to the Board for approval before the school may require students to sign the said enrollment agreement. The enrollment agreement shall be printed in the language in which the course will be offered, and the student shall be provided with a copy thereof. Schools offering courses other than in the English language shall employ an appropriately licensed teacher of cosmetology who is licensed by the New Jersey State Board of Beauty Culture Control and who is fluent in the English language and in the language in which the course is offered. The school's records shall contain evidence that the teacher is sufficiently qualified to adequately provide instruction in the Non-English language. Instruction materials (e.g. textbooks, and demonstration materials) shall be printed in the language in which the course will be offered. Final testing and periodic examinations required to be taken by the Non-English speaking student shall be given in the particular student's language.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Helemut Muenster  
Board Chairman  
Board of Beauty Culture Control  
Room 311  
1100 Raymond Blvd.  
Newark, N.J. 07102

The Board of Beauty Control may thereafter adopt the above rule substantially as proposed without further notice.

Richard G. Griswold  
Executive Secretary  
Board of Beauty Culture Control  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

##### Proposed Amendments on Advertising and Solicitations

Edwin Ruzinsky, President of the State Board of Certified Public Accountants in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:2B-1 et seq., proposes to repeal in its entirety the current Board of Certified Public Accountants regulations governing advertising and solicitation, N.J.A.C. 13:29-3.10 and N.J.A.C. 13:29-3.11 and to adopt new regulations regarding advertising and solicitation.

Full text of the proposed new regulations follows:

##### 13:29-3.10 Advertising

(a) A licensee shall not use or participate in the use of any form of public communication having reference to his professional services which contains a false, fraudulent, misleading, deceptive or unfair statement or claim. A false, fraudulent, misleading, deceptive or unfair statement or claim includes but is not limited to a statement or claim which:

1. Contains a misrepresentation of fact; or
2. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
3. Contains any testimonial or laudatory statement, or other statement or implication that the licensee's professional services are of exceptional quality; or
4. Is intended or likely to create false or unjustified expectations of favorable results; or
5. Implies educational or professional attainments or licensing recognition not supported in fact; or
6. States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of public accountancy, if this is not the case; or
7. Represents that professional services can or will be competently performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or
8. Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

##### 13:29-3.11 Solicitation

A practitioner may directly or indirectly solicit clients by circulars, advertisements or personal communications provided such circulars, advertisements or personal communications do not violate N.J.A.C. 13:29-3.10.

Interested persons may present statements or arguments in writing, orally or in person relevant to the proposed action not later than November 28, 1979 to:

Edwin Ruzinsky, President  
New Jersey State Board of  
Certified Public Accountants  
Room 507A  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The Board of Certified Public Accountants may thereafter adopt these proposed regulations without further notice.

Edwin Ruzinsky, President  
New Jersey State Board of Certified  
Public Accountants  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Proposed Amendments on Professional Identification

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq. proposes to repeal in its entirety N.J.A.C. 13:35-4.1, Degree Designation, and proposes to enact a new rule regulating professional identification.

Full text of the proposed rule follows.

##### 13:35-4.1 Professional identification

(a) A physician with a plenary license to practice medicine and surgery in the State of New Jersey shall identify himself for professional purposes (office identification, stationery, professional cards, etc.) in a manner clearly indicating such plenary licensure and/or practice specialty, e.g., Dr. John Doe, licensed to practice medicine and surgery; Dr. John Doe, physician and surgeon; Dr. John Doe, physician, practice limited to (name of specialty); or similar accurate descriptive terms.

(b) A graduate of an accredited professional medical school located outside the United States who receives a plenary license to practice in New Jersey shall identify himself only as permitted in subsection (a) of this section. This section shall apply prospectively to persons licensed in New Jersey subsequent to the effective date of this rule.

(c) A graduate of an accredited professional medical school located within the United States who receives a plenary license to practice in New Jersey and who elects to use an abbreviation of title, shall use the standard and accepted abbreviation of degree conferred by the professional medical school, i.e., John Smith, M.D.; John Smith, D.O., as the case may be. One who is a graduate of both an A.M.A.-accredited allopathic professional medical school and an A.O.A.-accredited osteopathic professional school may use either or both M.D., D.O. abbreviations.

Interested persons may present statements or arguments in writing relevant to the proposed amended rule on or before November 30, 1979 to:

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

The New Jersey State Board of Medical Examiners, may thereafter adopt the above amendments as proposed without further notice.

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

(Continued on Page 571)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

It includes all rules adopted from receipt of the last individual transmittals as indicated through September 13, 1979.

**RULES NOT YET IN PRINT IN CODE (May be found in N.J. Register beginning with February 9, 1979):**  
**(Full text (in proposal form), if published, may be found in N.J. Register beginning with June 8, 1978.)**

<u>N.J.A.C. CITATION</u>	<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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## AGRICULTURE — TITLE 2

2:2-9.3—9.6	Fee schedule for animal health laboratory test	R.1979 d.227	11 N.J.R. 315(a)
2:3-2.5	Amend equine infectious anemia tests	R.1979 d.135	11 N.J.R. 222(c)
2:3-2.12	Amend exemption from pseudorabies test requirements	R.1979 d.304	11 N.J.R. 426(a)
2:5-2.3—2.6	Importation, movement and transfer of horses	R.1979 d.136	11 N.J.R. 233(a)
2:6-1.9	Amend reports of biological product use	R.1979 d.215	11 N.J.R. 314(b)
2:6-1.9	Amend reports of biological product use	R.1979 d.225	11 N.J.R. 314(c)
2:53-1.1(b)	Amend announcement of milk prices	R.1979 d.34	11 N.J.R. 58(a)
2:54-1.6	Amend Federal Order No. 2 (March 1, 1979)	R.1979 d.79	11 N.J.R. 162(a)
2:54-3.11	Amend Federal Order No. 4; milk handling	R.1979 d.185	11 N.J.R. 270(a)
2:69-1.11	Amend commercial values of primary plant nutrients	R.1979 d.228	11 N.J.R. 315(b)
2:71-1.39	Amend use of New Jersey map symbol on egg packages and advertising	R.1979 d.229	11 N.J.R. 315(c)
2:71-2.28	and written agreements	R.1979 d.58	11 N.J.R. 117(a)
	Amend charges for inspection or grading certification services		

(Title 2, Transmittal 14 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

## BANKING — TITLE 3

3:1-1.1	Amend interest rates	R.1979 d.190	11 N.J.R. 270(c)
3:1-1.2	Interest rates on other loans	R.1979 d.290	11 N.J.R. 429(b)
3:1-9	Amend red-lining	R.1979 d.415	11 N.J.R. 534(b)
3:1-10	Amend restrictions on real property transactions	R.1979 d.55	11 N.J.R. 117(d)
3:6-3.1	Definition of bank officers	R.1979 d.182	11 N.J.R. 270(b)
3:6-7.1	Maximum interest rate; class II installment loan	R.1979 d.214	11 N.J.R. 316(a)
3:8-3.1	Amend non-federal reserve members' reserves	R.1979 d.44	11 N.J.R. 117(b)
3:11-1.1	Amend approval to exceed ten per cent limitation	R.1979 d.298	11 N.J.R. 429(c)
3:21	Credit unions	R.1979 d.54	11 N.J.R. 117(c)

(Title 3, Transmittal 13 dated January 18, 1979 includes all rules through February 8, 1979 N.J. Register.)

## CIVIL SERVICE — TITLE 4

(Title 4, Transmittal 13 dated June 1, 1979 includes all rules to date.)

## COMMUNITY AFFAIRS — TITLE 5

5:10	Amend maintenance of hotels and multiple dwellings	R.1979 d.259	11 N.J.R. 366(b)
5:11	Amend relocation assistance and eviction	R.1979 d.383	11 N.J.R. 535(c)
5:11-1.8	Eviction and relocation	R.1979 d.103	11 N.J.R. 167(a)
5:23-2.5(b)	Amend construction permits	R.1979 d.292	11 N.J.R. 431(b)
5:23-3.3, 4.9	Amend Uniform Construction Code	R.1979 d.342	11 N.J.R. 498(a)
5:25	New Home Warranty and Builder's Registration Act rules	R.1979 d.147	11 N.J.R. 223(c)
5:30-6.1	Uniform accounting system for various statutory offices in county governments	R.1979 d.294	11 N.J.R. 431(c)
5:100	Ombudsman practices and procedures; public notice requirements	R.1979 d.166	11 N.J.R. 274(a)
5:100	Amend rules of practice and procedure	R.1979 d.386	11 N.J.R. 536(a)

(Title 5, Transmittal 12 dated March 15, 1979 includes all rules through March 8, 1979 N.J. Register.)

## EDUCATION — TITLE 6

6:8-4.6	Amend school and community relations; T and E	R.1979 d.303	11 N.J.R. 432(a)
6:11-12.5, 12.6, 12.23	Repeal teacher-librarian and school librarian; amend issuance of certificates in educational media	R.1979 d.355	11 N.J.R. 501(b)
6:21-5.32, 6.49	Implementation of school bus chassis, bus body and equipment specifications	R.1979 d.269	11 N.J.R. 367(a)
6:80	Rule on educational improvement centers	R.1979 d.272	11 N.J.R. 368(a)

(Title 6, Transmittal 14 dated May 17, 1979 includes all rules through July 5, 1979 N.J. Register.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1G-1	Interim rules for review and approval of applications for development or construction	R.1979 d.333	11 N.J.R. 502(b)
7:1G-1.11(a)2	Amend water quality standards	R.1979 d.395	11 N.J.R. 543(b)
7:1G-2	Procedures for processing applications for development	R.1979 d.332	11 N.J.R. 504(a)
7:1G-2.1(d)	Amend procedures for processing applications for development	R.1979 d.394	11 N.J.R. 543(a)
7:4	Rules on the New Jersey Register of Historic Places	R.1979 d.328	11 N.J.R. 434(a)
7:6-7	Rules on abandoned vessels	R.1979 d.145	11 N.J.R. 230(d)
7:7D-2	Amend CAFRA rules	R.1979 d.99	11 N.J.R. 173(a)
7:9-10	Amend Central Pine Barrens water quality standards and designation as a critical area	R.1979 d.282	11 N.J.R. 374(c)
7:9-13	Amend sewer extension bans	R.1979 d.129	11 N.J.R. 230(a)
7:10	Amend implementing Safe Drinking Water Act	R.1979 d.271	11 N.J.R. 374(b)
7:11-2	Amend rate for Delaware and Raritan Canal water	R.1979 d.32	11 N.J.R. 64(c)
7:11-4.4—4.12	Amend rate for Spruce Run-Round Valley Reservoirs	R.1979 d.31	11 N.J.R. 64(b)
7:11-4.11—4.32, 5.1—5.23	Amend Raritan Basin System water sales	R.1979 d.30	11 N.J.R. 64(a)
7:12-1.3, 2.8, 2.9, 2.12	Amend condemnation of certain shellfish beds	R.1979 d.184	11 N.J.R. 276(a)
7:13-1.11(d)	Amend floodway delineations; Passaic River	R.1979 d.194	11 N.J.R. 276(c)
7:13-1.11(d)	Amend floodway delineations; Mountain Brook and its Branch No. 2 in the Raritan River Basin	R.1979 d.195	11 N.J.R. 276(d)
7:13-1.11(d)	Amend floodway delineations of streams within the Passaic River Basin	R.1979 d.430	11 N.J.R. 545(a)
7:13-1.11(d)	Amend floodway delineation of streams within the Raritan and Rahway River Basin	R.1979 d.418	11 N.J.R. 544(d)
7:14-4	Sludge quality assurances	R.1979 d.419	11 N.J.R. 544(e)
7:14-8	Assessment of civil administrative penalties	R.1979 d.111	11 N.J.R. 173(c)
7:21-4	Amend procedures for hearings before the Water Policy and Supply Council	R.1979 d.142	11 N.J.R. 230(c)
7:23	Grants under Emergency Flood Control Bond Act	R.1979 d.202	11 N.J.R. 277(a)
7:25-2.14	Amend field trial activities	R.1979 d.189	11 N.J.R. 276(b)
7:25-5	Amend 1979-80 Game Code	R.1979 d.329	11 N.J.R. 434(b)
7:25-5	Amend 1979-80 Game Code	R.1979 d.404	11 N.J.R. 544(a)
7:25-6	1980 Fish Code	R.1979 d.403	11 N.J.R. 543(c)
7:25-7.2	Amend oyster seed beds; 1979 season	R.1979 d.102	11 N.J.R. 173(b)
7:25-11.1(b)	Amend endangered species	R.1979 d.128	11 N.J.R. 229(a)
7:25-12.1(g)	Amend preservation of the sea clam resource	R.1979 d.201	11 N.J.R. 276(e)
7:25-15.1	Amend relay of hard clams program	R.1979 d.156	11 N.J.R. 230(e)
7:25-16.1	Amend upstream lines requiring licenses	R.1979 d.405	11 N.J.R. 544(c)
7:27-16-17	Amend control and prohibition of air pollution by volatile organic and toxic substances	R.1979 d.414	11 N.J.R. 544(b)
7:27-18	Control and prohibition of air pollution in non-attainment areas	R.1979 d.237	11 N.J.R. 327(a)
7:28-21	Rules on analytical X-Ray installations	R.1979 d.64	11 N.J.R. 123(a)
7:37	State aid to local environmental agencies	R.1979 d.134	11 N.J.R. 230(b)
7:37	Amend State aid to local environmental agencies	R.1979 d.263	11 N.J.R. 374(a)
7:50	Project review guide; Pinelands Environmental Council	R.1979 d.78	11 N.J.R. 123(b)

(Title 7, Transmittal 12 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

## HEALTH — TITLE 8

8:8	Amend collecting, processing, storing and distributing blood	R.1979 d.248	11 N.J.R. 376(a)
8:15	Rules on smoking in certain public places	R.1979 d.153	11 N.J.R. 237(c)
8:21-4.31—4.34	Amend control of laetrile	R.1979 d.299	11 N.J.R. 440(c)
8:21-7	Amend frozen desserts	R.1979 d.322	11 N.J.R. 441(d)
8:21-10.12	Expiration dates for fluid milk products	R.1979 d.143	11 N.J.R. 236(a)

8:25-2.2, 2.5, 3.1, 4.4, 4.5, 6.1, 6.7	Amend Youth Camp Safety Act standards	R.1979 d.199	11 N.J.R. 279(c)
8:31-8 App. B	Amend standards and general criteria for the planning, certification of need and designation of perinatal services	R.1979 d.369	11 N.J.R. 549(c)
8:31-9	Amend standards and general criteria for the planning of certification of need of CAT units	R.1979 d.316	11 N.J.R. 441(a)
8:31-25.1(a)23	Add dexamethasone to list of therapeutic agents	R.1979 d.409	11 N.J.R. 550(c)
8:31A-5.5	Temporary reporting procedures; implementation of S446	R.1979 d.368	11 N.J.R. 549(b)
8:31A-7	1980 hospital rate review guidelines	R.1979 d.317	11 N.J.R. 441(b)
8:31A-9.1, 9.2, 10.5	Amend economic factor in SHARE Manual	R.1979 d.284	11 N.J.R. 439(b)
8:31B-1	Quantifiable economic benefits	R.1979 d.285	11 N.J.R. 439(c)
8:31B-3	Procedural and methodological regulations to implement Chapter 83, P.L. 1978	R.1979 d.408	11 N.J.R. 550(b)
8:31B-4	Financial elements and reporting	R.1979 d.407	11 N.J.R. 550(a)
8:31-26.2	Self locking doors in health facilities	R.1979 d.241	11 N.J.R. 331(d)
8:33	Amend guidelines and criteria for submission of applications for certificate of need	R.1979 d.283	11 N.J.R. 439(a)
8:34-1.15(c)	Amend internships and nursing home administrators	R.1979 d.200	11 N.J.R. 279(d)
8:39-1.14, 1.16, 1.18	Amend effective dates on parts of Standards for Long-Term Care	R.1979 d.243	11 N.J.R. 332(a)
8:39-1.22	Amend dental services in long-term care facilities	R.1979 d.238	11 N.J.R. 331(a)
8:41-1	Amend planning and application for designation of cardiac diagnostic facilities	R.1979 d.286	11 N.J.R. 439(d)
8:41-2	Amend planning and certification of need of regional cardiac surgical centers	R.1979 d.287	11 N.J.R. 440(a)
8:42-3	Rules on residential and in-patient alcohol abuse treatment facilities	R.1979 d.240	11 N.J.R. 331(c)
8:43A-1.16(e)	Amend standards for licensure of ambulatory care facilities	R.1979 d.116	11 N.J.R. 180(b)
8:43A-1.52, 1.59, 1.63	Amend hours of counseling and availability of hours	R.1979 d.406	11 N.J.R. 549(e)
8:43A-1.72	Free-standing ambulatory care facilities - drug abuse treatment services	R.1979 d.239	11 N.J.R. 331(b)
8:43B-1.11(q)7	Amend waiver of emergency room services	R.1979 d.410	11 N.J.R. 550(d)
8:43B-7.2(c)10ii	Amend verbal orders accepted by physical therapist	R.1979 d.113	11 N.J.R. 179(b)
8:43B-7.2(d)	Amend authentication and countersigning of physician's order	R.1979 d.115	11 N.J.R. 180(a)
8:43B-7.4(c)	Amend availability of records	R.1979 d.114	11 N.J.R. 179(c)
8:45-1.3	Amend clinical laboratories licensure fees	R.1979 d.398	11 N.J.R. 549(d)
8:45-2.1, 2.2	Amendments increasing certain laboratory fees	R.1979 d.411	11 N.J.R. 550(e)
8:48	Amend public health funding and local health board standards	R.1979 d.300	11 N.J.R. 440(d)
8:49	Amend public health funding and local health board standards	R.1979 d.300	11 N.J.R. 440(d)
8:53	Amend public health funding and local health board standards	R.1979 d.300	11 N.J.R. 440(d)
8:58	Rules on standards for ambulatory or outpatient tuberculosis control	R.1979 d.149	11 N.J.R. 236(b)
8:65-7.6	Amend person entitled to fill prescriptions	R.1979 d.152	11 N.J.R. 237(b)
8:65-7.7	Administering or dispensing of narcotic drugs	R.1979 d.151	11 N.J.R. 237(a)
8:65-10.3, 10.4	Amend calculation of narcotic content in any controlled dangerous substances preparations	R.1979 d.301	11 N.J.R. 440(e)
8:65-10.4	Add pentazocine to Schedule IV of Controlled Dangerous Substances	R.1979 d.150	11 N.J.R. 236(c)
8:65-10.5	Amend narcotic content in any controlled dangerous substances preparations	R.1979 d.301	11 N.J.R. 440(e)
8:65-10.8(b)	Amend chemical preparations exempt from the controlled Dangerous Substances Act	R.1979 d.244	11 N.J.R. 332(b)
8:65-10.8(b)	Amend exempt chemical preparations	R.1979 d.361	11 N.J.R. 505(b)
8:70-1.1(c), 1.4	Amend drug evaluation and acceptance criteria	R.1979 d.412	11 N.J.R. 551(a)
8:71	List of interchangeable drug products	R.1979 d.104	11 N.J.R. 179(a)
8:71	Amend list of interchangeable drug products	R.1979 d.318	11 N.J.R. 441(c)
8:71	Deletions of non-prescription medicines from list of interchangeable drug products	R.1979 d.288	11 N.J.R. 440(b)
8:71 Preface	Deletion of distributors from list of interchangeable drug products	R.1979 d.242	11 N.J.R. 331(e)

(Title 8, Transmittal 11 dated March 15, 1979 includes all rules through March 8, 1979 N.J. Register.)

## HIGHER EDUCATION — TITLE 9

9:7-2.4	Amend determination of eligibility for and value of student assistance	R.1979 d.313	11 N.J.R. 443(a)
9:7-2.5, 2.6	Amend student eligibility and award tables	R.1979 d.236	11 N.J.R. 343(b)
9:7-2.10	Amend verification of enrollment and academic performance and eligibility requirements	R.1979 d.314	11 N.J.R. 443(b)
9:7-3.1, 3.2	Amend student eligibility and award tables	R.1979 d.236	11 N.J.R. 343(b)
9:7-4.1	Amend verification of enrollment and academic performance and eligibility requirements	R.1979 d.314	11 N.J.R. 443(b)

9:9-1.12(a), 5.3	Amend loan amounts and eligibility requirements	R.1979 d.401	11 N.J.R. 551(c)
9:11-1.4, 1.5, 1.8, 1.9	Amend financial guidelines and award tables	R.1979 d.230	11 N.J.R. 342(c)
9:12-2	Rules on summer programs	R.1979 d.235	11 N.J.R. 343(a)
(Title 9, Transmittal 12 dated March 15, 1979 includes all rules through June 7, 1979 N.J. Register.)			

## HUMAN SERVICES — TITLE 10

10:49-10	Contracting for prepaid health care services for Title XIX eligibles	R.1979 d.231	11 N.J.R. 346(b)
10:51-1.9(a)	Amend pharmaceutical services	R.1979 d.413	11 N.J.R. 559(c)
10:52-1.16	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:53-1.14	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-1.23	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:54-3, 54-4	Amend the Physician's Procedure Code Manual	R.1979 d.218	11 N.J.R. 346(a)
10:57-1.1	Amend definition of podiatry specialist	R.1979 d.293	11 N.J.R. 448(b)
10:59	Amend Medical Supplies and Equipment Manual	R.1979 d.324	11 N.J.R. 448(d)
10:63-4, -5	Delete text	R.1979 d.325	11 N.J.R. 448(e)
10:65	Amend medical day care	R.1979 d.325	11 N.J.R. 448(e)
10:66-1.18	Medicaid—reimbursed abortions	R.1979 d.245	11 N.J.R. 347(a)
10:69A	Amend pharmaceutical assistance to the aged	R.1979 d.209	11 N.J.R. 345(b)
10:69-1-2.1	Amend definition of lifeline credit program	R.1979 d.375	11 N.J.R. 558(c)
10:81-1.1	Amend non-discrimination of handicap & statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-1.1(d)	Amend statement of principles	R.1979 d.426	11 N.J.R. 560(d)
10:81-1.4, 1.7, 1.8	Amend non-discrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2	Amend forms used in AFDC	R.1979 d.428	11 N.J.R. 560(e)
10:81-2.2	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-2.2, 2.3	Amend updating of forms and signing of income tax waiver	R.1979 d.277	11 N.J.R. 383(a)
10:81-2.7	Amend eligibility of an applicant for AFDC-F or -N benefits pending a determination of incapacity	R.1979 d.423	11 N.J.R. 559(e)
10:81-3.9(a)5	Amend Medicaid special and unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-3.35	Amend legally responsible relatives	R.1979 d.427	11 N.J.R. 560(c)
10:81-7.36, 7.38, 7.41	Amend nondiscrimination of handicap and statement of client rights	R.1979 d.278	11 N.J.R. 383(b)
10:81-8.22—8.24	Amend Medicaid special and provisions relative to unborn children	R.1979 d.233	11 N.J.R. 346(d)
10:81-8.22, 8.23	Amend extension of medical benefits to a newborn child and a cross reference regarding LRR's	R.1979 d.425	11 N.J.R. 560(b)
10:82-1.2	Amend AFDC allowance standards	R.1979 d.256	11 N.J.R. 382(a)
10:82-1.7	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-1.7, 1.8	Amend disregard of work-study income, treatment of stipends and child care payments	R.1979 d.232	11 N.J.R. 346(c)
10:82-2.1, 2.2, 2.4, 2.9	Amend computer input forms and child care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:82-2.14	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-3.8	Amend legally responsible relatives	R.1979 d.427	11 N.J.R. 560(c)
10:82-4.6, 4.15	Amend Assistance Standards Handbook	R.1979 d.424	11 N.J.R. 560(a)
10:82-5.9	Amend computer input forms and child care deductions	R.1979 d.363	11 N.J.R. 519(d)
10:85-2.4	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
10:85-3.1	Amend medical payments	R.1979 d.365	11 N.J.R. 519(f)
10:85-3.2(c)	Amend Social Security numbers in the General Assistance Program	R.1979 d.280	11 N.J.R. 383(c)
10:85-3.2	Amend General Assistance Manual	R.1979 d.326	11 N.J.R. 449(a)
10:85-3.3(e)	Amend VISTA payments	R.1979 d.365	11 N.J.R. 519(f)
10:85-3.3(f)	Amend drug and alcohol treatment centers	R.1979 d.366	11 N.J.R. 520(a)
10:85-4.3	Amend assistance orders	R.1979 d.365	11 N.J.R. 519(f)
10:85-4.6	Amend victims of domestic violence	R.1979 d.323	11 N.J.R. 448(c)
10:85-5.7	Amend payments: SSI application pending	R.1979 d.365	11 N.J.R. 519(f)
10:85-6.3	Amend establishment of public assistance fiscal practices	R.1979 d.281	11 N.J.R. 383(d)
10:85-6.7	Amend exemptions from work requirements, resources, savings and destruction of records	R.1979 d.326	11 N.J.R. 449(a)
10:87-3.12	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-3.20(b)	Voluntary quit; Food Stamp Manual	R.1979 d.247	11 N.J.R. 380(c)
10:87-5.10	Amend Food Stamp Manual	R.1979 d.387	11 N.J.R. 559(a)
10:87-6.22, 9.3, 11.15, 11.28	Amend Food Stamp Manual	R.1979 d.422	11 N.J.R. 559(d)
10:87-12.1	Amend Food Stamp Manual	R.1979 d.387	11 N.J.R. 559(a)
10:87 Appendix A	Amend Food Stamp Manual	R.1979 d.234	11 N.J.R. 346(e)
10:94-3.11, 3.13	Amend medical eligibility for Medicaid Only Program	R.1979 d.364	11 N.J.R. 519(e)
10:94-4.33	Amend income eligibility levels	R.1979 d.257	11 N.J.R. 382(b)
10:98	Fiscal Years 1980-1982 State Plan for Vocational Rehabilitation	R.1979 d.340	11 N.J.R. 518(c)

10:100-1.23	Amend SSI payment schedule	R.1979 d.258	11 N.J.R. 382(c)
10:109	Amend to Ruling 11, Parts I and II	R.1979 d.362	11 N.J.R. 519(c)
10:122-2.3, 2.7	Amend child care licensing rules	R.1979 d.249	11 N.J.R. 381(a)
10:122-4	Family day care standards	R.1979 d.359	11 N.J.R. 519(b)
10:123-2.1	Social services for boarding home residents	R.1979 d.350	11 N.J.R. 519(a)
10:129	Child abuse and neglect cases; DYFS to inform prosecutors in certain cases	R.1979 d.400	11 N.J.R. 559(b)

(Title 10, Transmittal 12 dated May 17, 1979 includes all rules through June 7, 1979 N.J. Register.)

### **CORRECTIONS — TITLE 10A**

10A:70-2.6	Amend notification	R.1979 d.341	11 N.J.R. 520(b)
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(Title 10, Transmittal 12 dated May 17, 1979 includes all rules through June 7, 1979 N.J. Register.)

### **INSURANCE — TITLE 11**

11:1-5.5(b), 5.6	Amend cancellation and nonrenewal of fire and casualty coverage	R.1979 d.219	11 N.J.R. 348(b)
11:1-5.8	Taxes paid to Firemen's Relief Associations	R.1979 d.356	11 N.J.R. 520(c)
11:3-7.8	Rules on cancellation of automobile insurance coverage	R.1979 d.155	11 N.J.R. 250(a)
11:5-1.27	Amend education requirements for licensure examination	R.1979 d.52	11 N.J.R. 142(b)

(Title 11, Transmittal 12 dated January 18, 1979 includes all rules through May 10, 1979 N.J. Register.)

### **LABOR AND INDUSTRY — TITLE 12**

12:15-1.3	Amend maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1979 d.321	11 N.J.R. 449(d)
12:15-1.4	Amend taxable wage base under unemployment compensation law	R.1979 d.320	11 N.J.R. 449(c)
12:15-1.5	Amend contribution rate of governmental entities and instrumentalities	R.1979 d.327	11 N.J.R. 450(a)
12:175	Amendments ski lifts	R.1979 d.360	11 N.J.R. 521(a)
12:195	Amend carnival-amusement rides	R.1979 d.168	11 N.J.R. 285(a)
12:235-1.5	Amend worker's compensation rate	R.1979 d.319	11 N.J.R. 449(b)

(Title 12, Transmittal 10 dated January 18, 1979 includes all rules through May 10, 1979 N.J. Register.)

### **LAW AND PUBLIC SAFETY — TITLE 13**

13.2	Amend alcoholic beverage	R.1979 d.138	11 N.J.R. 257(c)
13:2-17.14, 19.6	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:2-23.31	Amend employment of police officers	R.1979 d.67	11 N.J.R. 146(a)
13:2-31.4	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:10-2.4	Amend filing of reports	R.1979 d.112	11 N.J.R. 203(a)
13:19-4	Amend cardiovascular disorders	R.1979 d.367	11 N.J.R. 579(b)
13:19-5	Amend convulsive seizures	R.1979 d.220	11 N.J.R. 356(a)
13:19-10.2, 10.3, 10.4, 10.6	Amend point system and driving during suspension	R.1979 d.84	11 N.J.R. 202(c)
13:20-33.26, 33.63	Amend miscellaneous lights	R.1979 d.193	11 N.J.R. 298(c)
13:21-5.10	Surrender of registration plates	R.1979 d.315	11 N.J.R. 466(b)
13:21-8.2	Amend proof of identity and date of birth	R.1979 d.382	11 N.J.R. 580(d)
13:21-15.3	Amend motor vehicle dealers	R.1979 d.371	11 N.J.R. 580(a)
13:24-2.5, 2.7, 4.1, 4.2, 5.1	Amend emergency vehicle equipment	R.1979 d.372	11 N.J.R. 580(b)
13:33-1.24	Amend applications for examination	R.1979 d.66	11 N.J.R. 145(b)
13:33-1.42	Rule on identification tags	R.1979 d.69	11 N.J.R. 146(c)
13:35-6.5	Amend pronouncement of death	R.1979 d.81	11 N.J.R. 202(a)
13:35-6.6	Amend requirements for issuing a prescription	R.1979 d.421	11 N.J.R. 582(a)
13:35-6.16	Uses of amphetamines and sympathomimetic amine drugs	R.1979 d.120	11 N.J.R. 257(b)
13:35-6.17	Prescribing, administering or dispensing amygdalin (laetrile)	R.1979 d.83	11 N.J.R. 202(b)
13:36-8.11	Multiple burials	R.1979 d.420	11 N.J.R. 582(b)
13:38-2.12	Preceptorship program	R.1979 d.276	11 N.J.R. 402(a)
13:38-5.1	Amend fee schedules	R.1979 d.158	11 N.J.R. 298(a)
13:39-4.4	Amend practical experience requirements for licensure	R.1979 d.254	11 N.J.R. 400(c)
13:39-6.8	Record of pharmacist filling prescriptions	R.1979 d.68	11 N.J.R. 146(b)
13:44-1.4, 2.4, 2.5	Repeal certain rules	R.1979 d.98	11 N.J.R. 202(d)
13:44-2.10	Amend pending emergency cases	R.1979 d.275	11 N.J.R. 401(c)
13:44A	Administrative practices and procedures; professional boards	R.1979 d.203	11 N.J.R. 353(b)
13:45A-6	Automotive sales practices	R.1979 d.392	11 N.J.R. 580(e)

13:45A-7.2	Amend repair of automobiles	R.1979 d.402	11 N.J.R. 581(a)
13:47B-1.9	Amend portable, self-contained vehicle scales	R.1979 d.192	11 N.J.R. 298(b)
13:47B-1.20	Amend sale and distribution of gasoline at retail	R.1979 d.268	11 N.J.R. 401(a)
13:47B-1.23	Amend half-price sales of gasoline	R.1979 d.335	11 N.J.R. 522(a)
13:47C-1.1, 3.4, 3.5	Rules concerning the advertising of lumber and building materials	R.1979 d.251	11 N.J.R. 400(b)
13:47C-4	Rules on the industry standard for New Jersey Atlantic White Cedar	R.1979 d.373	11 N.J.R. 580(c)
13:48	Rules concerning Charitable Fund Raising Act of 1971	R.1979 d.311	11 N.J.R. 466(a)
13:70-4.1, 4.2, 4.6, 4.19	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:70-6.11	Amend denial of nominations or entries	R.1979 d.250	11 N.J.R. 400(a)
13:70-29.8, 29.24, 29.25, 29.27, 29.47, 29.54, 29.55	Amend pari-mutuel wagering	R.1979 d.274	11 N.J.R. 401(b)
13:71-7.1, 7.5	Amend licensing requirements	R.1979 d.144	11 N.J.R. 258(a)
13:71-8.2B, 17.1	Amend starter and starting gate rules in harness racing	R.1979 d.157	11 N.J.R. 297(a)
13:71-17.3	Amend vacancy in a tier	R.1979 d.349	11 N.J.R. 522(b)
13:71-17.7	Amend starter and starting gate rules	R.1979 d.157	11 N.J.R. 297(a)

(Title 13, Transmittal 13 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

## **PUBLIC UTILITIES—TITLE 14**

### **ENERGY—TITLE 14A**

14:1-1.4	Amend Board's address	R.1979 d.118	11 N.J.R. 260(b)
14:1-1.9	Amend cameras and recording devices in Board hearings	R.1979 d.211	11 N.J.R. 356(c)
14:1-6.2, 6.12, 6.21	Amend filing of petitions with the Department of Energy	R.1979 d.210	11 N.J.R. 356(b)
14:3-7.5(c)	Amend utility deposit returns	R.1979 d.117	11 N.J.R. 260(a)
14:3-7.5(c)	Amend interest paid by utility on customer accounts	R.1979 d.289	11 N.J.R. 467(a)
14:3-7.15	Notification to municipalities; discontinuance of service to residential customers	R.1979 d.352	11 N.J.R. 522(c)
14:5-3.2(c)	Amend periodic testing of commercial and industrial electric meters	R.1979 d.374	11 N.J.R. 585(c)
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14A:2-3	Amend regulation and control of the sale of motor gasoline during an energy emergency	R.1979 d.176	11 N.J.R. 298(d)
14A:2-3	Amend regulation and control of sale of motor gasoline during an energy emergency	R.1979 d.252	11 N.J.R. 403(a)
14A:2-3	Amend sale of motor fuels	R.1979 d.260	11 N.J.R. 406(b)
14A:2-3.5, 3.6	Amend control and sale of gasoline during an energy emergency	R.1979 d.270	11 N.J.R. 407(a)
14A:2-3.14	Sale of motor gasoline in containers	R.1979 d.253	11 N.J.R. 406(a)
14A:3-1.4	Variances and exemptions	R.1979 d.28	11 N.J.R. 91(b)
14A:3-3.6	Amend maintenance requirements for oil-fired heating units	R.1979 d.177	11 N.J.R. 299(a)
14A:3-10	Repeal air conditioner and heat pump energy efficiency	R.1979 d.178	11 N.J.R. 299(b)
14A:9	Coastal Energy Impact Program Intrastate allocation process	R.1979 d.80	11 N.J.R. 203(b)
14A:11	Periodic reporting of energy information by suppliers of motor gasoline	R.1979 d.154	11 N.J.R. 260(c)
14A:11-3	Rules on bulk terminal operating companies	R.1979 d.417	11 N.J.R. 585(d)

(Title 14, Transmittal 11 dated January 18, 1979 includes all rules through April 5, 1979 N.J. Register.)

(Title 14A, Transmittal 3 dated January 18, 1979 includes all rules through January 4, 1979 N.J. Register.)

## **STATE — TITLE 15**

(Title 15, Transmittal 11 dated May 17, 1979 includes all rules to date.)

## **PUBLIC ADVOCATE — TITLE 15A**

(Title 15A, Transmittal 1 dated March 20, 1978 includes all rules to date.)

## **TRANSPORTATION — TITLE 16**

16:16-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:17-43	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:28-1.18	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.81	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)

16:28-3.48	Amend restricted parking on parts of Routes 44, 52, 152 and 35	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.97	Amend restricted parking	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.107, 3.112	Amend restricted parking: Routes 94 and 3	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.121	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.194	Restricted parking on Route 7	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.198, 3.199	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.201, 3.202	Restricted parking on parts of Routes 29 and 179	R.1979 d.390	11 N.J.R. 589(b)
16:28-7.6	Lane usage on parts of Route 35	R.1979 d.296	11 N.J.R. 471(a)
16:29-1.8	Amend no passing zones on parts of Route U.S. 46	R.1979 d.346	11 N.J.R. 524(b)
16:29-1.20	No-passing zones on parts of Route U.S. 40	R.1979 d.264	11 N.J.R. 410(b)
16:30-3.5, 3.6	High occupancy vehicle lanes on parts of Routes I-95 and 444	R.1979 d.312	11 N.J.R. 471(c)
16:30-1.7	One-way traffic on parts of Eisenhower Avenue in Dover Township	R.1979 d.347	11 N.J.R. 524(c)
16:31-1.13	Amend no left turns on parts of Route 71	R.1979 d.348	11 N.J.R. 524(d)
16:31-1.14	Rules on no-left turns on parts of Route 35	R.1979 d.389	11 N.J.R. 589(a)
16:41-16	Permits allowing use or occupancy of State-owned railroad property	R.1979 d.331	11 N.J.R. 523(a)
16:53A	Rules on financial and accounting conditions and criteria for bus operating assistance program	R.1979 d.302	11 N.J.R. 471(b)
16:53B	Delegation of authority by Computer Operating Agency	R.1979 d.334	11 N.J.R. 523(b)
16:65-3.1, 3.2	Amend distribution and sale of construction plans and supplementary specifications	R.1979 d.388	11 N.J.R. 588(b)

(Title 16, Transmittal 13 dated June 14, 1979 includes all rules through June 7, 1979 N.J. Register.)

### TREASURY-GENERAL — TITLE 17

17:1-1.15, 1.21, 4.23	Amend certain rules of the Division of Pensions	R.1979 d.169	11 N.J.R. 304(d)
17:2-1.8, 2.2, 2.4, 3.1, 3.6, 4.11, 4.14, 5.7, 6.2, 6.19, 7.1, 7.2	Amend Public Employees' Retirement System	R.1979 d.399	11 N.J.R. 596(b)
17:3-1.8, 2.1, 3.1, 4.11	Amend Teachers' Pension and Annuity Fund	R.1979 d.205	11 N.J.R. 359(a)
17:3-6.15	Amend compulsory retirement	R.1979 d.397	11 N.J.R. 596(a)
17:7-1.8(a)2.	Amend suspension of pension checks	R.1979 d.308	11 N.J.R. 476(a)
17:9-1.4, 2.11	Amend State Health Benefits Program	R.1979 d.159	11 N.J.R. 304(c)
17:9-5.5	Amend State Health Benefits Program	R.1979 d.396	11 N.J.R. 595(c)
17:9-7.2	Amend State Health Benefits Program	R.1979 d.261	11 N.J.R. 415(a)
17:12	Amend Purchase Bureau's rules	R.1979 d.132	11 N.J.R. 264(a)
17:16-5.5	Amend classification of funds, temporary reserve group	R.1979 d.204	11 N.J.R. 358(b)
17:16-5.6	Amend trust group; classification of funds	R.1979 d.305	11 N.J.R. 475(b)
17:16-42	Rules on covered call options	R.1979 d.306	11 N.J.R. 475(c)
17:16-43	Rules on mortgage backed pass-through certificates	R.1979 d.307	11 N.J.R. 475(d)
17:21-11	Lottery Derby Instant Lottery Game	R.1979 d.196	11 N.J.R. 305(d)
17:21-11.1	Meadowlands Sports Lottery	R.1979 d.381	11 N.J.R. 594(b)
17:21-12.1, 12.2, 13.1	Amend Pick-It and Pick-4 lotteries	R.1979 d.343	11 N.J.R. 529(a)
17:27-7.4	Amend affirmative action requirements for public contracts	R.1979 d.191	11 N.J.R. 305(c)

(Title 17, Transmittal 12 dated March 29, 1979 includes all rules through April 5, 1979 N.J. Register.)

### TREASURY-TAXATION — TITLE 18

18:3	Amend alcoholic beverage tax	R.1979 d.180	11 N.J.R. 305(b)
18:4	Amend alcoholic beverage tax	R.1979 d.180	11 N.J.R. 305(b)
18:5	Amend Cigarette Tax Act	R.1979 d.92	11 N.J.R. 211(b)
18:6	Amend unfair cigarette sales	R.1979 d.86	11 N.J.R. 210(a)
18:7	Amend Corporation Business Tax Act	R.1979 d.45	11 N.J.R. 150(b)
18:8	Amend Financial Business Tax Law	R.1979 d.46	11 N.J.R. 151(a)
18:6-1.1	Amend Unfair Cigarette Sales Act	R.1979 d.416	11 N.J.R. 596(c)
18:12	Amend local property tax	R.1979 d.91	11 N.J.R. 211(a)
18:12A-1.12	Amend determination and judgments	R.1979 d.385	11 N.J.R. 595(b)
18:12A-1.14	Amend county boards of taxation	R.1979 d.217	11 N.J.R. 359(b)
18:15	Amend farmland assessment	R.1979 d.87	11 N.J.R. 210(b)
18:15-4.5	Amend structures and the Farmland Assessment Act	R.1979 d.262	11 N.J.R. 415(b)
18:16	Amend realty transfer fee	R.1979 d.93	11 N.J.R. 211(c)
18:17	Amend assessor qualification	R.1979 d.88	11 N.J.R. 210(c)
18:18	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)

18:19	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:20	Amend motor fuels tax	R.1979 d.137	11 N.J.R. 264(b)
18:22	Amend public utility corporations	R.1979 d.47	11 N.J.R. 151(b)
18:23	Amend railroad property tax	R.1979 d.48	11 N.J.R. 151(c)
18:23A	Amend tax maps	R.1979 d.49	11 N.J.R. 151(d)
18:24-4.4	Amend sales and use tax	R.1979 d.89	11 N.J.R. 210(d)
18:24-7.8, 7.10	Amend sales and use tax	R.1979 d.90	11 N.J.R. 210(e)
18:24-7.15	Amend Sales and Use Tax Act	R.1979 d.179	11 N.J.R. 305(a)
18:24-25.2	Amend electronic data processing transactions; Sales and Use Tax Act	R.1979 d.384	11 N.J.R. 595(a)
18:26	Amend transfer inheritance tax	R.1979 d.50	11 N.J.R. 151(e)
18:26-8.7	Amend pre-audit payment of inheritance tax	R.1979 d.295	11 N.J.R. 475(a)
18:30	Amend capital gains and other unearned income tax	R.1979 d.51	11 N.J.R. 151(f)
18:35-1.11	Time for filing information returns	R.1979 d.56	11 N.J.R. 152(a)

(Title 18, Transmittal 12 dated January 18, 1979 includes all rules through February 8, 1979 N.J. Register.)

## OTHER AGENCIES — TITLE 19

19:1-4.1(a)	Repeal portions of rule on commitment applications	R.1979 d.226	11 N.J.R. 359(c)
19:8-1.2	Amend speed limits on the Garden State Parkway	R.1979 d.339	11 N.J.R. 530(a)
19:8-1.14	Energy crisis motor fuel limitations	R.1979 d.246	11 N.J.R. 415(d)
19:8-2.12	Amend Emergency services on the Garden State Parkway	R.1979 d.167	11 N.J.R. 309(b)
19:9-2.1	Amend prequalification of bidders	R.1979 d.160	11 N.J.R. 308(b)
19:9-5.1	Pre-employment screening	R.1979 d.181	11 N.J.R. 309(a)
19:25-4.8	Political action committees	R.1979 d.391	11 N.J.R. 597(b)
19:25-12.1(b)	Amend reporting of "street money"	R.1979 d.121	11 N.J.R. 266(a)
19:30-3	Payment of prevailing wages	R.1979 d.337	11 N.J.R. 530(b)
19:30-4	Targeting authority assistance	R.1979 d.338	11 N.J.R. 530(c)
19:40-2.1, 2.2	Rules on child labor laws	R.1979 d.378	11 N.J.R. 599(d)
19:41-1.3	Amend employee licenses applications	R.1979 d.379	11 N.J.R. 559(e)
19:41-2	Application procedures for casino hotel facilities	R.1979 d.173	11 N.J.R. 309(c)
19:41-7.16	Amend applications and additional copies	R.1979 d.357	11 N.J.R. 530(e)
19:41-13	Applications (casino license conservatorship)	R.1979 d.207	11 N.J.R. 360(b)
19:43-1.2	Amend license requirements	R.1979 d.174	11 N.J.R. 309(d)
19:43-1.14	Rules on Casino service industry licenses	R.1979 d.376	11 N.J.R. 599(b)
19:45	Amend internal and accounting controls	R.1979 d.336	11 N.J.R. 530(d)
19:46-1.1	Amend chip specifications	R.1979 d.358	11 N.J.R. 531(a)
19:46-1.13	Amend Big Six Wheel Game rules	R.1979 d.429	11 N.J.R. 600(b)
19:46-1.27	Amend aisle space	R.1979 d.82	11 N.J.R. 214(a)
19:46-1.32	Limitations on utilization of slot machines of any one manufacturer	R.1979 d.255	11 N.J.R. 420(b)
19:46-1.33	Metal tokens for use in \$1.00 slot machines	R.1979 d.175	11 N.J.R. 309(e)
19:47-1.2, 1.4, 1.5	Correct adoption relating to craps	R.1919 d.273	11 N.J.R. 421(a)
19:47-2.6—2.9	Amend Blackjack and peek rules	R.1979 d.380	11 N.J.R. 600(a)
19:47-5.5	Amend Big Six Wheel Game	R.1979 d.429	11 N.J.R. 600(b)
19:47-5.7	Minimum and maximum wagers	R.1979 d.206	11 N.J.R. 360(a)
19:47-5.7	Amend rules on minimum and maximum wagers	R.1979 d.377	11 N.J.R. 599(c)

(Title 19, Transmittal 12 dated January 18, 1979 includes all rules through March 8, 1979 N.J. Register.)

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**(a)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **BOARD OF OPTOMETRISTS**

##### **Proposed Rules Concerning Professional Associations**

Maxwell M. Kaye, President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:12-1 et seq., proposes to adopt rules concerning professional associations.

Full text of the proposed new rule follows.

##### **13:38-1.11 Professional associations**

(a) Every person practicing optometry under a name which includes words other than the names of the licensees of that professional association must:

1. Cause his or her name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where his or her practice shall be conducted;

2. Cause his or her name to be conspicuously included in any advertisement of the professional association; and

3. Report the use of any such name other than his or her own to the office of the State Board of Optometrists so that a record can be maintained of the names of all participants in the professional association.

(b) Any violation of this regulation by a professional association may be construed to be a violation by all of the individual licensees of that association.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Jan Flanagan, Secretary  
New Jersey State Board of Optometrists  
1100 Raymond Boulevard, Room 502  
Newark, N.J. 07102  
Telephone: (201) 648-2012

The New Jersey State Board of Optometrists may thereafter adopt the above amendments as proposed without further notice.

Maxwell Kaye, President  
Board of Optometrists  
Department of Law and Public Safety

**(b)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **BOARD OF PHARMACY**

##### **Proposed Amendments Concerning Reciprocal Licensure**

Edward Tarlowski, President of the Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:14-1 et seq., proposes to amend certain regulations concerning reciprocal licensure and to adopt certain new provisions thereto.

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

##### **13:39-5.7 States reciprocating**

(a) Pharmacists registered in every state of the United States with the exception of those registered in the states of California[,] and Florida [and New York], the Boards of Pharmacy of which do not reciprocate with other states, and pharmacists registered in the District of Columbia and in the territories of the United States shall be eligible to apply for reciprocal registration.

1. Applicants who have graduated from pharmacy schools that have not been accredited by the American Council on Pharmaceutical Education and who have been licensed by the District of Columbia, a reciprocating state or a United States territory shall be eligible for reciprocity pursuant to N.J.A.C. 13:39-5.14 if the Board of Pharmacy is satisfied that the licensing procedures applicable to graduates of non accredited schools in the state of original licensure at the time of licensure provide for an adequate evaluation of the applicant's education, training and experience.

##### **13:39-5.11 Language comprehension requirement**

All pharmacy applicants from non-English speaking countries or countries wherein the primary language is other than English, prior to being granted licensure as a professional pharmacist in this State shall submit to the Board evidence that they have successfully completed the Test of English as a Foreign Language (TOEFL) examination with a minimum score of 600.

##### **13:39-5.15 [Appearance before Board] New Jersey law exam**

[(a) All applicants for reciprocal registration must be interviewed by the Board, after their application is approved.]

[(b)] The applicant for reciprocal registration must, [after all other requirements have been fulfilled,] pass a written test on the laws governing the practice of pharmacy in this State. A grade of not less than 75 must be achieved.

Interested persons may present statements or arguments in writing relevant to the proposed actions on or before November 28, 1979 to:

Jay Church, Secretary  
New Jersey State Board of Pharmacy  
1100 Raymond Boulevard, Room 325  
Newark, New Jersey 07102  
Telephone: (201) 648-2433

The New Jersey State Board of Pharmacy may thereafter adopt the above amendment as proposed without further notice.

Edward Tarloski  
President, Board of Pharmacy  
Department of Law and Public Safety

**(c)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **Proposed Amendments on Merchandise Advertising**

John J. Degnan, Attorney General of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to repeal in its entirety the current Division of Consumer Affairs regulation governing advertising and marketing practices, N.J.A.C. 13:45A-9 and to adopt a new regulation regarding merchandise advertising. The present proposal supersedes the proposed regulation published at 11 N.J.R. 387(a) on August 9, 1979.

Full text of the proposed new rules follows.

## SUBCHAPTER 9. MERCHANDISE ADVERTISING

### 13:45A-9.1 Definitions

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

"Advertisement" means any attempt by an advertiser to directly or indirectly induce the purchase or rental of merchandise at retail where such advertisement appears in any newspaper, magazine, periodical, circular, in-store or out-of-store sign or other written matter placed before the consuming public, or in any radio or television broadcast. These rules shall apply to any advertisement uttered, issued, printed, disseminated or distributed within this State concerning goods and services sold or offered for sale or rental within this State, regardless of the domicile, residence, place of business or location of the principal office of the advertiser; and to any advertisement uttered, issued, printed, disseminated or distributed to any substantial extent within this State concerning goods and services sold or offered for sale or rental outside this State. For purposes of this regulation, neither price tags nor catalogues are considered advertisements. An advertisement for the sale of a motor vehicle shall be subject to the Division's regulations governing motor vehicle advertising, N.J.A.C. 13:45A-2.1, et seq., and not the within regulation.

"Advertiser" means any person as defined by N.J.S.A. 56:8-1(d) other than a public utility regulated by the Board of Public Utilities, who in the ordinary course of business is engaged in the sale or rental of merchandise and who places, either directly or through an advertising agency, before the public an advertisement. An advertising agency acting on behalf of an advertising seller shall be deemed an advertiser within the meaning of this regulation when such agency prepares or places an advertisement for publication. No advertising agency shall be liable for a violation of this regulation when the agency reasonably relies upon data, information or materials supplied by an advertising seller for whom the advertisement is prepared or placed or when the violation is caused by an act, error or omission beyond the agency's control, including, but not limited to, the post-publication performance of the advertising seller. Notwithstanding that an advertisement has been prepared or placed for publication by an advertising agency, the advertiser on whose behalf such advertisement was placed shall be liable for any violation of this regulation.

"Catalogue" means a multi-page solicitation in which a seller offers more than one specific type of goods for sale or rental, from which consumers can order goods directly without going to the seller's place of business and which is distributed to consumers by means other than by inclusion in a newspaper.

"Closeout sale" means a sale in which the advertiser offers for sale at a reduced price those items of merchandise remaining at one or more specified locations, when the advertiser will not have the same merchandise available for sale within a reasonable period of time after all such items have been sold.

"Division" means Division of Consumer Affairs.

"Merchandise" means any objects, wares, goods, commodities, services or anything offered directly or indirectly to the public for sale or rental at retail.

"Price advertisement" means any advertisement in which a specific dollar price is stated with regard to advertised merchandise.

"Price reduction advertisement" means an advertisement which in any way states or suggests directly or in-

directly that merchandise is being offered or made available for sale at a price less than that at which it has been routinely sold in the past or at which it will be sold in the future.

"Rain check" means a written statement issued by an advertiser allowing the purchase of designated merchandise at the previously advertised price on or by a stated date, but in no event later than 60 days following the issuance thereof, unless an extension of such time period is agreed to by the holder of the rain check.

"Reference price" means a price or price range set forth in a price reduction advertisement for the purpose of establishing an advertised selling price as a reduction from a usual selling price of the advertised merchandise, based on a substantial number of sales or offers of sale in the regular course of business, made at any time within the most recent 60 days during which the advertised merchandise was available for sale prior to, or to be made in the first 60 days during which the advertised merchandise will be available for sale following, the effective date of the advertisement.

"Trade area" means that geographical area in which an advertiser solicits or makes a substantial number of sales.

### 13:45A-9.2 Advertising; general provisions

(a) Without limiting the application of N.J.S.A. 56:8-1, et seq., the following practices shall be unlawful with respect to any advertisement:

1. The failure of an advertiser to maintain and offer advertised merchandise in a quantity sufficient to meet reasonably anticipated consumer demand therefor. In the event that an advertisement states a specific period of time during which merchandise will be available for sale, a sufficient quantity of such merchandise shall be made available to meet reasonably anticipated consumer demand during the stated period. When no stated period appears in the advertisement, a sufficient quantity of such merchandise shall be made available to meet reasonably anticipated consumer demand during three consecutive business days commencing with the effective date of the advertisement. It shall not be a violation of this section if an advertiser fails to offer for sale or issue a rain check for a product which it no longer has available, provided the advertiser had maintained and offered the advertised merchandise in a quantity sufficient to meet reasonably anticipated consumer demand therefor. The requirements of this paragraph shall not be applicable to merchandise which is advertised on an in-store sign only with no corresponding out-of-store sign, as being available in a specific quantity, as being available in a limited supply, or as being available pursuant to a closeout sale or a "clearance" sale if such offering meets the definition of a closeout sale; provided that the quantity of merchandise actually available for sale during the period of time set forth in an advertisement in which merchandise is advertised as being available in a limited supply, or as being available pursuant to a closeout sale or a "clearance" sale if such offering meets the definition of a closeout sale, constitutes a sufficient quantity to meet reasonably anticipated consumer demand during such stated period.

2. The failure of an advertiser to specifically designate within an advertisement which merchandise items possess special or limiting factors relating to price, quality, condition or availability. By way of illustration, and not by limitation, the following shall be deemed violative of this paragraph.

i. The failure to specifically designate which merchandise items are below cost, if any amount less than all advertised items are below cost, when a statement of below cost sales is set forth in an advertisement;

ii. The failure to specifically designate which merchandise items, if any, are damaged or in any way less than final quality condition;

iii. The failure to specifically designate merchandise as floor models, discontinued models or one of a kind, when applicable;

iv. The failure to specifically designate retail outlets at which advertised merchandise will not be available. Such information need not be disclosed on any in-store advertisement.

3. The failure to conspicuously post notice of advertised merchandise, on the business premises to which the advertisement applies, in proximity to the advertised merchandise or at all entrances to the business premises. Such notice may consist of a copy of the advertisement or may take the form of any sign with such terms as "sale," "as advertised," "20% off."

4. The failure of an advertiser in any price advertisement to disclose therein the following information relating to the advertised merchandise: the manufacturer's name or the merchandise trade name, the model or series number and such other information as may be necessary to clearly delineate the advertised item from other similar merchandise produced by the same manufacturer.

5. The failure of an advertiser to disclose in an advertisement any special charge, condition or limitation applicable to the advertised merchandise or the retail price charged therefor.

6. The use of any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact.

7. The use of the terms "Public Notice," "Public Sale" or words or terms of similar import in any advertisement offering merchandise for sale, other than a sale conducted by an auctioneer on behalf of a non-business entity, where such sale is not required by court order or by operation of law.

8. The use of the terms "warehouse," "factory outlet," "discount," "bargain," "clearance," "liquidation sale," "unclaimed freight" or other words or terms of similar import, whether in the advertiser's corporate, partnership or trade name or otherwise, where such terms do not in fact reflect a bona fide description of the sale being conducted or the entity being described.

9. The failure of an advertiser to substantiate through documents, records or other written proof any claim made regarding the safety, performance, availability, efficiency, quality or price of the advertised merchandise, nature of the offering or quantity of advertised merchandise available for sale. Such records shall be made available upon request for inspection by the Division or its designee at the advertiser's regular place of business or central office in New Jersey, or at the advertiser's option, the Division's designated offices, for a period of 90 days following the effective date of the advertisement.

#### 13:45A-9.3 Price reduction advertisements

(a) The following words and terms or their substantial equivalent, when used in any advertisement, except when used exclusively as part of the advertiser's corporate, partnership or trade name, shall be deemed to indicate a price reduction advertisement: sale, discount, special savings, price cut, bargain, reduced, prices slashed, clearance, regular, usually, cut rate, originally, formerly, warehouse, warehouse or factory clearance, buy one get one free, at cost, below cost, wholesale.

(b) Without limiting the application of N.J.S.A. 56:8-1, et seq., in any price reduction advertisement, the following acts or practices shall be unlawful:

1. The failure to state with specificity the period of time during which the sale shall be applicable, except on an in-store advertisement with no corresponding out-of-store advertisement.

2. The failure to set forth a retail selling price for advertised merchandise in all advertisements not subject to the requirements of paragraph 5 of this subsection;

3. In any advertisement not subject to the requirements of paragraph 5 of this subsection, in which the advertised merchandise is advertised for sale at a price of \$100.00 or more, the failure to conspicuously set forth a reference price based upon either:

i. The advertiser's usual selling price or price range for the identical merchandise or for comparable merchandise of like grade or quality; or

ii. A usual selling price charged by competitors in the advertiser's trade area for the identical merchandise or for comparable merchandise of like grade or quality; or

iii. The manufacturer's suggested retail price for the identical merchandise or for comparable merchandise of like grade or quality.

Note 1: The reference price or price range shall be set forth in close proximity to the retail selling price and the advertised item and shall be established on the basis of a substantial number of sales or offers of sale in the regular course of business, made at any time within the most recent 60 days during which the advertised merchandise was available for sale prior to, or to be made in the first 60 days during which the advertised merchandise will be available for sale following, the effective date of the advertisement.

Note 2: When, and only when, an advertiser operates more than one retail outlet at which advertised merchandise has been or will be available for purchase in the ordinary course of business at different prices, such advertiser may set forth a price range, based on the sales or offers of sales at its retail outlets, as its reference price for a particular item. For example, an advertisement reading: "Regular price \$110 to \$125—On sale for \$100" would comply with this regulation.

Note 3: When any advertiser advertises two or more items of comparable merchandise as available at reduced prices such advertiser may set forth a price range, based on the reference prices for the advertised products. For example, an advertisement reading: "Fur Coats—Regularly \$250 to \$300. Now \$150 to \$200" would comply with this regulation.

Note 4: With regard to the price comparison required by this subsection, the advertisement shall clearly and conspicuously disclose in close proximity to the reference price or price range the basis for such reference as set forth in paragraphs 3i, ii, and iii hereof. In this regard, terms such as "comparable value," "competitor's price," "manufacturer's list price," "our regular price" or words of similar import shall be used to designate the basis for the reference price.

4. In any price reduction advertisement whether or not the reference price need be set forth in the advertisement, the failure of an advertiser to prove the validity of its claim of a price reduction based on one of the bases therefor as set forth in paragraphs 3i, ii and iii hereof to the Division or its designee.

5. In any advertisement consisting of a general announcement of a price reduction characterized as savings of a particular % or % to % (such as "save 20% on all coats" or "suits 20% to 50% off"), the failure to:

i. State the minimum % reduction as conspicuously as the maximum % reduction, when applicable; and

ii. Base the advertised % reduction on one of the categories set out in paragraph 3 of this subsection, disclosing such basis in the advertisement.

6. Except as otherwise set forth herein, in the event merchandise referred to in a price reduction advertisement is not available during the stated period of sale, notwithstanding that the advertiser maintained a sufficient quantity of such merchandise to meet reasonably anticipated consumer demand therefor, the failure of the advertiser to comply with the following options:

i. The issuance of a rain check. Where the merchandise subject to the rain check possesses an advertised price of greater than \$15 per unit, the advertiser shall give written or telephone notice to the consumer when the merchandise is available and hold such merchandise for a reasonable time after giving notice to the consumer.

ii. The offering to the consumer, at the advertiser's option, the opportunity to purchase an item of comparable or superior quality, sold by the advertiser at an equal or higher price, at a price reduction comparable to that of the advertised merchandise. If, and only if, the consumer agrees to accept any such offer of an advertiser, the advertiser need not issue a rain check to such consumer.

Note 1: The failure to have available a particular size or color, etc., of advertised merchandise, if some items of such merchandise are available, does not constitute unavailability of the merchandise requiring compliance with the foregoing options.

7. None of the options required in paragraph 6 of this subsection shall be required when:

i. The advertisement expressly states the number of merchandise items to be made available; or

ii. The advertisement expressly states "limited supply" or the substantial equivalent thereof; or

iii. The advertisement contains the terms "clearance" or "closeout sale" or other similar terms which imply that the advertised sale price will be available only as long as the advertiser has the advertised merchandise on hand and available for purchase; or

iv. The advertisement is solely an in-store advertisement without a corresponding out-of-store advertisement.

8. The failure to honor or satisfy a rain check.

9. The use of the terms "cost," "wholesale" or other similar terms to describe an advertised price where such price is not equal to or less than the price per unit paid by the advertiser to the manufacturer or distributor of the merchandise. In the computation of the price per unit of the advertised merchandise, freight may be included if the advertiser pays for same and is not reimbursed therefor, but handling and all overhead or operating expenses shall be excluded.

10. The use or statement of any false, deceptive or misleading reference price comparison shall be deemed false, misleading, and deceptive where it is not based upon a

substantial number of sales or offers of sale which have been or will be made within the advertiser's trade area at that price at any time within the 60 day periods established by this section.

11. The making of false or misleading representations of facts concerning the reasons for, existence or amounts of price reductions, the nature of an offering or the quantity of advertised merchandise available for sale.

12. The failure of an advertiser to maintain such documents, records or written proof to substantiate any claim or statement appearing in a price reduction advertisement. Such records shall be made available upon request for inspection by the Division or its designee at the advertiser's regular place of business or central office in New Jersey, or at the advertiser's option, the Division's designated offices, for a period of 90 days following the effective date of the advertisement.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1979 to:

Adam K. Levin, Director  
New Jersey Division of Consumer Affairs  
1100 Raymond Boulevard - Room 504  
Newark, New Jersey 07102

The Attorney General may thereafter adopt rules concerning this subject without further notice.

John J. Degan  
Attorney General of New Jersey  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Proposed Amendments on Unit Pricing of Consumer Commodities in Retail Establishments

John J. Degan, Attorney General of New Jersey, pursuant to authority of N.J.S.A. 56:8-21 et seq., proposes to amend N.J.A.C. 13:45A-14 concerning the unit pricing of consumer commodities in retail establishments. The present amendments supersede the proposed amendments published at 11 N.J.R. 389 on August 9, 1979.

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

#### 13:45A-14.2 Definitions

"Person" means any natural person, partnership, corporation or other organization in the sale, display or offering for sale of consumer commodities at retail from one or more retail establishments whose combined total floor area, exclusive of office, receiving and storage areas, dedicated to the sale of consumer commodities exceeds 4,000 square feet or whose combined annual gross receipts from the sale of consumer commodities in the preceding year exceeded \$2 million, regardless of the square footage involved.

#### 13:45A-14.3 Persons and operations exempted from complying with Unit Price Disclosure Act

(a) The following persons or entities shall be exempt from complying with these regulations and the terms of the Unit Price Disclosure Act:

1. Any person owning and operating a single retail establishment with annual gross receipts from the sale of consumer commodities in the preceding year of not more than \$2 million.

2. Any person owning and operating a single retail establishment or a series of retail establishments, each having a total floor space of 4,000 square feet or less, regardless of the annual gross receipts from the sale of consumer commodities therein.

3. Any person owning and operating a retail establishment or series of retail establishments, wherein the combined annual gross receipts from the sale of food products, nonprescription drugs, personal care products and household service products is less than 30 per cent of the total annual gross receipts of such retail establishment when calculated on an individual store basis or an aggregate basis combining all retail establishments[,] provided that the portion of that person's retail establishment selling consumer commodities regulated herein has either a total floor area of less than 4,000 square feet or annual gross receipts not exceeding \$2 million, or both.

4. Notwithstanding the provisions of any other paragraphs of this subsection, any retail establishment, whether or not part of a series of retail establishments, which devotes less than 5 per cent of its total floor area, exclusive of office, receiving and storage areas, to the sale of consumer commodities and which derives less than 5 per cent of its total gross receipts from the sale of consumer commodities.

13:45A-14.4 Regulated consumer commodities and their approved units of measure

(a) The following consumer commodities shall be considered regulated [consumer] commodities. Whenever [such] regulated commodities are exposed or offered for sale at retail, unless otherwise exempt from these Regulations, the unit price information required to be displayed shall be calculated on the basis of the unit of measure listed adjacent to the regulated [consumer] commodity as hereinafter set forth. In each establishment, one approved unit of measure must be consistently used for the same commodity.

1. Dry units of measure shall be used for commodities sold according to net weight.

2. Liquid units of measure shall be used for commodities sold according to net weight[,] net contents or fluid ounces. [Liquid units of measure shall be used for commodities sold according to net contents or fluid ounces.]

3. Commodities not usually measured in dry or liquid units as stated in paragraphs 1 and 2 of this subsection shall be sold in count, or square feet, whichever is appropriate and approved.

4. The same unit of measure shall be used for all sizes of the same commodity. [or all similar commodities.]

(b) The following consumer commodities shall be considered regulated consumer commodities with their approved units of measure.

Commodity	Approved Unit of Measure
Amend paragraphs 1 through 52 by substituting the following:	
1. Aluminum foils, wax and plastic wraps	100 square feet
2. Baby food	pint, pound
3. Baking mixes and supplies, pancake mixes	pound
4. Bread and pastry products: prepackaged outside of seller's premises	pound
5. Bottled and canned beverages, carbonated and non-carbonated	quart

Commodity	Approved Unit of Measure
6. Butter and oleomargarine	pound
7. Candy (excluding 5 ounces or less)	pound
8. Canned poultry, fish and meat products	pound
9. Cocoa	pound
10. Coffee (instant and ground)	pound
11. Cereal	pound
12. Cheese	pound
13. Cold cuts—meats and salads	pound
14. Cookies and crackers	pound
15. Condiments—ketchups, mustards, mayonnaise (including pickles, relishes, olives, etc.)	pint, quart, pound
16. Deodorants, dry, spray, and roll-on	pound, pint
17. Detergents, soap, laundry products (dry bulk, liquid)	quart, gallon, pound 100 count
18. Flour	pound
19. Frozen foods (not otherwise listed)	pound
20. Fruits and vegetables—frozen, jars, cans, boxes (not fresh products)	pound
21. Grains and beans	pound
22. Hair conditioners, creme rinses, shampoos (not dyes)	pound, pint
23. Household cleaners, waxes, deodorizers, starches, bleaches	pound, gallon, quart 100 count
24. Instant breakfast foods	pound
25. Jellies, jams, preserves	pound
26. Juices and juice drinks, fresh, canned, frozen	quart
27. Molasses	quart, pound
28. Non-alcoholic drink mixes	quart, pound
29. Oil (cooking)	quart
30. Peanut butter	pound
31. Pet food and supplies (canned, dried, moist, limited to dog and cat food: kitty litter)	pound
32. Plastic and paper bags	100 count
33. Salad dressings	pint, quart, pound
34. Salt	pound
35. Sanitary paper products, including but not limited to napkins, facial tissues, paper towels, bathroom tissues	100 count
36. Sauces (tomato, spaghetti, meat)	pint, pound
37. Seasonings and spices, flavor extracts, imitation flavorings over 5 oz.	ounce, pound
38. Shaving cream	pound
39. Snack foods	ounce
40. Soups (canned, dried, frozen)	ounce, pound
41. Solid shortenings	pound
42. Spaghetti, macaroni, noodles and pasta	pound
43. Sugar	pound
44. Syrups	ounce, pound, pint, quart
45. Tea	100 count, pound
46. Toothpaste	ounce

13:45A-14.5 Exempt consumer commodities

(a) The following consumer commodities shall be deemed exempt consumer commodities and may be ex-

posed or offered for sale at retail without complying with the provisions of this regulation:

1. Medicines sold by prescription only;
2. Vitamins;
3. Beverages subject to or complying with packaging or labeling requirements imposed under the Federal Alcoholic Administration;
4. Consumer commodities required to be marked individually with the cost per unit of weight pursuant to N.J.A.C. 13:45D-4.1 et seq.;

5. Any consumer commodity offered for sale at a net quantity equal to the approved unit of measure for such commodity provided that the retail price of the commodity is plainly marked on the commodity[;] or shelf molding;

6. Any consumer commodity offered for sale in one size only, and not comparable in form to any other product.

6.17. Any consumer commodity co-mingled with other consumer commodities for purposes of a one-price sale.

8. Any consumer commodity packaged to include more than one food product (i.e. T.V. dinner or mixed vegetables).

9. Bakery products sold in a service department which are not prepacked outside of the seller's premises.

7.110. Snack foods such as cakes, candy, nuts, [gum,] chips and pretzels sold in packages weighing five ounces or less;

8.111. Spices, flavor extracts, imitation flavorings and bouillon cubes sold in packages of five ounces or less in weight or fluid ounces[.];

12. Ice cream, ice milk, frozen yogurt, frozen desserts.

(b) Any and all consumer commodities not specifically included in those regulated consumer commodities set forth in section 4 of this subchapter shall be deemed to be exempt from the provisions of L.1975, c.242, section 3 as though specifically listed as an exempt consumer commodity under this section.

#### 13:45A-14.7 Unit price labels approved for display

(a) Whenever these regulations require that a unit price label be displayed in conjunction with the exposing or offering for sale at retail of a regulated consumer commodity, a sample format of the label shall be submitted to the director for approval prior to the display of the label.

(b) In determining whether to approve the label, the director shall be guided by the following standards:

1. The shelf label shall be divided so as to create a left and right side[.]; individual item labels may be divided vertically or horizontally into two portions. The amount of space devoted to the unit price and the retail price, as well as the size and conspicuousness of the numerals used to disclose such amounts, shall be equal.

2. The left side or upper portion shall be known as the unit price side and shall contain the following information:

- i. The term "Unit Price";
- ii. The numerical unit price in bold figures;
- iii. The approved unit of measure, including, if appropriate, the "ply" count or thickness of the regulated commodity.

3. The right side or lower portion shall be known as the retail price side and shall contain the following information:

- i. The term "Retail Price," "You Pay" or some similar term;
- ii. The numerical retail price;
- iii. The quantity or size of the commodity being sold for shelf labels only. [expressed in terms of the approved unit of measure.]

4. A description of the commodity being sold shall appear on the unit price shelf label.

5. Additional stock or code information may appear on the unit price shelf label.

6. All letters and numbers shall be in conspicuous, bold figures and shall be clear and legible. Handwritten labels shall be legibly printed.

7. The overall design of the label shall convey all the information in a clear, readable and conspicuous fashion. Any stock or code information shall not obscure or de-emphasize the consumer information appearing on the unit price label.

13:45A-14.8(a)6. All letters or numbers shall be in conspicuous figures and shall be clear and legible.

i. The list shall display the unit price and retail price in numbers of equal size.

ii. The sign shall display the unit price and retail price in equal size if in numbers of less than 5 inches. For signs with numbers for the retail price larger than 5 inches, the unit price shall be no less than 3 inches in size or ½ the retail price size, whichever is greater.

#### 13:45A-14.9 Unit price tags

Whenever these regulations require a unit price tag to be attached directly to the consumer commodity, a sample format of the tag shall be submitted to the director for approval prior to the display of the tag. In reviewing submitted price tags, the director shall apply those standards set forth in section [6]7 of this subchapter governing the format for unit price labels.

#### 13:45A-14.10 Means of disclosing unit price information

(a) Whenever a regulated consumer commodity is exposed or offered for sale at retail, the unit price and retail price shall be disclosed in the following manner:

1. If the commodity is displayed upon a shelf, the unit price label shall appear directly below the commodity, or, alternatively, a unit price tag shall be attached to the commodity. If the use of a unit price label or unit price tag is impossible or impractical, a unit price sign or list may be used provided such sign or list is conspicuously located at or near the commodity.

2. If the commodity is displayed in a special fashion such as in an end display, portable rack or large bin, the unit price tag shall be attached to the commodity, or, alternatively, a unit price sign or list shall be conspicuously placed at or near the point where the commodity is displayed. Nothing in this section should be construed to prohibit the use of hand-letter unit price signs on special displays so long as such signs contain the disclosures required in [subsection] paragraph 1 of this [subchapter] subsection.

3. If a commodity is refrigerated [and not displayed on a shelf], the unit price label shall be affixed to the case, to a shelf edge, or a unit price label shall be attached to the commodity. In the event such attachments are not possible, then a unit price sign or list may be used if the sign or list is displayed in proximity to the articles for sale. Where such proximate display is impossible, a unit price list for such articles must be kept available and a sign posted at the site of the articles for sale as to such availability.

#### 13:45A-14.14 Waiver of unit price requirements

(a) Prior to the remodeling of a store or resetting of the shelves taking place, a retail establishment may request from the director written permission to vary from the unit price procedure. A retail establishment, which has failed to obtain such permission, shall be in violation of this regulation if it does not comply with the requirements herein while remodeling a store or resetting shelves.

(b) No waiver from compliance with this regulation

shall be granted to a retail establishment for the restocking of shelves.

renumber N.J.A.C. 13:45A-14.14 and 14.15 as 14.15 and 14.16.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1979 to:

Adam K. Levin, Director  
New Jersey Division of Consumer Affairs  
1100 Raymond Boulevard—Room 504  
Newark, New Jersey 07102

The Attorney General may thereafter adopt rules concerning this subject without further notice.

John J. Degnan  
Attorney General of New Jersey  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Proposed Rules on Home Improvement Practices

John J. Degnan, Attorney General of New Jersey, pursuant to the authority of N.J.S.A. 56:8-1, et seq., proposes to adopt new regulations concerning home improvement practices.

Full text of the proposal follows:

#### 13:45A-16.1 Definitions

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

"Home improvement" means the remodeling, altering, painting, repairing, or modernizing of residential or non-commercial property, or the making of additions thereto, and includes, but is not limited to, the construction, installation, replacement, improvement, or repair of driveways, sidewalks, swimming pools, terraces, patios, landscaping, fences, porches, kitchens, bathrooms, garages, basements and basement waterproofing, fire protection devices, central heating and air-conditioning equipment, water softeners, heaters and purifiers, solar heating or water systems, insulation installation, aluminum siding, wall-to-wall carpeting or attached or inlaid floor coverings, and other changes, repairs, or improvements made in or on, attached to or forming a part of the residential or non-commercial property, but does not include the construction of a new residence. The term extends to the conversion of existing commercial structures into residential or non-commercial property.

"Residential or non-commercial property" means a structure used, in whole or in substantial part, as a home or place of residence by any natural person, whether or not a single or multi-unit structure, and that part of the lot or site on which it is situated and which is devoted to the residential use of the structure, and includes all appurtenant structures.

"Home improvement contract" means an oral or written agreement between a seller and an owner of residential or non-commercial property, or a seller and a tenant or lessee of residential or non-commercial property, if the tenant or lessee is to be obligated for the payment of home improvements made in, to, or upon such property, and includes all agreements under which

the seller is to perform labor or render services for home improvements, or furnish materials in connection therewith.

"Seller" means a person engaged in the business of making or selling home improvements and includes corporations, partnerships, associations and any other form of business organization or entity, and their officers, representatives, agents and employees.

#### 13:45A-16.2 Unlawful practices

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1, et seq., utilization by a seller of the following acts and practices involving the sale, attempted sale, or performance of home improvements shall be unlawful thereunder:

1. Model home representations: Misrepresent or falsely state to a prospective buyer that the buyer's residential or non-commercial property is to serve as a "model" or "advertising job", or use any other prospective buyer lure to mislead the buyer into believing that a price reduction or other compensation will be received by reason of such representations;

2. Product and material representations. Misrepresent directly or by implication that products or materials to be used in the home improvement:

i. Need no periodic repainting, finishing, maintenance or other service;

ii. Are of a specific or well-known brand name, or are produced by a specific manufacturer or exclusively distributed by the seller;

iii. Are of a specific size, weight, grade or quality, or possess any other distinguishing characteristics or features;

iv. Perform certain functions or substitute for, or are equal in performance to, other products or materials;

v. Meet or exceed municipal, state, federal, or other applicable standards or requirements;

vi. Are approved or recommended by any governmental agency, person, firm or organization, or that they are the users of such products or materials;

vii. Are of sufficient size, capacity, character or nature to do the job expected or represented;

viii. Are or will be custom-built or specially designed for the needs of the buyer; or

ix. May be serviced or repaired within the buyer's immediate trade area, or be maintained with replacement and repair parts which are readily available.

#### 3. Bait selling:

i. Offer or represent specific products or materials as being for sale, where the purpose or effect of the offer or representation is not to sell as represented but to bait or entice the buyer into the purchase of other or higher priced substitute products or materials;

ii. Disparage, degrade or otherwise discourage the purchase of products or materials offered or represented by the seller as being for sale, by statements or representations in conflict with other claims or representations made with respect to such products and materials, to induce the buyer to purchase other or higher priced substitute products or materials;

iii. Refuse to show, demonstrate or sell products or materials as advertised, offered, or represented as being for sale;

iv. Substitute products or materials for those specified in the home improvement contract, or otherwise represented or sold for use in the making of home improvements by sample, illustration or model, without the knowledge or consent of the buyer;

v. Fail to have available a quantity of the advertised product sufficient to meet reasonably anticipated demands; or

vi. Misrepresent that certain products or materials are unavailable or that there will be a long delay in their manufacture, delivery, service or installation in order to induce a buyer to purchase other or higher priced substitute products or materials from the seller.

4. Identity of seller:

i. Deceptively gain entry into the prospective buyer's home or onto the buyer's property under the guise of any governmental or public utility inspection, or otherwise misrepresent that the seller has any official right, duty or authority to conduct an inspection;

ii. Misrepresent that the seller is an employee, officer or representative of a manufacturer, importer or any other person, firm or organization, or that such person, firm or organization will assume some obligation in fulfilling the terms of the contract; or

iii. Misrepresent the status, authority or position of the sales representative in the organization he represents.

5. Gift offers:

i. Offer or advertise any gift, free item or bonus without fully disclosing the terms or conditions of the offer, including expiration date of the offer and when the gift, free item or bonus will be given; or

ii. Fail to comply with the terms of such offer.

6. Price and financing:

i. Misrepresent to a prospective buyer that an introductory, confidential, close-out, going out of business, factory, wholesale, or any other special price or discount is being given, or that any other concession is made because of materials left over from another job, a market survey or test, or any other reason;

ii. Misrepresent that any person, firm or organization, whether or not connected with the seller, is especially interested in seeing that the prospective buyer gets a bargain, special price, discount or any other benefit or concession;

iii. Misrepresent or mislead the prospective buyer into believing that insurance or some other form of protection will be furnished to relieve the buyer from obligations under the contract if the buyer becomes ill, dies, or is unable to make payments;

iv. Misrepresent or mislead the buyer into believing that no obligation will be incurred because of the signing of any document, or that the buyer will be relieved of some or all obligations under the contract by the signing of any document;

v. Request the buyer to sign a certificate of completion, or make final payment on the contract before the home improvement is completed in accordance with the terms of the contract;

vi. Misrepresent or fail to disclose that the offered or contract price does not include delivery or installation, or that other requirements must be fulfilled by the buyer as a condition to the performance of labor, services, or the furnishing of products or materials at the offered or contract price;

vii. Mislead the prospective buyer into believing that the down payment or any other sum constitutes the full amount the buyer will be obligated to pay;

viii. Misrepresent or fail to disclose that the offered or contract price does not include all financing charges, interest service charges, credit investigation costs, building or installation permit fees, or other obligations, charges, cost or fees to be paid by the buyer;

ix. Advise or induce the buyer to inflate the value of the buyer's property or assets, or to misrepresent or falsify the buyer's true financial position in order to obtain credit; or

x. Increase or falsify the contract price, or induce the buyer by any means to misrepresent or falsify the con-

tract price or value of the home improvement for financing purposes or to obtain additional credit.

7. Performance:

i. Deliver materials, begin work, or use any similar tactic to unduly pressure the buyer into a home improvement contract, or make any claim or assertion that a binding contract has been agreed upon where no final agreement or understanding exists;

ii. Fail to begin or complete work on the date or within the time period specified in the home improvement contract, or as otherwise represented, unless the delay is for reason of labor stoppage; unavailability of supplies or materials, unavoidable casualties, or any other cause beyond the seller's control. Any changes in the dates or time periods stated in a written contract shall be agreed to in writing; or

iii. Fail to give timely written notice to the buyer of reasons beyond the seller's control for any delay in performance, and when the work will begin or be completed.

8. Competitors:

i. Misrepresent that the work of a competitor was performed by the seller;

ii. Misrepresent that the seller's products, materials or workmanship are equal to or better than those of a competitor; or

iii. Use or imitate the trademarks, trade names, labels or other distinctive marks of a competitor.

9. Sales representations:

i. Misrepresent or mislead the buyer into believing that a purchase will aid or help some public, charitable, religious, welfare or veterans' organization, or any other person, group or organization, or misrepresent the extent of such aid or assistance;

ii. Fail to make any statement of fact, qualification or explanation if the omission of such statement, qualification or explanation causes an advertisement, announcement, statement or representation to be false, deceptive or misleading; or

iii. Misrepresent that the customer's present equipment, material, product, home or a part thereof is dangerous or defective, or in need of repair or replacement.

10. Building permits:

i. No seller contracting for the making of home improvements shall commence work until he is sure that all applicable state or local building and construction permits have been issued as required under state laws or local ordinances; or

ii. Where midpoint or final inspections are required under state laws or local ordinances, copies of inspection certificates shall be furnished to the buyer by the seller when construction is completed and before final payment is due or the signing of a completion slip is requested of the buyer.

11. Guarantees or warranties:

i. The seller shall furnish the buyer a written copy of all guarantees or warranties made with respect to labor, services, products or materials furnished in connection with home improvements. Such guarantees or warranties shall be specific, clear and definite and shall include any exclusions or limitations as to their scope or duration. Copies of all guarantees or warranties shall be furnished to the buyer at the time the seller presents his bid as well as at the time of execution of the contract, except that separate guarantees or warranties of the manufacturer of products or materials may be furnished at the time such products or materials are installed.

12. All home improvement contracts for a purchase price in excess of \$25., and all changes in the terms and conditions thereof shall be in writing. Home improvement contracts which are required by this subsection to

be in writing, and all changes in the terms and conditions hereof, shall be signed by all parties thereto, and shall clearly and accurately set forth in legible form all terms and conditions of the contract, including, but not limited to the following:

i. The name and address of the seller, including the name and address of the sales representative or agent who solicited or negotiated the contract for the seller;

ii. A description of the work to be done and the principal products and materials to be used or installed in performance of the contract. The description shall include, where applicable, the name, make, size, capacity, model, and model year of principal products or mixtures to be installed, and the type, grade, quality, size or quantity of principal building or construction materials to be used. Where specific representations are made that certain types of products or materials will be used, or the buyer has specified that certain types of products are to be used, a description of such products or materials shall be clearly set forth in the contract;

iii. The total price or other consideration to be paid by the buyer, including all finance charges. If the contract is one for time and materials, the hourly rate for labor and all other terms and conditions of the contract affecting price shall be clearly stated;

iv. The dates or time period on or within which the work is to begin and be completed by the seller;

v. A description of any mortgage or security interest to be taken in connection with the financing or sale of the home improvement; and

vi. A statement of any guarantee or warranty with respect to any products, materials, labor or services made by the seller.

12. Disclosures and obligations concerning preservation of buyers' claims and defenses:

i. If a person other than the seller is to act as the general contractor or assume responsibility for performance of the contract, the name and address of such person shall be disclosed in the oral or written contract, except as otherwise agreed, and the contract shall not be sold or assigned without the written consent of the buyer;

ii. Every home improvement contract which requires or entails the execution by the buyer of a promissory note or other negotiable instrument in connection therewith, shall conspicuously disclose on the face of said promissory note or other negotiable instrument the language required by either State law [(N.J.S.A. 17:16C-64.2 (Consumer Note)] or Federal law [16 C.F.R. §433 (NOTICE—ANY HOLDER OF THIS CONSUMER CREDIT CONTRACT IS SUBJECT TO ALL CLAIMS AND DEFENSES WHICH THE DEBTOR COULD ASSERT AGAINST THE SELLER OF GOODS AND SERVICES OBTAINED WITH THE PROCEEDS HEREOF. RECOVERY HEREUNDER SHALL NOT EXCEED AMOUNTS PAID BY THE DEBTOR HEREUNDER.)] concerning the preservation of buyers' claims and defenses.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1979 to:

Adam K. Levin, Director  
New Jersey Division of Consumer Affairs  
1100 Raymond Boulevard—Room 504  
Newark, New Jersey 07102

The Attorney General may thereafter adopt rules concerning this subject without further notice.

John J. Degnan  
Attorney General of New Jersey  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### NEW JERSEY RACING COMMISSION

#### Proposed Amendments Concerning Medication Of Horses and Testing Procedures

John J. Reilly, Executive Director of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend N.J.A.C. 13:70-2.1; 14.5; 14.6; re-codify and amend 14.13; 14.14; 14.15; 14.16; 14.17; 14.18; 14.19; 14.20; 14.21; 14.22; 14.23; 14.25; 14.26; 14.27; 14.28; 14.29; and delete 14.11; 14.12; 14.14; 14.24; and establish rule 14.11; also to amend N.J.A.C. 13:71-4.1; 23.1; 23.2; 23.3; 23.4; 23.5; 23.6; 23.8; 23.9; and to re-codify and amend 23.11; 23.12; 23.13; 23.17; 23.18; 23.19; 23.20; 23.22 and delete 23.7; 23.10; 23.14; 23.15; 23.16; 23.21; and to establish rule 23.7, concerning medication of horses and testing procedures.

Copies of the twenty-seven pages of the full text of the proposal may be obtained or made available for review by contacting:

Charles K. Bradley  
Assistant Secretary  
c/o New Jersey Racing Commission  
404 Abbington Drive  
E. Windsor, N.J. 08520

Interested persons may present statements or arguments in writing relevant to the proposal on or before October 31, 1979 to:

John J. Reilly, Executive Director  
c/o New Jersey Racing Commission  
404 Abbington Drive  
East Windsor, N.J. 08520

The New Jersey Racing Commission may thereafter adopt rules concerning the subject without further notice.

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

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Amendments Concerning Cardiovascular Disorders

On January 30, 1979, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:19-4.1 et seq. concerning cardiovascular disorders as proposed in the Notice published January 4, 1979 at 11 N.J.R. 19(b).

An order adopting these amendments was filed and became effective on September 17, 1979 as R.1979 d.367.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Amendments Concerning Motor Vehicle Dealers

On September 12, 1979, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:21-15.3 concerning motor vehicle dealers as proposed in the Notice published July 5, 1979 at 11 N.J.R. 350(b).

An order adopting these amendments was filed and became effective on September 20, 1979 as R.1979 d.371.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Amendments Concerning Emergency Vehicle Equipment

On September 12, 1979, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-54.7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:24-2.5, 13:24-2.7, 13:24-4.1 and 13:24-4.2 and deleted the text of N.J.A.C. 13:24-5 concerning emergency vehicle equipment as proposed in the Notice published July 5, 1979 at 11 N.J.R. 351(a).

An order adopting these amendments was filed and became effective on September 20, 1979 as R.1979 d.372.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS OFFICE OF WEIGHTS AND MEASURES

#### Rules Concerning the Industry Standard for the New Jersey Atlantic White Cedar

On September 5, 1979, William J. Wolfe, State Superintendent of the Office of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:4-27, 51:4-30, 51:4-31 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:47C-4, concerning the industry standard for New Jersey Atlantic White Cedar as proposed in the Notice published August 9, 1979 at 11 N.J.R. 399(a).

An order adopting these rules was filed and became effective on September 20, 1979 as R.1979 d.373.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Amendments Concerning Proof Of Identity and Date of Birth

On September 12, 1979, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10, 39:3-11.1, 39:3-13, 39:3-13.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:21-8.2 concerning proof of identity and date of birth as proposed in the Notice published August 9, 1979 at 11 N.J.R. 385(a).

An order adopting these amendments was filed and became effective on September 26, 1979 as R.1979 d.382.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Rules on Automotive Sales Practices

On September 26, 1979, John J. Degnan, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:45A-6, concerning automotive sales practices as proposed in the Notice published August 9, 1979 at 11 N.J.R. 386(a).

An order adopting these rules was filed and became effective on October 1, 1979 as R.1979 d.392.

Howard H. Kestin  
Director  
Office of Administrative Law

(f)

## LAW AND PUBLIC SAFETY

### DIVISION OF ALCOHOLIC BEVERAGE CONTROL

#### Amendments Concerning the Elimination of Requirement For Oral Argument

On September 27, 1979, Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to certain rules concerning the elimination of requirement for oral argument.

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

13:2-17.14(f) The hearer's report shall not be binding upon the director and the director's decision may, in whole or in part, adopt, modify, or reject the report. [; provided, however, that no material change in the result recom-

mended by the hearer shall be made by the director without first affording the parties or their attorneys an opportunity to present oral argument before the director.] The written decision of the director shall set forth his conclusions together with supporting reasons therefor, and his order, if any. A copy of the decision shall be mailed forthwith to the parties or their attorneys.

13:2-19.6(b) The hearer's report shall not be binding upon the director and the director's decision may, in whole or in part, adopt, modify or reject the report. [; provided, however, that the director shall not change a recommended substantive finding without first affording all parties an opportunity to present oral argument before the director.] The written decision of the director shall set forth his conclusions, together with supporting reasons therefor, and his order, if any. A copy of the director's decision shall be mailed forthwith to the parties or their attorneys.

13:2-31.4(b) The hearer's report shall not be binding upon the director and the director's decision may, in whole or in part, adopt, modify, or reject the report. [; provided, however, that the director shall not change a recommended finding in favor of a claimant or person opposing forfeiture or padlocking of premises, without first affording any such person an opportunity to present oral argument before the director.] The written decision of the director shall set forth his conclusions, together with supporting reasons therefor, and his order, if any. A copy of the decision shall be mailed forthwith to the persons entering an appearance in the case, or their attorneys.

An order adopting these amendments was filed and became effective on October 1, 1979 as R.1979 d.393 (Empty, Procedure Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

## (a)

# LAW AND PUBLIC SAFETY

## DIVISION OF CONSUMER AFFAIRS

### Amendments Concerning the Repair of Automobiles

On September 21, 1979, John J. Degnan, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:45A-7.2 concerning the repair of automobiles substantially as proposed in the Notice published May 10, 1979, at 11 N.J.R. 255(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

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

13:45A-7.2(a) Without limiting the prosecution of any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., the following acts or omissions shall be deceptive practices in the conduct of the business of an automotive repair dealer, whether such act or omission is done by an automotive repair dealer or by any mechanic, employee, partner, officer or member of the automotive repair dealer:

2. Commencing work for compensation without [specific written authorization from the customer which states the nature of the repair requested or problem presented and the odometer reading of the vehicle, signed by the customer, if the customer physically presents his motor vehicle to the automotive repair dealer during normal working hours.] securing one of the following:

i. specific written authorization from the customer, signed by the customer, which states the nature of the repair requested or problem presented and the odometer reading of the vehicle; or

ii. if the customer's vehicle is presented to the automotive repair dealer during other than normal working hours or by one other than the customer, oral authorization from the customer to proceed with the requested repair or problem presented, evidenced by a notation on the repair order and/or invoice of the repairs requested or problem presented, date, time, name of person granting such authorization, and the telephone number, if any, at which said person was contacted.

3. If the customer physically presents his motor vehicle to the automotive repair dealer during normal working hours, failure to provide the customer, before commencing work for compensation, with one of the following:

i. a written estimated price to complete the repair, quoted in terms of a not-to-exceed figure; or

ii. a written estimated price quoted as a detailed breakdown of parts and labor necessary to complete the repair. The dealer has the right to furnish such estimate within a reasonable period of time and to charge the customer for the cost of the diagnosis, agreed to in advance by the customer, provided, however, that no cost of diagnosis which would have been incurred in accomplishing the repair shall be billed to the customer twice if he elects to have the dealer make the repair; or

iii. a written estimated price to complete a specific repair; for example, "valve job"; or

iv. waiver of any written estimate, evidenced in writing, signed by the customer.]

3. Commencing work for the compensation without either:

i. one of the following:

(1) Providing the customer with a written estimated price to complete the repair, quoted in terms of a not-to-exceed figure; or

(2) Providing the customer with a written estimated price quoted as a detailed breakdown of parts and labor necessary to complete the repair. If the dealer makes a diagnostic examination, the dealer has the right to furnish such estimate within a reasonable period of time thereafter, and to charge the customer for the cost of diagnosis. Such diagnostic charge must be agreed to in advance by the customer. No cost of diagnosis which would have been incurred in accomplishing the repair shall be billed twice if the customer elects to have the dealer make the repair; or

(3) Providing the customer with a written estimated price to complete a specific repair, for example, "valve job", or

(4) Obtaining from the customer a written authorization to proceed with repairs not in excess of a specific dollar amount. For the purposes of this subchapter, said dollar amount shall be deemed the estimated price of repairs; or

(5) If the customer waives his right to a written estimate in a written statement, signed by the customer, obtaining from the customer oral approval of an estimated price of repairs, evidenced by a notation on the repair order or invoice of the estimated price of repairs, date, time, name of person approving such estimate, and

the telephone number, if any, at which such person was contacted; or

ii. If the customer's vehicle is presented to the automotive repair dealer during other than normal working hours or by one other than the customer, obtaining from the customer either:

(1) A written authorization to proceed with repairs not in excess of a specific dollar amount. For the purposes of this subchapter, said dollar amount shall be deemed the estimated price of repairs; or

(2) Oral approval of an estimated price of repairs evidenced by a notation on the repair order or invoice of the estimated price of repairs, date, time, name of person approving such estimate, and the telephone number, if any, at which such person was contacted.

...

6. Charging the customer for work done or parts supplied in excess of any estimated price given, without the oral or written consent of the customer, which shall be obtained after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. If such consent is oral, the dealer shall make a notation on the repair order and on the invoice of the date, time, name of person authorizing the additional repairs and the telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost. The dealer shall obtain the consent of any customer [who has not waived his right to a written estimate,] before any additional work not estimated is done or parts not estimated are supplied.

An order adopting these amendments was filed and became effective on October 12, 1979 as R.1979 d.402.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Amendments on Requirements For Issuing a Prescription

On September 12, 1979, Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-6.6 concerning the requirements for issuing a prescription substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 385(b) with only inconsequential structural or language changes in the opinion of the Department of Law and Public Safety.

An order adopting these amendments was filed and became effective on October 18, 1979 at R. 1979 d.421.

Howard H. Kestin  
Director  
Office of Administrative Law

(CITE 11 N.J.R. 532)

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MORTUARY SCIENCE

##### Rules Concerning Multiple Burials

On October 9, 1979, Joseph W. Preston, Acting President of the State Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J. A.C. 13:36-8.11, concerning multiple burials as proposed in the Notice published September 6, 1979 at 11 N.J.R. 454(c).

An order adopting these rules was filed and became effective on October 18, 1979 as R.1979 d.420.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## ENERGY

### THE COMMISSIONER

#### Proposed Rules on the Collection, Storage, Recycling, Use and Disposal of Used Oil

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules concerning the collection, storage, recycling, use and disposal of used oil.

Full text of the proposal follows.

#### CHAPTER 12. USED OIL

##### SUBCHAPTER 1. COLLECTION, STORAGE, RECYCLING, USE, AND DISPOSAL

###### 14A:12-1.1 Scope and purpose

(a) These regulations are promulgated pursuant to N.J. S.A. 58:10-23.11a et seq. and N.J.S.A. 52:27F-1 et seq.

(b) The purpose of these regulations is to conserve irreplaceable petroleum and preserve and enhance the quality of the natural and human environment. The regulations set forth specific rules and procedures regarding the collection, storage, recycling, use, and disposal of used oil. Additionally, the regulations require certification or registration by the Department of Energy of used oil collectors, recyclers, and operators of certain storage facilities. Finally, certain civil penalties for violation of the regulations are set out.

###### 14A:12-1.2 Definitions

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

"Certification" means an entitlement to operate, issued by the Department to a used oil hauler, used oil transfer facility operation, or used oil recycler.

"Commissioner" means the Commissioner of the New Jersey Department of Energy.

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"Department" means the New Jersey Department of Energy.

"Oil retailer" means any person who sells to consumers more than 500 gallons of lubricating or other oil annually in containers for use off the retailer's premises.

"Recycle" means to prepare used oil for reuse as a petroleum product by refining, re-refining, reclaiming, reprocessing, or other means, or to use used oil in a manner that substitutes for a petroleum product made from new oil.

"Retail service station" means a place of business where motor fuel is sold and delivered into the service tank or tanks of any vehicle propelled by an internal combustion engine and has oil storage tanks on the premises.

"Used oil" means a petroleum based or synthetic oil which, after sale to a consumer, through use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties and is suitable for recycling.

"Used oil collection facility" means any Division of Motor Vehicles re-inspection station, oil retailer, or retail service station.

"Used oil hauler" means a used oil collector, except a person collecting used oil solely from sources owned and operated by the person, who transports more than 500 gallons of used oil annually over public highways.

"Used oil transfer facility operator" means a used oil collector, except a person collecting used oil solely from sources owned and operated by the person, who maintains any storage facility that receives more than 10,000 gallons of used oil annually.

"Used oil recycler" means any person who recycles 5,000 or more gallons of used oil annually, except a person recycling solely from sources owned and operated by such person.

#### 14A:12-1.3 Standard

No person shall discharge used oil except to a used oil collection facility, a certified used oil hauler, a certified used oil transfer facility, a certified used oil recycler, or a person outside the State.

#### 14A:12-1.4 Posting requirements

All oil retailers shall post and maintain at or near the point of sale durable and legible signs informing the public of the importance of proper collection and disposal of used oil, how and where used oil may be properly discharged, and listing at least three conveniently located used oil collection facilities.

#### 14A:12-1.5 Used oil collection facilities

(a) All Division of Motor Vehicle re-inspection stations, oil retailers, and retail service stations shall be designated used oil collection facilities.

(b) All used oil collection facilities shall accept without charge up to five gallons of used oil per day from any person, except when:

1. The facility's used oil storage tanks are filled to capacity; or

2. The facility operator determines that his own deposits of used oil require the use of the remaining used oil storage capacity before the storage tanks are emptied.

(c) The operator of a used oil collection facility shall maintain the facility and shall collect used oil in such a manner as is safe for users of the facility and shall observe all applicable safety requirements imposed by law.

(d) The operator of a used oil collection facility shall discharge used oil only to a certified used oil hauler, a used oil storage facility operated by a certified operator, a certified used oil recycler, or a person outside the State.

(e) All used oil collection facilities, in addition to the

notice requirements of section 4 of this subchapter when applicable, shall post and maintain durable and legible signs informing the public that it is a collection site for the disposal of used oil.

(f) The operators of all used oil collection facilities shall register the facility with the Department. Registration shall be by letter to the Department stating the location and type of business of the registrant.

#### 14A:12-1.6 Certification of used oil haulers, used oil transfer facility operators and used oil recyclers

(a) As of January 1, 1980, all used oil haulers, used oil transfer facility operators, and used oil recyclers must be certified by the Department.

(b) All used oil haulers, used oil transfer facility operators, and used oil recyclers must meet all applicable State and Federal requirements as a prerequisite for certification.

(c) An application for certification shall be filed with the Department at the following address:

New Jersey Department of Energy  
Attn: Used Oil Recycling Program  
101 Commerce Street  
Newark, New Jersey 07102

(d) An application for certification shall be filed on a form prescribed by the Department. The application shall require, among other things, that the applicant give the address of each location at which the applicant maintains a place of business associated with used oil transfer, storage, hauling, or recycling and a certification that all information in the application is true to the best knowledge of the applicant.

(e) The Department shall issue the applicant certification if:

1. All requirements of this section are met;

2. The applicant certifies in writing that he understands and will comply with the applicable requirements of these Regulations; and

3. The applicant agrees that he will be able to comply with these Regulations.

(f) The certification shall be non-transferable.

(g) The certification shall be valid until surrendered by the registrant or revoked by the Department for non-compliance with these Regulations.

(h) Within ten days of Department action upon an application for certification the Department shall notify the applicant of its action and shall provide appropriate stickers for use in identifying its vehicles and facilities as certified with the Department.

#### 14A:12-1.7 Certified used oil haulers, certified oil transfer facility operators; requirements

(a) All certified used oil haulers and all certified oil transfer facility operators shall provide the Department with an annual report on their activities during the calendar year. The annual report shall be submitted to the Department no later than February 1 of each year, commencing in calendar year 1980. The annual report shall state the quantities of used oil possessed at the beginning and end of the reporting period, the total amount collected, and an itemization of the amounts transferred to certified used oil haulers, certified used oil transfer facilities, certified used oil recyclers, and to out-of-State facilities.

(b) Certified used oil haulers and certified oil transfer facility operators shall transfer used oil only to certified used oil haulers, certified oil transfer facilities, certified used oil recyclers, or a person outside the State.

#### 14A:12-1.8 Used oil products; standards

(a) Any product made in whole or in part from used oil may be represented as substantially equivalent to a

product made from new oil for a particular use if substantial equivalency has been determined in accordance with rules prescribed by the Federal Trade Commission under Section 383(d)(1)(A) of the Energy Policy and Conservation Act (P.L. 94-163) or if the product conforms fully with specifications applicable to that product made from new oil. Otherwise the product shall be represented as made from previously used oil.

(b) To assure conformance with the minimum standards for lubricating oil, the Department may conduct, or may cause to be conducted, appropriate laboratory analysis of samples of re-refined oil from consumer outlets.

#### 14A:12-1.9 Certified used oil recyclers; requirements

(a) Certified used oil recycler shall provide a receipt to any used oil hauler or used oil transfer facility operator from whom used oil is received, maintain a complete record for two years of all such transactions, documented by reproducible receipts; and make available to the Department, upon request, all records and copies of receipts for the purpose of review and audit.

(b) In addition to maintaining records of the quantities of used oil received for recycling, the certified used oil recycler shall maintain records of the quantities of the final product(s) produced, the quantities lost in the process, and the amount of residues produced (in gallons). The recycler shall make available to the Department, upon request, all records and copies of receipts for the purpose of review and audit.

(c) The certified used oil recycler shall submit an annual report on a form provided by the Department. This annual report shall state the quantities of used oil possessed at the beginning and end of the reporting period, the total amount received, and the amount recycled during the reporting period. The report shall itemize the amounts prepared for reuse as a lubricating oil, as a fuel, as a road oil, for use in the manufacture of asphalt, etc., specifying each type of use. It shall also indicate the amounts consumed in the process of preparing the used oil for reuse including the waste generated. The report shall be submitted to the Department no later than February 1 of each year, commencing in 1981.

#### 14A:12-1.10 Enforcement; examination of used oil products; penalties

(a) This section applies to the enforcement of the provisions of this chapter, including inspection of used oil recycling facilities and their records, inspection of the records of used oil haulers, and used oil transfer facility operators.

(b) The Commissioner or his duly authorized representative, upon presentation of proper identification, may enter the plant of a used oil recycler to obtain samples for the purpose of making laboratory analysis, or may, during regular business hours, enter the business offices of either a used oil recycler, a used oil hauler, or a used oil transfer facility operator to inspect and copy pertinent records, reports, information or test results relating to the requirements of this chapter.

(c) A report listing any deficiencies found during the inspection (and subsequent laboratory tests, if applicable) shall be prepared by the inspector and shall be kept on file by the Department. A copy of the report shall be provided to the used oil recycler, used oil hauler or used oil transfer facility operator.

(d) If corrections are needed, the used oil recycler, hauler, or used oil transfer facility operator shall provide the Department with a written plan of correction which states the actions to be taken and the expected dates of completion.

(e) When obtaining samples from a used oil recycler, the inspector shall obtain a sample large enough to allow the operator to retain a portion for separate analysis.

(f) After hearing, the Department may issue a cease and desist order to any person who has or is about to violate the provisions of this chapter.

(g) The Department may, after hearing, suspend or revoke certification as a used oil hauler, used oil recycler, or used oil transfer facility operator for:

1. Violation of any applicable requirements of this chapter.

2. Aiding, abetting, or permitting the violation of any provisions of this chapter.

3. Misrepresentation or omission of a significant fact either in the application for registration or in information subsequently submitted to the Department.

4. Failure to comply with any order of the Department.

(h) The suspension shall remain in effect until the violation has been corrected to the satisfaction of the Department or until the Department makes a final determination.

(i) Should the Department find that good cause exists for the filing of an action to enjoin a violator or to recover civil penalties, the Department may take such an action.

(j) A used oil recycler, a used oil hauler, or a used oil transfer facility operator, whose certification has been suspended or revoked may petition the Department for reinstatement after 30 days or more have elapsed from the effective date of the decision or from the date of the denial of a similar petition.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1979 to:

Office of Regulatory Affairs  
Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102

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

Joel R. Jacobson  
Commissioner  
Department of Energy

(a)

## ENERGY

### OFFICE OF CABLE TELEVISION

#### Proposed Amendments Concerning Deposits on Auxiliary Equipment

John P. Cleary, Director of the Office of Cable Television in the Department of Energy, pursuant to authority of N.J.S.A. 48:5A-1 et seq., proposes to amend the regulations concerning deposits on auxiliary equipment in N.J.A.C. 14:18-7.2 but deleting the current text and adopting new text therein.

Full text of the proposed new text follows:

14:18-7.2(b) Simple interest, at the rate of at least six percent per annum, must be paid by the CATV company on all auxiliary equipment deposits held by it, provided the deposit has remained with the CATV company for at least six months. Such interest shall be credited to a subscriber's account after the deposit has remained with the CATV company for twelve months. Thereafter, the

subscriber's account shall be so credited for every twelve month period in which the CATV company holds such deposit. Moneys collected as deposits, pursuant to this section, shall be held in a separate account and shall not be used for any purpose other than to defray the cost of and service to such units which may require replacement or repair due to subscriber abuse.

Interested persons may present statements or arguments, in writing, relevant to the proposed action on or before December 21, 1979 to:

Office of Cable Television  
1100 Raymond Boulevard  
Newark, New Jersey 07102.

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

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

(a)

## ENERGY

### OFFICE OF CABLE TELEVISION

#### Proposed Amendment Concerning the Filing of Information with the Office

John P. Cleary, Director of the Office of Cable Television in the Department of Energy, pursuant to the authority of N.J.S.A. 48:5A-1 et seq., proposes to amend the regulation concerning information to be filed with a petition for a certificate of approval in N.J.A.C. 14:18-11.13 by deleting the current text of that rule and adopting new text therein.

Full text of the proposed new rule follows:

14:18-11.13 Filing of information with the office

At the time of filing of a petition for a Certificate of Approval, the successful applicant(s) shall file such additional information with the Office as set forth in section 21 of this subchapter.

Interested persons may present statements or arguments, in writing, relevant to the proposed action on or before December 1, 1979 to:

Office of Cable Television  
1100 Raymond Boulevard  
Newark, New Jersey 07102

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

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

(b)

## ENERGY

### THE COMMISSIONER

#### Notice of Administrative Order Suspending Operation of Certain Rules

Take notice that the Department of Energy has issued the following Notice concerning the indefinite suspension of certain rules regarding the sale of motor gasoline during an energy emergency.

Full text of the Notice follows:

I, Joel R. Jacobson, Commissioner of the Department of Energy pursuant to the authority of N.J.S.A. 52:27F-1 et seq., Executive Order No. 75 (1979) and N.J.A.C. 14A:2-3.12 suspend indefinitely the operation of N.J.A.C. 14:2-3.2, 3.5, 3.6, 3.7, 3.9 and 3.14 concerning the regulation and control of the sale of motor gasoline during an energy emergency.

This Administrative Order suspends the operation of regulations limiting days of access to retail dealers, establishing self implementing and applied for exemptions, and permitting special arrangements with retail dealers. Also suspended by this Administrative Order are privileged vehicle regulations and limitations on the sale of motor gasoline in containers.

This Order is effective immediately.

This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## ENERGY

### BOARD OF PUBLIC UTILITIES

#### Amendments Concerning Periodic Testing of Commercial and Industrial Electric Meters

On September 19, 1979, the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 14:5-3.2(c) concerning periodic testing of commercial and industrial electric meters as proposed in the Notice published August 9, 1979 at 11 N.J.R. 402(c).

An order adopting these amendments was filed and became effective on September 25, 1979 as R.1979 d.374.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## ENERGY

### THE COMMISSIONER

#### Emergency Rules Concerning Bulk Terminal Operating Companies

On October 11, 1979, Charles A. Richman, Assistant Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-11 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning bulk terminal operating companies.

Full text of the adoption follows:

#### SUBCHAPTER 3. BULK TERMINAL OPERATING COMPANIES

14A:11-3.1 Scope

Unless otherwise provided by statute or rule, the following rules shall govern the periodic reporting of energy information by bulk terminal operating companies.

#### 14A:11-3.2 Definitions

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

"Asphalt" means crude asphalt as well as finished products such as cements, fluxes, the asphalt content of emulsions (exclusive of water) and petroleum distillates blended with asphalt to make cutback asphalts. The conversion factor is 5.5 barrels of 42 gallons each per short ton.

"Aviation gasoline" means all special grades of gasoline for use in aviation reciprocating engines, as given in ASTM Specification D910. Includes all refinery products within the gasoline range that are to be marketed straight or in blends as aviation gasoline without further processing i.e. any refinery operation except mechanical blending. Also includes finished components in the gasoline range which will be used for blending or compounding into aviation gasoline.

"Bulk terminal" means a facility which is primarily used for storage and/or marketing of gasoline, kerosine, distillate, and residual fuel oils and which has total bulk storage capacity of 50,000 barrels or more, or receives its petroleum products by tanker, barge, or pipeline.

"Department" means the New Jersey Department of Energy.

"Distillate Fuel Oil Less No. 4" means a general classification for one of the petroleum fractions which, when produced in conventional distillation operations, has a boiling range from 10 percent point at 300 degrees F to 90 percent point at 675 degrees F. Included are products known as Nos. 1 and 2 heating oils conforming to ASTM Specification D396 and diesel fuel conforming to ASTM Specification D396 and diesel fuel conforming to ASTM Specification D975, for No. 1-D and No. 2-D.

"Jet fuel—kerosine type" means a quality kerosine product with an average gravity of 40.7 degrees API, a 10 percent distillation temperature of 400 degrees F and an end-point of 550 degrees F covered by ASTM Specifications D1655 and Military Specification MIL-T-5624J (Grade JP-5). Used primarily as fuel for commercial turbojet and turboprop aircraft engines. A relatively low freezing point distillate of the kerosine type.

"Jet fuel—naphtha style" means a fuel in the heavy naphtha boiling range with an average gravity of 52.8 degrees API and 20 to 90 percent distillation temperatures of 290 degrees F to 470 degrees F and meeting Military Specifications MIL-T-5624J (Grade JP-4). Used for turbojet and turboprop aircraft engines, primarily by the military. Excludes ram-jet and petroleum rocket fuels which should be reported with "Miscellaneous Finished Oils".

"Kerosine" means a petroleum distillate in the 300 degrees F to 550 degrees F boiling range and generally having a flash point higher than 100 degrees F by ASTM Method D56, a gravity range from 40 degrees to 46 degrees API, and a burning point in the range of 150 degrees F to 175 degrees F. It is a clean burning product suitable for use as an illuminant when burned in wick lamps. Includes grades of kerosine called range oil having properties similar to No. 1 fuel oil, but with a gravity of about 43 degrees API and an end point of 625 degrees F. Used in space heaters, cook stoves, and water heaters.

"Leaded motor gasoline" means motor gasoline (defined below) that does not meet the Environmental Protection Agency's definition of unleaded gasoline.

"Lube oils and greases" means all grades of lubricating oils from spindle oil to cylinder oil and those used in greases.

"Miscellaneous finished oils" means all other finished products such as petrolatum, absorption oils, ram-jet fuel, petroleum rocket fuels, substitute natural gas feedstocks, and other finished products shipped to other than petroleum refineries. Excludes finished petro-chemicals.

"Motor gasoline" means a complex mixture of relatively volatile hydrocarbons, with or without small quantities of additives, which have been blended to form a fuel suitable for use in spark ignition engines. Includes all refinery products listed in ASTM Specification D439. Federal Specification VV-G-766, and those to be marketed as motor gasoline without further processing, i.e., any refinery operation except mechanical blending. Also includes finished components in the gasoline range which will be used for blending or compounding into finished gasoline.

"No. 4 fuel oil" means fuel oil for commercial burner installations not equipped with preheating facilities. Extensively used in industrial plants. This grade is a blend of distillate fuel oil and residual fuel oil stocks which conform to ASTM Specification D396 or Federal Specification VV-F-815C for this grade. Kinematic viscosities between 5.8 and 26.4 percent at 100 degrees F.

"Residual fuel oil" means topped crude of refinery operations. Includes No. 5 and No. 6 fuel oil as defined in ASTM Specification D396 and Federal Specification VV-F-815C; heavy diesel oil as given in ASTM Specification D975 for No. 4-D; Navy Special fuel oil in Military Specification MIL 859E, including Amendment 2; and Bunker C fuel oil.

"Special naphthas" means all finished products within the gasoline range, specially refined to specified flash point and boiling range for use as paint thinners, cleaners, and solvents, including commercial hexane in conforming with ASTM Specification D1836 and cleaning solvent conforming to ASTM Specification D484. Excludes naphthas to be blended or marketed as motor gasoline, aviation gasoline, or used as petrochemical and/or substitute natural gas (SNG) feedstock.

"Stocks" means supplies less basic settlings and water corrected to 60 degrees F. It includes all supplies of domestic origin held in custody in New Jersey at bulk terminals and in transit other than by pipeline. It also includes oil supplies of foreign origin held in custody in New Jersey at bulk terminals which have cleared Customs for domestic consumption. Supplies of foreign origin held in bond are not included.

"Unleaded motor gasoline" means motor gasoline (defined above) that meets the Environmental Protection Agency's definitions of unleaded gasoline.

#### 14A:11-1.3 Reporting

(a) By the fifth day of each month all bulk terminal operators shall provide to the Department a tabulation of bulk terminal stocks for the preceding month. The tabulation shall include the following petroleum products held in custody: leaded motor gasoline, unleaded motor gasoline, aviation gasoline, special naphthas, jet fuel—naphtha type, jet fuel—kerosine type, kerosine, distillate fuel oil, No. 4 fuel oil, residual fuel oil, lube oil and greases, asphalt, and miscellaneous finished oils. All figures shall be reported in thousands of 42 gallon barrels. All figures shall represent actual physical inventories for midnight on the last day of the reported month.

(b) The tabulation of bulk terminal stocks shall be in the form of EIA-88, Bulk Terminal Stocks of Finished Petroleum Products. This information should be sent to:

New Jersey Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102  
Attention: Office of Regulatory Affairs

An order adopting these rules was filed and became effective on October 18, 1979 as R.1979 d.417 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amendments on Right Turns on Red Signals Prohibited on Certain State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, and N.J.S.A. 27:1A-5 et seq., proposes to amend N.J.A.C. 16:28-12.1 et seq. concerning right turns on red signals prohibited.

Full text of the proposed amendments follows (additions indicated by boldface thus; deletions indicated by brackets, [thus]).

16:28-12.7(a)33. Main Street (Woodbridge Township): From north on Route 9 exit ramp to east on Main Street;

16:28-12.21(a)35. Linden Avenue (Lindenwold Borough): From south on Linden Avenue to west on Route 30.

16:28-12.22(a)[6. Green Lane (Ewing Township): From west on Green Lane to north on Route 31;]

[7]6. Ewingville Road (Ewing Township):

[ii. From west on Ewingville Road to north on Route 31.]

16:28-12.25(a)5. Avenel Avenue - Chain-O-Hills Road (Woodbridge Township): [On all approaches to and from Avenel Avenue and Chain-O-Hills Road;]

- i. From north on Route 35 to east on Avenel Avenue;
- ii. From west on Avenel Avenue to north on Route 35;
- iii. From east on Chain-O-Hills Road to south on Route 35;

6. Remsen Avenue - Washington Avenue (Woodbridge Township):

[ii. From Remsen Avenue and Washington Avenue;]

ii. From east on Washington Avenue to south on Route 35;

[8. South Park Drive (Woodbridge Township): From south on Route 35 to west on South Park Drive;] (Reserved);

11. Bunns - Albert Streets (Woodbridge Township): [On all approaches to and from Bunns Street and Albert Street;]

- i. From north on Route 35 to east on Albert Street;
- ii. From south on Route 35 to west on Bunns Street;
- iii. From east on Bunns Street to south on Route 35;

65. Route 36 (Eatontown Circle, Eatontown Borough): From east on Route 36 to south on Route 35;

16:28-12.33(a)2. Commerce Street (Paulsboro Borough): On all approaches to and from Commerce Street;

[i. From south on Route 44 to north on Commerce Street;]

[ii. From north on Commerce Street to north on Route 44;]

16:28-12.34(a)11. Red Bank Avenue (Woodbury City): From south on Route 45 to west on Red Bank Avenue;

16:28-12.36(a)[8. Oak Road (Vineland City):

- i. From north on Route 46 to east on Oak Road;
- ii. From west on Oak Road to north on Route 47;] (Reserved);

[10. Sherman Avenue (Vineland City): From east on Sherman Avenue to south on Route 47;] (Reserved);

17. Deptford Avenue, Caulfield Avenue, Turkey Hill Road (Deptford Township):

- i. From west on Caulfield Avenue to east on Deptford Avenue or north on Route 47;
- ii. From north on Route 47 to east on Caulfield Avenue.

16:28-12.37(a)[11. Brandriff Avenue (Millville City): From west on Route 49 to north on Brandriff Avenue;] (Reserved);

16:28-12.48(a)1. Commerce Street (Bridgeton City):

- i. From east on Commerce Street to south on Route 77;
- ii. From north on Route 77 to east on Commerce Street;

[5. Parsonage Road (County Road 30, Upper Deerfield Township): From south on Route 77 to west on Parsonage Road;]

16:28-12.59(a)13. Route I-295, Ramp K, (Haddon Heights Borough - Mount Ephraim Borough): From west on Route I-295 Ramp K to north on Route 168;

14. Route I-295 Ramp G, (Bellmawr Borough): From east on Route I-295 Ramp G to south on Route 168;

16:28-12.71(a)3. North Broad Street (Elizabeth City):

i. From west on North Broad Street to north on Route 439;

ii. From south on Route 439 to west on North Broad Street from 7:00 A.M. to 7:00 P.M.;

iii. From east on North Broad Street to south on Route 439 from 7:00 A.M. to 7:00 P.M.;

iv. From north on Route 439 to east on North Broad Street from 7:00 A.M. to 7:00 P.M.;

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Charles Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

**(b)**

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rules on Criteria for Bicycle Permits

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-94, proposes to adopt new rules concerning the criteria for bicycle permits on certain State highways.

Full text of the proposal follows:

16:28-13.4(d) Criteria for bicycle permits are:

1. The bicycle operator must have a currently valid driver's license of any class or a motorized bicycle operator's license. It need not be a New Jersey license, but it must be current. No permit will be issued unless the driver's license number and the State of issuance is given on the permit application.

2. The bicycle must be equipped in accordance with the requirements of the New Jersey Motor Vehicle Laws R.S. 39, Chapter 4, Article 3.

3. Bicycles may not be used on the Interstate System at night, which is defined in N.J.S.A. 39:3-46 as from one-half hour after sunset to one-half hour before sunrise. At any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet, the bicycle must display lamps meeting the requirements of N.J.S.A. 39:4-10.

4. The bicycle must be operated in the same direction as traffic on the right shoulder of the highway except to avoid parked vehicles or any other obvious hazard.

5. Bicycles may not be used on the Interstate System whenever there is sufficient snow cover to produce visible wheel tracks.

6. Motorized bicycles or bicycles equipped with motors of any sort are not permitted on the Interstate System.

7. A bicycle permit will be issued without fee for an indefinite period. It will be subject to recall or cancellation if there is any violation of the terms of the permit.

8. The permit must be carried on the operator's person at any time he or she is using a bicycle on the Interstate System.

9. Youths 15 years or older may be issued permits valid only when accompanied on the Interstate System by a responsible adult meeting the requirements of paragraph 1 of this subsection.

10. Certain sections of the Interstate System will be closed to all bicyclists. A list of these sections is being prepared and will be furnished to all permit holders.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Charles Meyers  
Administrative Practice Officer  
N.J. Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amendments Concerning Lane Usage On Parts of Routes 35 and U.S. 9

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-6, proposes to amend certain rules concerning lane usage on parts of Routes 35 and U.S. 9.

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

16:30-3.1 (c) **The northbound shoulder (right-hand lane or curb lane) of Route 35 may be used by buses and is reserved therefor on Sundays from 3:00 P.M. to 8:00 P.M. from Faber Lane in the Township of Brick, north to Herbert Street in the Borough of Mantoloking, County of Ocean.**

1. **This regulation is not intended to preclude normal use of the shoulder by other vehicles. "Normal use" is defined as: emergency stopping or driving on the shoulder for short distances to enter driveways or intersecting roadways.**

16:30-3.4(c) **The right-hand lane (curb lane) of Route U.S. 9 for a distance of 500 feet south of the southerly curb line of Ernston Road in the Township of Old Bridge, County of Middlesex, shall be reserved exclusively for the use of buses.**

(d) **The northbound shoulder (right-hand lane or curb lane) of Route U.S. 9 may be used by buses from Route 34 to Ernston Road, Township of Old Bridge, County of Middlesex.**

1. **This regulation is not intended to preclude normal use of the shoulder by other vehicles. "Norman use" is defined as: emergency stopping or driving on the shoulder for short distances to enter driveways or intersecting roadways.**

Interested persons may, in writing, present relevant statements or arguments to the proposed action on or before November 28, 1979, to Charles Meyers, Administrative Practice Officer, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The New Jersey Department of Transportation may thereafter adopt these regulations substantially as proposed without further notice.

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Amendments Concerning the Distribution And Sale of Construction Plans and Supplementary Specifications

On September 28, 1979, Russell H. Mullen, Assistant Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:15A-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:65-3.1 and 16:65-3.2 concerning the distribution and sale of construction plans and supplementary specifications as proposed in the Notice published August 9, 1979 at 11 N.J.R. 409(c).

An order adopting these amendments was filed and became effective on October 1, 1979 as R.1979 d.388.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## TRANSPORTATION THE COMMISSIONER

### Rules on No Left Turns On Parts of Route 35

On September 28, 1979, Louis J. Gambaccini, Commissioner 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, adopted new rules concerning no left turns on parts of Route 35 as proposed in the Notice published September 6, 1979 at 11 N.J.R. 467(c).

Take notice that this rule will be cited as N.J.A.C. 16:31-1.4(a)2. rather than as N.J.A.C. 16:31-1.14 as was indicated in the Notice of Proposal.

An order adopting these rules was filed and became effective on October 1, 1979 as R.1979 d.389.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TRANSPORTATION THE COMMISSIONER

### Rules on Restricted Parking On Parts of Routes 29 and 179

On September 28, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.201 and 16:28-3.202, concerning restricted parking on parts of Routes 29 and 179 as proposed in the Notice published September 6, 1979 at 11 N.J.R. 467(b).

An order adopting these rules was filed and became effective on October 1, 1979 as R.1979 d.390.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## TREASURY

### DIVISION OF BUILDINGS AND CONSTRUCTION

#### Proposed Rules on Architect/Engineer Selection Procedures

S. Leonard DiDonato, Director of the Division of Building and Construction in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-30, proposes to adopt new rules concerning architect/engineer selection procedures.

Full text of the proposal follows:

#### SUBCHAPTER 10. ARCHITECT/ENGINEER SELECTION PROCEDURES

##### 17:19-10.1 Purpose

The architect/engineer selection procedures are established to insure that qualified design firms are given an

open opportunity for selection for State design assignments on the basis of demonstrated competence and qualifications while at the same time the interest of the public is protected from abuse. The submission of "Competitive Cost Proposals" by the three firms with the highest technical ratings insures that the consultant's fee compensation is the most fair and reasonable considering the nature of the project and the competency of the firm finally selected.

##### 17:19-10.2 Scope

(a) The principal elements of the architect/engineer selection procedures include the following:

1. Requires professional qualification of firms interested in providing design services to the State.
2. Provides for widespread notification for a minimum of fifteen calendar days prior to the commencement of the selection procedures.
3. Provides for a selection board comprised of State civil servants with voting participation by the using agency and the institution at which the facility is to be constructed.
4. Provides for screening of the interested and qualified firms by the selection board prior to the selection of a minimum of five and a maximum of ten firms to be interviewed.
5. Provides for a presentation by, and an interview of, each of the final group of firms being considered.
6. Provides that all screening, interview and other sessions of the Board are fully open to the public and press in accordance with the State's "Open Meetings Act" and that the procedures and decisions of the Board be maintained in writing as an open public record.
7. Provides for written justification of any override of the Board's recommendations by the Director or by the Treasurer.
8. Provides for a compensation fee based on a percentage of the final construction cost estimate determined either by "Competitive Cost Proposal" on major and intermediate projects or by negotiation on minor projects.

##### 17:19-10.3 Definitions

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

"Architect/Engineer" (A/E) means an architect, engineer or other design professional so recognized by the appropriate State professional licensing boards.

"Architect/Engineer Selection Board" (Board) means the body appointed by the director to review and evaluate architect and engineer firms competing for selection for Division design projects.

"Chairman" means the principal member of the Architect/Engineer Selection Board so appointed by the Director of the Division of Building & Construction to supervise and manage the operations of the board (state architect).

"Competitive cost proposal" means a fee proposal submitted by an architect or engineer which shall be stated as a percentage (%) of the final construction cost estimate as prepared by the A/E and approved by the Director of the Division of Building and Construction.

"Construction cost estimate" (CCE) means the best and most recent estimate by the Division, using agency or the design professional of the cost of construction of the project.

"Director" means the Director of the Division of Building and Construction or his duly authorized representative.

"Division" (DBC) means the Division of Building and Construction, Department of the Treasury, State of New Jersey.

"Exempt assignment" means an assignment which due to its nature or circumstance is awarded outside of the selection procedures for one of the following reasons.

1. "Emergency project" means a project which may involve life or safety hazards or the immediate loss of property.

2. "Contiguous project" means a project which due to its close proximity to another project already underway may be assigned to the same architect/engineer.

3. "Repetitive project" means a project for which a prototype has been developed, which the State wishes to have repeated at another site.

4. "Special services" applies where a project requires unique capability or special knowledge or where time constraints may not permit architect/engineer selection delays.

"Intermediate project" means a project which has a construction cost estimate (CCE) between \$200,000 and \$1,000,000 or where estimated design fee is or exceeds \$20,000.

"Major project" means a project which has a construction cost estimate (CCE) of \$1,000,000 or more.

"Member" means an individual appointed by the Director to serve on the A/E Selection Board.

"Minor project" means a project which has a construction cost estimate (CCE) of less than \$200,000 and fee less than \$20,000.

"Miscellaneous list" means a list of architects, engineers, surveyors and other consultants eligible for the assignment of minor projects (less than \$200,000) and exempt assignments who have been selected on an annual basis.

"Multiple of actual salary cost" means a design fee based upon an established multiple or factor times actual salary cost. Actual salary is the gross salary paid an individual exclusive of all taxes, fringe benefits, etc.

"Percentage fee" means a fee for architect and engineer services based upon a percentage of the final construction cost estimate (COE) submitted prior to bidding and as approved by the Director.

"Program fee" means a separate fee, usually on a multiple of actual salary cost basis, covering the cost of program development and budget verification.

"Screening" means the process of scoring and evaluation used by the Board to determine those firms (five minimum to ten maximum) to be given final consideration from among the total applicants for a specific project.

"Secretary" means the full time administrator of the day-to-day Board operations and procedures who is responsible for overseeing classification records, advertising of projects, scheduling of meetings, preparing agendas, recording Board scores, preparing minutes of Board meetings and similar administrative activities.

"Technical evaluation" means the numerical ratings (on a scale of 0-100) assigned to architects and engineers by individual Board members in their evaluation of those firms seeking assignments.

"Using agency" means that Department or other element of State government for which the Division provides design and/or construction services.

#### 17:19-10.4 Classification of design firms

(a) Architect, engineer and other consulting firms desiring to be considered for consultant work with the Division must first submit an "Information and Experience Questionnaire" (DBC Form 48A) to the Division. The questionnaire provides comprehensive information on the management of the firm, its financial history, the time and value of past design work and other related information. This information is used by Board members to assist in the evaluation of firms for Division work and

to establish a dollar level (CCE) for which the firm may be considered.

(b) Review of the questionnaire for prequalification purposes shall be completed within 30 days of receipt and a notification of classification shall be mailed to the firm within the same time period.

(c) If a classification is denied by the Division, the firm will be notified in writing of the reasons therefor. Measures that the firm may take in order to become qualified will be identified by the Chairman.

(d) It is the responsibility of each firm to update its Information and Experience Questionnaire (DBC Form 48A) with the Division on an annual basis. Major changes occurring in the firm's status during the course of a year should be brought to the attention of the Division in order that the prequalification record is always current.

(e) After evaluation of a firm's qualifications by the Board, a classification is established and written notification of classification is transmitted to the firm by the Secretary.

(f) If a firm does not agree with its classification, it may appeal to the Board through a personal appearance if desired. The Board will review the records and consider a reclassification. Results of this appeal will be made known to the firm in writing by the Secretary. If a firm still does not agree with its classification, it may appeal in writing to the Director whose decision will then be final.

(g) Firms seeking classification must have at least one principal on its staff who has been engaged in active private practice for a period of two years preceding their request for classification.

(h) Firms wishing to introduce the capabilities and experience of the firm to the Board are encouraged to request an appearance before the Board. This appearance is not associated with a specific project but is solely for the purpose of familiarizing the Board with the firm's background and design accomplishments. Such appearances are of benefit to Board members in their subsequent evaluations on specific projects.

(i) Firms also are encouraged to submit brochures, pamphlets, photos and other literature for inclusion in their prequalification files which will be reviewed during the selection process.

(j) The classification rating assigned does not necessarily reflect the level on which an architect/engineer has performed for other clients. The Board endeavors to assign a rating which is justified by applicable overall experience, length of time in business, prior DBC experience, and staffing (including management depth).

(k) Classification levels include the following categories:

1. \$250,000: Firms with this rating may be considered for State project work load up to \$500,000;
2. \$500,000: A/Es with this rating may be considered for State project work load up to \$1,000,000;
3. \$1,000,000: A/Es with this rating may be considered for State project work load up to \$2,000,000;
4. \$2,500,000: A/Es with this rating may be considered for State project work load up to \$5,000,000;
5. \$5,000,000: A/Es with this rating may be considered for State project work load up to \$10,000,000;
6. Unlimited: Total work load unlimited;
7. Not applicable: Special technical consultants where construction cost estimates are not applicable.

(l) State project work load shall be determined by computing the proportionate value of incomplete work on other State projects. The Board shall not make assignments which exceed the amount of maximum State project work load of a given firm without the written approval of the Director.

(m) Firms may increase their rating or eligibility for State project work by joint-venturing with other firms. To be approved as a joint-venture firm, the venture has to be prequalified as an entity. In addition, each individual firm of the joint venture shall have been pre-qualified.

(n) Firms may apply for a specific project on a joint-venture basis without prior preclassification as a joint-venture team by simultaneous submissions of DBC 48A and 48B forms.

#### 17:19-10.5 Public notification

(a) The Chairman of the Architect/Engineer Selection Board will solicit the interest of architect/engineer firms in the State of New Jersey for projects in the major and intermediate classifications. He will cause the Secretary to advertise these projects in industry publications as listed below (but not limited to):

1. McGraw-Hill Dodge reports;
2. Written notice to New Jersey professional societies;
3. Design and construction industry publications covering New Jersey.

(b) Public notification shall include instructions to the effect that any firm seeking to provide services for the projects listed must submit a letter of interest no later than the date and time specified in the advertisement. Failure to respond within the fifteen days of advertisement may be cause for rejection of letter of interest.

(c) With the letter of interest, those firms desiring to compete for award of a specific project, shall submit a project questionnaire (DBC Form 48B) which shall identify the firm's capabilities and qualifications as relates to the specific project advertised. This questionnaire is intended to supplement the information contained in the general questionnaire (DBC 48A) submitted for prequalification and classification purposes. Special expertise in relation to the project at hand is one of the factors taken into consideration by the Board when evaluating firms during the screening process.

(d) The Division will not acknowledge letters of interest and project questionnaires (DBC Form 48B). These documents will be made a part of the Board's public records and shall be retained for a period of one year after selection has been completed and then be removed from the file.

#### 17:19-10.6 Project initiation

(a) The selection procedure will be initiated upon the receipt by the Director of a written request from a State client using agency. The written request shall include a written description of the scope of work of the project, the time period in which the design and construction is to be completed, and a cost estimate of the available funding for both the design and the construction of the project.

(b) The Director shall evaluate the agency request, and determine whether the project falls within the major, intermediate, minor or exempt category. The Director shall then in writing authorize the Chairman to proceed with the selection procedure in accordance with the rules for the specific category in which the project has been identified.

(c) The Chairman shall submit to the Board for its consideration all minor and exempt assignments within seven working days of receipt of authorization.

(d) The Chairman will insure that all major and intermediate projects are advertised as expeditiously as possible following the receipt of authorization. Major and intermediate projects which have been authorized shall be presented to the Board for consideration within seven working days following the suspense date as advertised.

#### 17:19-10.7 Project assignment procedures

(a) Major projects (CCE of \$1,000,000 and higher) rules are:

1. The consideration of the assignment of an A/E for a major project by the Board shall commence at the direction of the Chairman as expeditiously as possible after the close of the advertisement period.

2. The Secretary shall tabulate a list of all firms who have submitted a letter of interest for the project being considered providing it has been determined that they are prequalified in reference to the construction cost estimate for the project and within the limit of total State work for which they are classified. The Secretary shall distribute that list to all members of the Board in addition to making available the files and other submissions of each of the firms.

3. Prior to the scheduled meeting of the Board, each member shall have the responsibility to review the files and other submissions of the listed firms in order that they may evaluate each firm on a scale of 0 to 100 on the basis of a predetermined standard list of criteria. The evaluations of each member shall be submitted to the Secretary who will tabulate the individual and total scores for all of the firms being considered.

4. The Chairman shall then convene a meeting of the Board for the purpose of reviewing the results of screening process. The Board shall, after full review and evaluation of all of the firms, select a minimum of five to a maximum of ten firms to be interviewed by the Board.

5. The Board shall conduct a pre-interview conference on all major projects (and on those intermediate projects where it is deemed appropriate). The purpose of the pre-interview conference is to allow all of the firms who are to be interviewed an opportunity to review the scope of work for the project and to question the Board. DBC design staff and agency representatives on the particulars of the project.

6. At a pre-interview conference, attendance by at least one principal of the firm is mandatory. Non-attendance by a principal may result in disqualification of the firm from further consideration on the project. The order and time of appearance of the firms for the selection interviews will be determined by lottery at the end of the pre-interview conference. The Chairman will attempt to establish a date for the selection interviews which is acceptable to all parties.

7. The interview meeting will take place before a fully constituted Board. After the completion of the interviews, the Board shall discuss the special merits of the firms as relates to the specific project being considered. Upon completion of the Board's deliberations, the firms shall be scored by each member on a scale of 0 to 100 based on a predetermined standard list of criteria.

8. The Secretary shall tabulate the scores and announce the total score for each of the firms interviewed. The Board may accept the determination of the top three firms as established by their first round of voting or by majority vote, may elect to take a second ballot.

9. The top three firms selected will be notified in writing by the Chairman to submit "Competitive Cost Proposals." The proposals will be submitted on the basis of a percentage fee to be applied to the final construction cost estimate submitted by the A/E and approved by the Director. The Board shall determine the "upset amount" of the "Program Fee" which the A/E shall bill against based upon a "multiple of actual salary costs." The A/E's submission of "Competitive Cost Proposal" shall not include fees for a program.

10. Sealed "Competitive Cost Proposals" will be accepted on a predetermined day and time by the Chair-

man. The Chairman, in the presence of the Secretary and one other member of the Board, shall open and read aloud the "Competitive Cost Proposals." The Secretary shall record the proposals received and prepare a tabulation for distribution to the Board members. The opening shall be conducted in public and any representative of the firms competing may be in attendance.

11. The Board shall then convene at a time and date determined by the Chairman and shall review the technical scores of the firms in conjunction with the cost proposals and other pertinent data. The Board will then consider and vote to make their final selection and recommendation. The Board shall have the responsibility of determining which selection will be most advantageous to the State, cost and other factors considered.

(b) Intermediate projects (CCE of \$200,000 to \$1,000,000) rules are:

1. The selection procedure for intermediate projects shall be identical to the procedures outlined above for major projects except for the conditions outlined below.

2. The Board shall have full authority to waive the requirement of the pre-interview conference and/or the interview meeting.

3. The Board has the responsibility when pre-interview and/or interview conferences are not conducted, to supply those firms preparing interview presentations or "Competitive Cost Proposals" with as complete a description of the project as is available and also arrange for time and access to the project.

4. Following the Board's screening of the interested and qualified firms, it shall have full authority to proceed with its voting to determine the highest rated three firms. It may then authorize the Chairman to immediately proceed to obtain "Competitive Cost Proposals" from the top three selected firms or from a greater number if the Board determines to do so by majority vote.

(c) Miscellaneous list rules are:

1. During the last quarter of each year, the Board, in accordance with procedures previously indicated, shall advertise on a statewide basis for those firms that may be interested in being placed on the "Miscellaneous List." The purpose of the list shall be for the use of the Board in assigning minor and exempt projects on an expeditious basis directly from the list.

2. Following the advertisement and receipt of letters of interest, the Board shall determine the composition of "Miscellaneous List" and publish said list on or before January 1st of each year.

3. The Board shall select the firms to be placed on the "Miscellaneous List" from among those firms submitting letters of interest, firms on the previous year's list, or from qualified firms solicited through direct contact. The Board shall also have authority to delete firms from the list for reasons of poor performance and to add others during the year as may be required to provide the depth of capability necessary to support the Division's work load.

4. The list shall be published in a format clearly indicating a separation on a regional basis and then by professional discipline. The list once published shall become a public document and available upon written request to all.

(d) Minor projects (CCE or \$200,000 or less) rules are:

1. When the Director's written authorization to proceed identifies a project as being in the minor category, the Chairman shall submit that project to the Board for consideration. The Chairman, in consultation with the DBC design staff, shall have the authority and responsibility to recommend one or more firms from the "Miscellaneous List" to the Board for their consideration.

2. The Board shall consider the nature of the work, the geographic location of the project and the previous workload assignment to those firms on the "Miscellaneous List." By majority vote the Board may accept the recommendation of the Chairman or recommend the assignment of the project to another firm on the list.

3. Following the approval of the Board, the Chairman with the participation and/or the approval of two other Board members may negotiate a percentage or stipulated fee for the performance of the contract and submit to the Director for approval.

(e) In the case of certain projects of an urgent, critical or special nature, the Board shall have the authority and responsibility to recommend to the Director his approval of the waiving of the selection procedures herein described. With the Director's written approval and the Treasurer's written concurrence, a project assignment may be made upon the recommendation of the Board and provided that it falls into one of the following categories.

1. Emergency projects: Projects of an emergency or a critical nature, normally involving life-safety considerations. Examples are: storm or fire damage, equipment and/or systems failures in occupied facilities, funding of a project is in jeopardy, loss of program funding is in jeopardy to an agency, etc.

2. Contiguous projects: Where the nature of a project is closely related to another ongoing project, or where a new project at the same facility is minor in nature as related to an ongoing project, it may be in the State's best interest to continue that A/E already working on an existing contiguous assignment.

3. Repetitive projects: Where an A/E has designed a project which the State wishes to have repeated at the same site or adapted to another site utilizing in a general manner the same basic documents. The substantial reduction in design costs for site adaptation may make assignment to the same A/E most advantageous to the State.

4. Special services: Where the nature of the project or the service is such that it does not fall within one of the categories listed elsewhere herein, the assignment may be considered a "special service." Assignments in this category may include, but are not limited to, surveying, soils engineering, construction management, photogrammetry, interior design, etc. These services normally complement basic A/E services on an ongoing project and may seriously affect and/or delay the ongoing project if immediate and expeditious selections are not made.

5. Under any of the conditions listed above, the Board may recommend to the Director that an assignment be made following the waiver of selection procedure with the written approval of the Director and of the Treasurer. Fees may be determined by any one of the several methods described herein, provided that the final negotiated fee receives the written approval of the Director and the Treasurer.

#### 17:19-10.8 Final selection approval

(a) All selections and recommendations of the Board shall be approved by the Director as well as all percentage or negotiated fees for any given project. That approval shall be obtained by means of the Director's signature on the minutes and recommendations of the Board as prepared and submitted by the Chairman, after the approval of the Board.

(b) The Director may, for substantial and justifiable reasons, reject the recommendation of the Board and request or suggest a new recommendation. Said rejection must be made in writing to the Board and for the record. In the matter of a dispute, the decision of the Director is final provided it is approved by the Treasurer in writing.

(c) Although the selection procedure includes the elements of advertisement, technical selection and cost competition, it must be clearly understood that these requirements do not comply with the State's bidding statute, N.J.S.A. 52:34-1 et seq. The final selections are of the nature provided for in N.J.S.A. 52:34-9(a)(a) (i.e. "of a technical and professional nature"). Therefore, all final assignments and fee determinations that exceed \$2,500 in contract price must still receive the written approval of the State Treasurer waiver of advertising, N.J.S.A. 52:34-8).

#### 17:19-10.9 Selection Board composition

(a) The Director has full authority and responsibility to appoint, remove, and/or replace the DBC members serving as members or alternates on the "Architect/Engineer Selection Board". However, it shall be the objective to attempt to maintain a seven-member board constituted as follows:

1. Chairman, who shall be the State Architect.
2. Two members who are licensed architects.
3. Two members who are licensed engineers.
4. Two members who may be non-professionals providing that one must be a minority.

(b) The seven members identified above must all be salaried employees of the Division of Building & Construction and shall recognize that their responsibility to the Board is paramount, coming before their assigned duties within the other activities of the Division.

(c) The Director shall also have the authority and the responsibility to appoint six alternate members from the Division staff. The alternates need not meet the professional qualifications of the member they replace, but they must be selected by the Chairman in numerical, rotating order of their appointment to insure that there be no appearance of manipulation of the composition of the Board.

(d) When the Board is considering selections on major projects, composition of the Board shall be increased by the Chairman to include one voting representative of the Department or agency and also one representative of the staff of the institution at which the facility is to be designed and constructed. These two voting members shall begin their participation on the Board at the pre-interview meeting or, if it has been waived, at the interview and selection meeting.

(e) Either the agency or the institution may send more than one representative to the Board sessions, however, the multiple representation shall share the one vote assigned.

(f) In certain instances where a project may be extremely complex, involve an unusual type of facility, or have a special impact at the location where it is to be constructed, the Director may add one or more voting members representing a special interest or area of expertise. However, the total number of voting members on the Board shall never exceed thirteen.

#### 17:19-10.10 Board rules of order

(a) The Board shall conduct its procedures in full accordance with these rules and regulations and does not have the authority to waive any of the requirements unless otherwise approved in writing by the Director.

(b) On questions of parliamentary procedure not covered within these rules and regulations, the Board shall be governed according to the provisions of the latest edi-

tion of "ROBERTS RULES OF ORDER." Those rules shall govern the parliamentary conduct of the Board in all cases to which they are applicable and in which they are not inconsistent with these rules and regulations. On matters of procedure of a minor nature, which are covered neither in the rules and regulations nor in "Roberts Rules of Order," the Board by two-thirds majority may adopt its own rules of conduct. If agreement cannot be reached, the dispute shall be referred to the Director for his decision, which shall be final.

(c) On any matter being considered by the Board where there is to be a tie vote or an insignificant difference in scores, the Chairman shall have the responsibility to refer the question to the Director for his decision, which decision shall be final and conclusive.

(d) All meetings and deliberations of the Board shall be conducted in full accordance with the New Jersey Open Public Meetings Act, Chapter 231, Laws of 1975. The Board shall conduct regular meetings on each and every Wednesday, commencing at 9:30 a.m. and continuing until their business is completed.

(e) Although all of the meetings and deliberations of the Board are open to the public, the Board may request that during the interview process, members of firms having completed their presentations or waiting to make them, not sit in on the presentations of their competitors, as a matter of professional courtesy.

(f) The Board shall have authority, when it deems it in the best interest of the State, to restrict a firm to a single assignment when several projects are being considered at the same time providing all firms involved are advised prior to the final interview and to the submission of cost proposals.

(g) The Chairman shall appoint from among the members and/or alternates, a Vice Chairman providing there is a ratification of his selection by a majority of the Board. The Vice Chairman shall assume the authority and responsibility of the Chairman in his temporary absence or until a permanent replacement is appointed by the Director.

(h) The Secretary shall report to the Chairman and shall have the responsibility under the Chairman's supervision for the maintenance of the records for A/E classification and the Board's deliberations. The chairman shall have the responsibility to insure that the minutes of the deliberations of the Board and a record of their decisions and recommendations shall be kept in writing for a period of no less than two years following the completion of construction of any project or the completion of design on projects which are abandoned.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

S. Leonard DiDonato  
Director  
Division of Building and Construction  
Department of the Treasury  
West State and Willow Sts.  
Trenton, N.J. 08625

The Division of Building and Construction may thereafter adopt rules concerning this subject without further notice.

S. Leonard DiDonato, Director  
Division of Building and Construction  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rules on One Time Election to Exclude Up to \$100,000 of Gain on Sale of Principal Residence and Rollovers

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq., proposes to adopt new rules concerning the one time election to exclude up to \$100,000 of gain on the sale of the principal residence and rollovers.

Full text of the proposed new rules follows.

18:35-1.13 One-time election to exclude up to \$100,000 of gain on sale of principal residence; rollovers

#### FOREWORD

Chapter 218, P.L. 1979, was signed into law October 11, 1979. It affords taxpayers with tax exclusions similar to the exclusions permitted for Federal tax purposes when selling a principal residence.

(a) The rules concerning one-time election to exclude up to \$100,000 of gain or sale of principal residences and rollovers are:

1. General rule; capital gains one-time exclusion; where taxpayers 55 years or older sell a principal residence on or after January 1, 1979 which they have owned and used as principal residence for at least three years during the five year period ending on the date of the sale, they may make a one-time election to exclude up to \$100,000 of gain realized on the sale.

2. Prior election: The fact that a taxpayer age 65 or older made the prior election to exclude gain on a pre-January 1, 1979 sale of residence will not prevent him or her from electing the new \$100,000 exclusion.

3. Joint return: In the case of jointly owned property where a joint return is filed, if one spouse meets the age, holding, and use requirements for the exclusion, both spouses are treated as meeting such requirements.

4. Deceased spouse: Taxpayer over 55 years of age whose spouse is deceased will be treated as satisfying the holding and use requirements if (1) the taxpayer was at least 55 years of age prior to the date of sale and has not remarried, and (2) the deceased spouse must have satisfied the holding and use requirements and must not have made a prior election to take the exclusion on another residence.

5. Coupling one-time exemption with residence rollover exclusion: This one-time election may be coupled with the residence rollover exclusion described below, for deferring all or part of the gain not excluded under the \$100,000 exclusion rule.

6. Residence rollover exclusion: Gains derived from the sale or exchange of principal residence where a new residence is purchased within 18 months (24 months in the case of a newly constructed residence) are not includible in gross income if the purchase price of the new principal residence is equal to or greater than the adjusted sales price of the principal residence sold.

7. Multiple rollover provision - Applicable only to residence rollover-exclusion: If a taxpayer had excluded gain from the sale of a residence within 18 months prior to the sale of a subsequent principal residence, the tax free rollover of the second sale will be permitted only where

(1) the sale of the residence is in connection with relocation and employment at a new principal place of work, and (2) the taxpayer satisfies both the geographic and length of employment requirements for the deductibility of moving expense for federal purposes.

i. Example: On January 1, 1979, a taxpayer sold his personal residence in Englewood at a gain and purchased a more expensive residence in the same city on February 15, 1979. The gain derived from the sale of the first residence qualified for deferral under the law and the taxpayer was not required to report that gain for tax purposes. In August, 1979, the taxpayer's employer permanently transferred him to a new principal place of work in Cherry Hill which transfer qualified the taxpayer to deduct his moving expenses for federal income tax purposes. On September 1, 1979, the taxpayer sold his Englewood residence at a gain and purchased a more expensive residence at the new job location in Cherry Hill. Ordinarily, a taxpayer cannot defer the gain derived from two personal residences if he has already elected to defer a gain during an 18-month period. However, in this situation, the taxpayer qualified again to defer the gain derived from the sale of the second home which he purchased in Englewood by reason of the fact that his purchase of a new personal residence in Cherry Hill was necessitated in connection with relocation in employment at a new principal place of work and because geographic and federal moving expense requirements were met.

ii. Where the multiple rollover provision applies, the basis of each new residence must be reduced by the amount of gain deferred on the preceding sale.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State & Willow Streets  
Trenton, New Jersey 08646

The Department of the Treasury may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser, Director  
Division of Taxation  
Department of the Treasury

(b)

## TREASURY

### STATE LOTTERY COMMISSION

#### Rules Governing the Meadowlands Sports Lottery

On September 26, 1979, Gloria A. Decker, Executive Director of the New Jersey 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, adopted new, emergency rules concerning the Meadowlands Sports Lottery.

The rules concern the name of the lottery; ticket specifications; ticket pool; licensed agents' procedures; price (\$2.50) and commissions; drawings procedures; claims; use of a special horse race to determine prizes; and grand prize and bonus drawing procedures. A reference to such rules will be included in Subchapter 11, Chapter 21, Title 17 in the New Jersey Administrative Code.

Copies of 13 pages of the full text of these rules may be obtained from or made available for review by contacting:

New Jersey State Lottery Commission  
CN 041  
Trenton, N.J. 08625

An order adopting these rules was filed and became effective on September 26, 1979 as R.1979 d.381 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## TREASURY

### DIVISION OF TAXATION

#### Data Processing Transactions And Sales and Use Tax Act

On September 28, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:24-25.2 concerning electronic data processing transactions and the Sales and Use Tax Act substantially as proposed in the Notice published September 6, 1979, at 11 N.J.R. 472(b) with only inconsequential structural or language changes in the opinion of the Department of the Treasury.

An order adopting these amendments was filed and became effective on September 28, 1979 as R.1979 d.384.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TREASURY

### DIVISION OF TAXATION

#### Emergency Amendments Concerning Determination and Judgments

On September 27, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of Treasury, pursuant to authority of P.L. 1973, c. 119, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 18:12A-1.12 concerning determination and judgments.

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

#### 18:12A-1.12 Determination; judgments

(a) A majority of the members of the board shall constitute a quorum for the transaction of business, and any action or determination agreed to by such majority shall be taken as the action of the board.

(b) In order to provide for a more orderly appeal procedure, county boards of taxation shall, effective immediately, institute the procedure herein described with respect to the issuance of their judgments.

#### 1. Valuation appeals:

i. The judgment shall indicate separately the assessed value of the land, improvements and the total of same.

ii. The judgment shall also indicate the determination of the county board of taxation separately for land, improvements and total.

iii. In the case of affirmance or dismissal and there is no change in valuations, the judgment shall indicate, in lieu of subparagraph ii. above, the words "Affirmed" or "Dismissed", or any phrase indicating an appropriate disposition.

2. Other appeals: In all appeals not involving property valuations, the judgment shall indicate the county board's disposition, as appropriate.

3. Date of judgment: All judgments must indicate the date determined, as follows:

i. Judgment filed this \_\_\_ day of \_\_\_, 19\_\_\_; or

ii. Dated: (state date) \_\_\_\_\_.

4. Size and reproduction:

i. The judgment shall be of uniform size 8½" x 11" and be such that it is capable of reproduction on a copier machine.

ii. Judgments must contain the following statement: "The action of the county board of taxation may be reviewed by filing a complaint with the Tax Court within 45 days of the date of this judgment." Address: Tax Court of New Jersey is located at 447 Bellevue Avenue, Trenton, New Jersey 08618. Mailing Address: P.O. Box 290, Trenton, New Jersey 08625.

5. County boards should endeavor to send out judgments at the time decided or as soon thereafter as practical, and not hold them until November 15. Earlier disposition will assist the Tax Court in the processing of its case load.

An order adopting these amendments was filed and became effective on September 28, 1979, as R.1979 d.385 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## TREASURY

### DIVISION OF PENSIONS

#### STATE HEALTH BENEFITS COMMISSION

#### Amendments Concerning the State Health Benefits Program

On October 2, 1979, William J. Joseph, Secretary of the State Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:9-5.5 concerning the State Health Benefits Program as proposed in the Notice published June 7, 1979 at 11 N.J.R. 303(d).

An order adopting these amendments was filed and became effective on October 4, 1979 as R.1979 d.396.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

# TREASURY

## DIVISION OF PENSIONS

### TEACHERS' PENSION AND ANNUITY FUND

#### Amendments Concerning Compulsory Retirement

On October 2, 1979, A. Steven LaBrutte, Secretary of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:3-6.15 concerning compulsory retirement as proposed in the Notice published August 9, 1979 at 11 N.J.R. 412(a).

An order adopting these amendments was filed and became effective on October 4, 1979 as R.1979 d.397.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

# TREASURY

## DIVISION OF TAXATION

### PUBLIC EMPLOYEES' RETIREMENT SYSTEM

#### Amendments Concerning the Public Employees' Retirement System

On October 2, 1979, John P. Olender, Secretary of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:2-1.8, 17:2-2.2, 17:2-2.4, 17:2-3.1, 17:2-3.6, 17:2-4.11, 17:2-4.14, 17:2-5.7, 17:2-6.2, 17:2-6.19, 17:2-7.1 and 17:2-7.2 concerning the Public Employees' Retirement System as proposed in the Notice published August 9, 1979 at 11 N.J.R. 411(a).

An order adopting these amendments was filed and became effective October 9, 1979 as R.1979 d.399.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

# TREASURY

## DIVISION OF TAXATION

### Amendments Concerning the Unfair Cigarette Sales Act

On October 18, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 56:7-18 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:6-1.1 concerning the Unfair Cigarette Sales Act as proposed in the Notice published September 6, 1979 at 11 N.J.R. 472(a).

An order adopting these amendments was filed and became effective on October 18, 1979 as R.1979 d.416.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

# NEW JERSEY HIGHWAY AUTHORITY

## GARDEN STATE PARKWAY

### Amendment of Regulations Governing Use of the Garden State Parkway Concerning Limitations on Use of the Parkway and Tolls (Schedule of Tolls)

F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1, et seq., and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend N.J.A.C. 19:8-1.9(b)15 and N.J.A.C. 19:8-3.1(b) concerning Limitations on Use of the Parkway and Tolls (Schedule of Tolls).

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

19:8-1.9(b)15. All vehicles, except cars, campers, [motor cycles,] omnibuses, [and any] attached noncommercial trailers or semitrailers[,] and vehicles entitled to toll-free passage under Section 3.2 (Toll-free passage) of this Chapter, are [excluded] **prohibited** from [any part of] the Parkway north of Interchange [98] 105.

N.J.A.C. 19:8-3.1(b)

	Toll Area and Type*	
	Asbury Park B	Belmar-Wall R
	* * * *	
Car (2 axles)	.25	.15
Car with Semi-trailer (3 axles)	.35	.20
Car with Full Trailer (4 axles)	.50	.30
Omnibus	.75	.40
**Trucks 3.5 - 5 Ton 2 axles, 4 wheels	.35	.20
**Truck Over 5 Ton 2 axles, 6 wheels	.50	.35
**Truck or Tractor & Semi- trailer 3 axles	.75	.45
**Truck or Tractor & Full Trailer 4 or more axles	1.00	.60
	* * * *	

\* Vehicles traveling through length of Parkway pay only at Across Parkway Toll Areas. Toll fare for passenger vehicles for full 173 mile trip is \$2.75. Toll Areas on ramps affect only vehicles either entering or leaving Parkway at those specified interchanges. There are eleven (11) Across Parkway (B) Toll Areas and nineteen (19) Ramp (R) Toll Areas.

\*\* Trucks are prohibited north of Interchange [98] 105.

Interested persons may present statements or arguments in writing relevant to the proposals on or before November 29, 1979 to:

F. Joseph Carragher, Executive Director  
New Jersey Highway Authority  
Garden State Parkway  
Woodbridge, New Jersey 07095

The Highway Authority may, thereafter, adopt this rule substantially as proposed without further notice.

F. Joseph Carragher  
Executive Director  
New Jersey Highway Authority

(a)

## HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

### Proposed Amendments to District Zoning Regulations

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to amend the Hackensack Meadowlands District Zoning Regulations as follows (such amendments, if adopted, will appear in N.J.A.C. 19:4):

1. In Secaucus: change Block 192, Lot 27 from Marshland Preservation to Low Density Residential.
2. In North Bergen: change Block 453C, Lot 13B3 from Research Park to Park and Recreation.
3. In Little Ferry: change Block 108C, Lot 3 (part) from Marshland Preservation to Waterfront Recreation.
4. In Lyndhurst: change Block 235, Lots 27 and 28 from Heavy Industrial to Low Density Residential.
5. In Ridgefield: change Block 182, Lot 2, and Block 145, Lots 1, 2, 3, and 6 from Marshland Preservation to Heavy Industrial.

A public hearing will be held by the Hackensack Meadowlands Development Commission regarding the proposed action on:

November 28, 1979 at 7:00 p.m.  
Freeholders Meeting Room  
Bergen County Administration Building  
Hackensack, New Jersey

Interested persons may present statements or arguments in writing or orally in person relevant to the proposed action at this hearing. Any person wishing to present a statement at this hearing should submit a written request to the Executive Director of the Hackensack Meadowlands Development Commission on or before the date of the hearing at the above address.

The time, date and place of any subsequent hearings, if deemed to be necessary, will be announced at said hearing, but no Notice of such subsequent hearing will appear.

Written statements will also be accepted by the Commission on or before the date of the public hearing, will be included in the record, and will be given full consideration by the Commission.

Upon full consideration of all submissions regarding the proposed action, the Hackensack Meadowlands Development Commission, may thereafter adopt the rules substantially as proposed without further notice.

Patricia Q. Sheehan  
Executive Director  
Hackensack Meadowlands  
Development Commission

(a)

## ELECTION LAW ENFORCEMENT COMMISSION

### Rules Concerning Political Action Committees

On October 1, 1979, Lewis B. Thurston, III, Executive Director of the Election Law Enforcement Commission,

pursuant to authority of N.J.S.A. 19:44A-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:25-4.6, concerning political action committees substantially as proposed in the Notice published August 9, 1979, at 11 N.J.R. 416(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Election Law Enforcement Commission.

Full text of the adoption follows:

#### 19:25-4.8 Political action committees

(a) The term "political action committee" means:

1. Any political action committee described in Section 441(b) of the Federal Election Campaign Act Amendments of 1976, P.L. 94-283, as a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock which becomes subject to the New Jersey Act by virtue of activities related to a New Jersey election; and

2. Any other similar committee organized to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative or corporation without capital stock which is principally organized, or the principal business of which is to aid or promote the nomination, election or defeat of any candidate or candidates for political office, or to aid or promote the passage or defeat of a public question in any New Jersey election subject to the New Jersey Act.

(b) Except as otherwise provided in N.J.A.C. 19:25-15.38 and 15.39, relating to elections funded in part with public funds, a political action committee whose activity in any New Jersey election subject to the Act, consists solely of contributions to or on behalf of one or more candidates for public office, or of contributions in excess of \$750.00 with respect to any public question, shall file preelection and post-election reports as to such election as follows:

1. Every political action committee subject to the filing requirements of the Federal Election Campaign Act Amendments of 1976 P.L. 94-283, which makes contributions to or on behalf of one or more candidates for public office or contributions in excess of \$750.00 with respect to any public question in a New Jersey election subject to the Act, shall file with the Commission:

i. A 25 day preelection report which shall consist of a copy of all reports filed or required to be filed by such political action committee with the Federal Election Commission for the 12 month period immediately preceding the date for filing 25 day preelection reports under the New Jersey Act; and

ii. A seven day preelection report which shall cover the period subsequent to that covered by the Federal Election Commission reports and the period specified under the Act to be covered by seven day preelection reports, consisting of the name and address of contributor and the date and amount of each contribution to such political action committee from each contributor who is a New Jersey resident and whose contributions in the aggregate exceed \$100.00, and the total amount of all contributions to such political action committee from New Jersey residents, and all contributions made by such political action committee to candidates or with respect to public questions in the New Jersey election.

iii. A 15 day post-election report which shall cover the period specified under the Act to be covered by 15 day post-election reports, consisting of the name and address of contributor and the date and amount of each contribution from each contributor who is a New Jersey resident and whose contributions in the aggregate exceed

\$100.00, and the total amount of all contributions to such political action committee from New Jersey residents, and all contributions made by such political action committee to candidates or with respect to public questions in the New Jersey election.

iv. The 15 day post-election report shall state whether all business of the political action committee has been wound up as to the New Jersey election. If all business of the political action committee has not been wound up as to the New Jersey election then the political action committee will file 60 day reports in accordance with the provisions of Section 16, which reports shall consist of the name and address of contributor and the date and amount of each contribution from each contributor who is a New Jersey resident and whose contributions in the aggregate exceed \$100.00, and the total amount of all contributions to such political action committee from New Jersey residents, and all contributions made by such political action committee to candidates or with respect to public questions in the New Jersey election. The obligation to file such 60 day reports shall continue until all of the business of the political action committee has been wound up as to the New Jersey election.

2. Every political action committee, other than one subject to the filing requirements of the Federal Election Campaign Act of 1976, P.L. 94-283, which makes contributions to or on behalf of one or more candidates for public office or makes contributions in excess of \$750.00 with respect to any public question in an election subject to the Act, shall file preelection and post-election reports with the Commission on the dates and for the periods specified in the Act. The 25 day preelection reports shall include the name and address of contributor and the date and amount of each contribution from a contributor whose contribution in the aggregate exceeds \$100.00, and the amount of contributions to the political action committee, and all contributions by the political action committee to New Jersey candidates and expenditures since the date of the last previous report; or, if there has been no previous report, for the 12 month period immediately preceding the date for filing 25 day preelection reports. The seven day preelection and 15 day post-election reports shall include the information specified in this paragraph for the periods covered by those reports. The 15 day post-election report filed by any political action committee shall state whether all of the business of that political action committee has been wound up as to the New Jersey election. If all of the business of the political action committee has not been wound up as to the New Jersey election, then such political action committee shall file 60 day reports in compliance with Section 16 of the New Jersey Act.

3. For purposes of this section, the term "contribution to political action committee" shall not include:

i. Communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject;

ii. Non-partisan registration and get out the vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and

iii. The establishment, administration and solicitation of contributions to the political action committee.

(c) Every political action committee which becomes subject to the Act because of activity in New Jersey shall designate a treasurer or deputy treasurer who shall be a resident of the State of New Jersey; or shall, in the

alternative, file with the Commission a consent to service of process and submission to jurisdiction in form satisfactory to the Commission; and, in addition, every political action committee, other than one subject to the filing requirements of the Federal Election Campaign Act of 1976, P.L. 94-283, shall designate as depository a bank authorized by law to transact business in the State of New Jersey.

(d) Nothing in this section shall limit the applicability of the Act and of the regulations of the Commission regarding political committees to any political action committee by virtue of activities of such political action committee (other than by contributions) with respect to candidates or public questions in any election.

1. Example 1: A national manufacturing corporation organizes a political action committee, which solicits contributions and makes contributions to candidates in Federal and state elections throughout the country. The PAC reports regularly to the Federal Election Commission in accordance with the requirements of the Federal Election Commission. In the course of an election campaign in New Jersey, the PAC becomes actively involved on behalf of a candidate in the campaign of that candidate for election to the New Jersey State Assembly, and assists the candidate in the preparation of speech materials, and prepares materials for and arranges for the placement of ads on billboards throughout the district in which the candidate is running. In that circumstance the PAC has become a political committee with respect to the candidate and must file preelection and post-election reports in accordance with the provisions of N.J.S.A. 19:44A-16 setting forth all contributions and all expenditures as required by the Act and these regulations, without reference to whether reporting is made by the PAC during the same time period to the Federal Election Commission.

(e) Nothing contained in this section shall limit the obligation of a candidate or a political committee receiving contributions from a political action committee to report the name, address, date and amount of contribution of every contributor, including the political action committee, whose contribution in the aggregate exceeds \$100.00.

An order adopting these rules was filed and became effective on October 1, 1979 as R.1979 d.391.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## ECONOMIC DEVELOPMENT AUTHORITY

### Proposed Amendments on Financial Assistance to Economically Distressed Municipalities

The New Jersey Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-5, proposes to amend N.J.A.C. 19:30-4.4 concerning financial assistance to economically distressed municipalities.

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

19:30-4.4(a)1.vi. Agricultural and livestock production and service projects and forestry projects.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1979 to:

Robert S. Powell, Jr.  
Executive Director  
N.J. Economic Development Authority  
200 South Warren St.  
P.O. Box 1446  
Trenton, N.J. 08625

The N.J. Economic Development Authority may thereafter adopt rules concerning this subject without further notice.

Robert S. Powell, Jr.  
Executive Director  
N.J. Economic Development Authority

(a)

## CASINO CONTROL COMMISSION

### Proposed Amendments Concerning Casino Licensee's Organization

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend N.J.A.C. 19:45-1.11, casino licensee's organization.

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

19:45-1.11(e) In addition to the restrictions contained in the Casino Control Act and the regulations promulgated thereunder, no person shall transfer from the surveillance department to another department within the same casino. However, the Commission, upon being petitioned, may waive the restriction if:

1. One year has passed since the person worked in the surveillance department;
2. Casino surveillance and security systems will not be jeopardized or compromised by this person; and
3. Errors, irregularities or illegal acts cannot be perpetrated and concealed by this person's knowledge of the surveillance system.

Interested persons may present statements or arguments in writing relevant to the proposal on or before November 28, 1979 to:

Joseph P. Lordi, Chairman  
Casino Control Commission  
379 West State Street  
Trenton, New Jersey 08625

The New Jersey Casino Control Commission may, thereafter, adopt rules concerning this subject without further notice.

Joseph P. Lordi  
Chairman  
Casino Control Commission

(b)

## CASINO CONTROL COMMISSION

### Rules Concerning Casino Service Industry Licenses

On September 26, 1979, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance

with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:43-1.14, concerning casino service industry licenses as proposed in the Notice published May 10, 1979 at 11 N.J.R. 265(a).

An order adopting these rules was filed and became effective on September 26, 1979 as R.1979 d.376.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## CASINO CONTROL COMMISSION

### Amended Rules Concerning Minimum and Maximum Wagers

On September 26, 1979, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amended rules, to be cited as N.J.A.C. 19:47-5.7, concerning minimum and maximum wagers as proposed in the Notice published July 5, 1979 at 11 N.J.R. 360(a).

An order adopting these amended rules was filed and became effective on September 26, 1979 as R.1979 d.377.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## CASINO CONTROL COMMISSION

### Rules on Child Labor Laws

On September 26, 1979, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:40-2.1 and 19:40-2.2, concerning child labor laws as proposed in the Notice published August 9, 1979 at 11 N.J.R. 418(a).

An order adopting these rules was filed and became effective on September 26, 1979 as R.1979 d.378.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## CASINO CONTROL COMMISSION

### Amendments Concerning Employee Licenses Applications

On September 26, 1979, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Pro-

cedure Act, adopted amendments to N.J.A.C. 19:41-1.3 concerning employee licenses applications as proposed in the Notice published August 9, 1979 at 11 N.J.R. 418(b).

An order adopting these amendments was filed on September 26, 1979 as R.1979 d.379 to become effective on October 19, 1979.

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

## CASINO CONTROL COMMISSION

### Amendments Concerning Blackjack And Peek Procedures

On September 26, 1979, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:47-2.6, 19:47-2.7, 19:47-2.8 and 19:47-2.9 concerning blackjack and peek procedures as proposed in the Notice published August 9, 1979 at 11 N.J.R. 420(a).

An order adopting these amendments was filed and became effective on September 26, 1979 as R.1979 d.380.

Howard H. Kestin  
Director  
Office of Administrative Law

**(b)**

## CASINO CONTROL COMMISSION

### Amendments to Rules on Big Six Wheel Game

On October 16, 1979, Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:46-1.13 and 19:47-5.5 concerning the rules on the Big Six Wheel game as proposed in the Notice published September 6, 1979 at 11 N.J.R. 478(a).

An order adopting these amendments was filed and became effective on October 18, 1979 as R.1979 d.429.

Howard H. Kestin  
Director  
Office of Administrative Law

**(c)**

## DELAWARE RIVER BASIN COMMISSION

### Notice of Hearings Concerning Comprehensive (Level B) Study

Take notice that the Delaware River Basin Commission has issued the following Notice of Public Hearings concerning the Commission's Comprehensive (Level B) Study and its draft environmental impact statement:

The Delaware River Basin Commission will conduct five public hearings from November 14 to November 27, 1979, on the draft final report of the Delaware River Basin Comprehensive (Level B) Study and its draft environmental impact statement.

The report and impact statement were released to the public on October 15, 1979. Copies are available by calling, writing or visiting the Commission's offices.

The draft report is subject to revision following the public hearing and comment process, and the Commission urges all interested parties to make their reactions to the report known to it during a two-month open-record period that will end at 5 p.m. on December 14, 1979.

Responses may be made either in writing directly to the Commission at any time during the comment period or verbally or in writing at any of the five public hearings listed below. The Commission also will welcome at any time through December 14 post-hearing statements and amendments or additions to statements submitted earlier at the hearings or directly in writing.

It is the Commissioners' intention to approve and issue the Level B final report and final environmental impact statement early in 1980. Those components of the final report that may be incorporated into the Commission's comprehensive plan will be the subject of further public hearings, as required by the Delaware River Basin Compact.

Individuals or organizations wishing to testify are requested to so notify the Commission by noon of the business day prior to the hearing at which they wish to appear.

The hours for all five hearings will be 2:30 to 5:30 p.m., each resuming at 7:30 p.m. to accommodate persons unable to appear during the day. Following is the schedule of hearings:

Wednesday, November 14

—Supervisors Chamber, Sullivan County Government Center, Monticello, N.Y.

Thursday, November 15

—East Stroudsburg State College Auditorium, East Stroudsburg, Pa.

Monday, November 19

—Council Room, City-County Building, 800 French Street, Wilmington, Del.

Tuesday, November 20

—Auditorium, Township Building, Plymouth Township, (Montgomery County), Pa.

Tuesday, November 27

—Council Chamber, Municipal Complex, Salem Road, Willingboro, N.J.

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This Notice is published as a matter of public information.

Howard H. Kestin  
Director  
Office of Administrative Law





# The New Jersey Administrative Code

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