

# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

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## INDEX OF RULES IN THIS ISSUE

	<u>Page</u>		
<b>AGRICULTURE</b>		<b>HUMAN SERVICES</b>	
Proposed amendments on grading .....	2(a)	Proposed changes in medicaid income .....	18(a)
Proposed rules on inspections .....	2(b)	Proposed contractual income basis .....	18(b)
Adopt milk advertising amendment .....	4(a)	Proposed changes for unborn child aid .....	18(c)
<b>BANKING</b>		Proposed public assistance budgeting .....	25(a)
Adopt mortgage loan rule .....	4(b)	Proposed changes on food stamp hearings .....	26(a)
Rules on property restrictions .....	4(c)	Proposed changes in rehabilitation services .....	27(a)
<b>CIVIL SERVICE</b>		Amendments to food stamp manual .....	28(a)
Amendments to personnel manual .....	5(a)	Amendments on pneumococcal polyvalent vaccine .....	28(b)
Further personnel manual changes .....	6(a)	<b>INSURANCE</b>	
<b>EDUCATION</b>		Adopt amendments to advertising rules .....	28(c)
Propose changes in State library aid .....	7(a)	<b>LABOR AND INDUSTRY</b>	
Propose vocational contracting rules .....	8(a)	Proposed amendments on appeals .....	29(a)
Proposed changes in assessment rules .....	9(a)	<b>LAW AND PUBLIC SAFETY</b>	
<b>ENVIRONMENTAL PROTECTION</b>		Proposed rules on dentistry information .....	29(b)
Proposed sulfur in coal changes .....	10(a)	Proposed changes for ophthalmic technician .....	30(a)
Adopt radiation laboratory rules .....	13(a)	Proposed rules on optometrist records .....	31(a)
Rules on water resources practices .....	13(b)	Proposed rules on corporation takeovers .....	31(b)
<b>HEALTH</b>		Proposed rules on auto unsatisfied claims .....	31(c)
Proposed interim drug evaluation .....	13(c)	Amendments for ophthalmic advertising .....	32(a)
Proposed rules on soft shell clams .....	15(a)	Delete address in ABC rules .....	33(a)
Amend perinatal services standards .....	15(b)	Rule concerning civil rights hearing .....	33(b)
Rule on exempt chemicals .....	15(c)	Amend weights and measure rules .....	33(c)
Rule on excluded OTC substances .....	15(d)	Adopt rules on motorized bicycles .....	33(d)
Rule on excepted prescription drugs .....	15(e)	Delete all abandoned vehicles rules .....	34(a)
Amendments on certificates of need .....	16(a)	Amendments on vehicle reinspections .....	34(b)
Rules on renal dialysis services .....	16(b)	Amendments for drivers' school licenses .....	34(c)
Rules on midwifery standards .....	16(c)	<b>ENERGY</b>	
Amend long-term care licensing .....	16(d)	Meeting set on coastal energy impact .....	34(d)
<b>HIGHER EDUCATION</b>		Proposed rules on air conditioning efficiency .....	35(a)
Proposed changes on appeals to chancellor .....	16(e)	Proposed rules on cable television rates .....	36(a)
Proposed changes in tuition aid grants .....	17(a)		
Amend academic year definition .....	17(b)		
Amendments for non-teaching personnel .....	17(c)		
Amendments for financial aid .....	17(d)		

(Continued on back page)

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Proposed Amendments on Certificates of Grade

Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.12 and 4:3-11.22, proposes to amend N.J.A.C. 2:71-1.30 concerning certificates of grade.

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

2:71-1.30 Certificates of grade

(a) For the inspection or classification of shell eggs or poultry and the issuance of a certificate of the grade or other classification of such product, under an oral agreement between the department and the requestor of such services for a trailer, car, warehouse or storage lots, the fee shall be computed at the rate of \$14.72 per hour and shall include time required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate. When these services are rendered on Saturdays, Sundays or government-authorized holidays the fee shall be computed at the rate of \$19.44 per hour. Information on government-authorized holidays is available from the supervisor. Official mileage will be charged at the rate of \$0.14 per mile, plus tolls incurred, starting and ending where the inspector officially reports for duty.

(b) The charge for inspection or grading and certification services performed by an employee of the department under a written agreement shall be computed according to the following schedule:

1. An "inauguration of service" charge of \$200.00 to be paid at the time an agreement for inspection or grading and certification services is signed.

2. A charge of \$8.34 per hour for a maximum of 40 regular work hours in accordance with the work schedule as set out in the written agreement, Monday through Friday.

3. A charge of \$9.54 per hour for all nonscheduled hours worked or all hours worked over eight hours per day.

4. An additional charge of \$6.36 per hour, for hours actually worked by each inspector on legal State holidays occurring Monday through Friday.

5. An additional charge of \$.015 per case of shell eggs and \$.00015 per pound of poultry inspected or graded and certified per billing period, with a minimum charge of \$85.00 and a maximum charge of \$675.00 per billing

period. The minimum charge also applies where a signed agreement is in effect and no product is handled.

6. A charge of \$300.00 upon termination of an agreement for inspection or grading and certification services if:

i. The agreement is terminated by the applicant; and  
ii. The agreement is terminated for any reason other than an actual change in location; and

iii. The agreement is terminated within 12 months of the date of the inauguration of the inspection or grading and certification services.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

Robert C. Fringer, Director  
Division of Regulatory Services  
Department of Agriculture  
P.O. Box 1888  
Trenton, N.J. 08625

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

Phillip Alampi  
Secretary  
Department of Agriculture

(b)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Proposed Rules on Inspection and Grading of Fruits and Vegetables

Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:10-6 and 4:10-38, proposes to adopt new rules concerning the inspection and grading of fruits and vegetables.

Full text of the proposal follows:

2:71-2.26 Requests; charges

Requests may be made of the department by producers, dealers, shippers, processors, brokers, retailers or other commercial parties to a transaction involving fruits and vegetables to have the fruits or vegetables inspected or graded and certified on official certificates by qualified employees of the department. A charge shall be made for such services. Such charge shall be paid by the requestor of such services.

## NEW JERSEY REGISTER

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## 2:71-2.27 Agreements for inspection services

(a) Agreements for inspection services of five or more consecutive days duration must be made in writing with the Secretary of the Department of Agriculture.

(b) Agreements for inspection services of trailer, car, warehouse and storage lots may be made orally with an authorized representative of the Division of Regulatory Services.

## 2:71-2.28 Charges for inspection or grading and certification services; written agreements

(a) Charges for inspection or grading and certification services of five or more consecutive days duration, performed pursuant to a written agreement between the department and the requestor of the services, shall be made according to the following schedule:

### 1. Basic schedule for all products:

i. A charge of \$270.00 per five day week (Monday through Friday) of 40 hours or less for each inspector;

ii. An additional charge of \$10.13 per hour, or portion thereof, for all hours worked over 40 in the five-day week, or for all hours over eight hours per day;

iii. An additional charge of \$10.13 per hour, or portion thereof, for each inspector working on Saturdays or Sundays. There will be a four-hour minimum charge for each inspector required to work on Saturday and similarly a four-hour minimum charge for each inspector required to work on Sunday;

iv. An additional charge of \$5.00 per hour, or portion thereof, for the actual hours worked by each inspector on legal State holidays occurring Monday through Friday;

v. Official mileage will be charged at the rate of \$0.14 per mile, starting and ending where the inspector officially reports for duty.

2. Additional charges for inspection or grading and certification of fruit and vegetables other than potatoes for the fresh market:

i. An additional charge of \$0.02 will be made for all packages inspected or graded and certified in excess of 4,500 packages during the seven-day week (Saturday through Friday).

3. Additional charges for inspection or grading and certification of potatoes for the fresh market:

i. An additional charge of \$0.03 per hundredweight for all hundredweights inspected or graded and certified in excess of 3,900 pounds during the seven-day week (Saturday through Friday).

## 2:71-2.29 Charges; oral agreements; trailer, car, warehouse and storage lots

(a) Charges for inspection or grading and certification services performed pursuant to an oral agreement between the department and the requestor, for all trailer, car, warehouse and storage lots, shall be made according to the schedule detailed below. A minimum of \$10.00 for inspection or grading and certification services shall be charged. However, if the conditions listed in section 30 of this subchapter are met, the charges shall be calculated according to the hourly rate schedule set out in section 31 of this subchapter.

1. Basic charge schedule for products other than cranberries or potatoes:

i. A charge of \$0.03 per container for all containers not exceeding 20 pounds or 12 quarts;

ii. A charge of \$0.06 per container for all containers exceeding 20 pounds or 12 quarts.

### 2. Basic charge schedule for cranberries:

i. A charge of \$0.10 for each 100 pound container (barrel equivalent);

ii. A charge of \$0.05 for each 48- or 50-pound container ( $\frac{1}{2}$  barrel equivalent);

iii. A charge of \$0.025 for each 24-pound container or 25-pound container ( $\frac{1}{4}$  barrel equivalent);

iv. All other size containers shall be converted to 100 weight equivalents. Charges for these equivalents shall be at the rate of \$0.10 per hundredweight.

### 3. Basic charge schedule for potatoes:

i. A charge of \$0.07 per hundredweight;

ii. All other size containers and bulk loads shall be converted to hundredweight equivalents. Charges for these equivalents shall be at the rate of \$0.07 per hundredweight.

### 4. Phytosanitary certificates:

i. No charge will be made for such certificates;

ii. The Chief, Bureau of Commodity Inspection and Grading, Division of Regulatory Services may be contacted for information on countries requiring additional declaration statements.

5. Delayed inspections are those inspections requiring more than two hours to complete (exclusive of travel time) due to delays of any kind not attributable to the inspector. Additional charges for delayed inspections shall be assessed according to the following schedule:

i. An additional charge of \$6.00 per hour;

ii. The minimum charge shall be \$3.00.

## 2:71-2.30 Charges; oral agreements between Department of Agriculture and requestor

(a) Charges for inspection or grading and certification services performed pursuant to an oral agreement between the department and the requestor, shall be made according to the hourly rate schedule set out in section 31 of this subchapter when:

1. A restricted inspection of large lots is to be made and the requestor asks that the certificate show the total count or volume of the lot.

2. A requested inspection is not completed for any reason whatsoever not attributable to the inspector or when an inspection is incomplete and no official certification is issued.

3. A requested inspection involves bulk or bin lots of products, except cranberries or potatoes.

## 2:71-2.31 Hourly rate charges

(a) The hourly rate charges shall be made according to the following schedule:

1. A charge of \$10.00 per hour, or portion thereof, for regular work hours, 8:00 A.M. to 5:00 P.M., on regular work days, Mondays through Friday.

2. A charge of \$15.00 per hour, or portion thereof, for work started or completed between 6:00 P.M. and 7:00 A.M. on regular work days, Monday through Friday.

3. A charge of \$15.00 per hour, or portion thereof, for work performed on Saturdays, Sundays or legal State holidays at the request of the requestor.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

Robert C. Fringer, Director  
Division of Regulatory Services  
Department of Agriculture  
P.O. Box 1888  
Trenton, N.J. 08625

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

Phillip Alampi  
Secretary  
Department of Agriculture

(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Amendments for Advertising Of Milk and Milk Products

On February 21, 1978, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:48-2.1 concerning the advertising of milk and milk products, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 110(a).

An order adopting these amendments was filed and became effective on February 21, 1978, as R.1978 d.57.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## BANKING

### DIVISION OF BANKING

#### CONSUMER CREDIT BUREAU

##### Rule Concerning Secondary Mortgage Loan Act

On January 25, 1978, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-54a and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 3:18-6.1, concerning the implementation of the Secondary Mortgage Loan Act and the pledged receivables as collateral security for commercial loans, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 555(b).

An order adopting this rule was filed and became effective on January 30, 1978, as R.1978 d.41.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## BANKING

### THE COMMISSIONER

#### Rules on Restrictions on Real Property Transactions In New Charter and Branch Applications

On February 21, 1978, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, 17:9A-11D et seq., 17:12B-20 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning restrictions on real property transactions in new charter and branch applications, substantially as proposed in the Notice published September 8, 1977, at 9 N.J.R. 404(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Full text of the adopted rules follows:

#### SUBCHAPTER 10. RESTRICTIONS ON REAL PROPERTY TRANSACTIONS IN NEW CHARTER AND BRANCH APPLICATIONS

##### 3:1-10.1. Definitions

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

"Affiliated person" means the following:

1. A director, manager or senior officer of an institution;
2. A spouse of a director, manager or senior officer of an institution;
3. A member of the immediate family of a director, manager or senior officer of an institution or an affiliate of an institution;
4. Any corporation or organization of which a director, manager or senior officer of such institution is an officer or partner or is, directly or indirectly either alone or with his spouse, the owner of 10 per cent or more of any class of equity securities or the owner with other directors, managers and senior officers of such institution and their spouses of 25 per cent or more of any class of equity securities;
5. Any trust or other estate in which a director, manager or senior officer of such institution or the spouse of such person has a substantial beneficial interest or as to which such person or his spouse serves as trustee or in a similar fiduciary capacity.

"Immediate family" of any natural person means the following (whether by the full or half blood or by adoption):

1. Such person's spouse, father, mother, children, brothers, sisters and grandchildren;
2. The father, mother, brothers and sisters of such person's spouse; and
3. The spouse of a child, brother or sister of such person.

"Institution" means a bank as defined in N.J.S.A. 17:9A-1(1), a savings bank as defined in N.J.S.A. 17:9A-1(13) and a State association as defined in N.J.S.A. 17:12B-5(1).

"Senior officer" means the president, any vice-president, the secretary, the treasurer, the comptroller and any other person who participates in major policy-making functions of the institution.

##### 3:1-10.2 Prohibition

(a) The Department of Banking will deny each new charter, branch, mini-branch, limited facility branch, branch relocation or auxiliary application when the applying bank, savings bank or State association, or subsidiary thereof, has either directly or indirectly purchased or leased any interest in real property in the proposed site from an affiliated person of such institution, except as follows:

1. When the proposed site was sold or leased, or under contract or option to sell or lease, to the institution before September 8, 1977;
2. When the proposed site is leased, or under option to be leased, from an affiliated person when the site is to be leased in a shopping center or office complex and the institution will lease no more than 15 per cent of the space leased; or

3. When the price paid by the institution for the purchase of the site does not exceed the price paid by the affiliated person, plus the actual expenses in the purchase and maintenance of the property.

An order adopting these rules was filed and became effective on February 21, 1978, as R.1978 d.55.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Amendments to State Service Personnel Manual Subpart 21-2.103

On January 19, 1978, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to subpart 21-2.103 of the Civil Service Personnel Manual (State Service) concerning the equal employment opportunity and affirmative action program.

Full text of the amended rules follows:

#### Subpart 21-2.103 Equal Employment Opportunity and Affirmative Action Program

##### 21-2.103a Subject:

This subpart will establish programs to be implemented by the Department of Civil Service under the direction of the Chief Examiner and Secretary as the administrative officer in accordance with N.J.A.C. 4:1-3.8, with the concurrence of the Director of the Division of Equal Employment Opportunity and Affirmative Action pursuant to section 3 and 5, Executive Order No. 61.

##### 21-2.103b State policy:

Executive Order No. 61 has established the Statewide policy that there shall be equal employment opportunity for all employees and all applicants seeking employment in all departments regardless of race, creed, color, national origin, age, sex, or physical handicap. Affirmative action shall be undertaken to provide protected class persons with equal employment opportunity in New Jersey State government. "Protected class persons" shall include race/ethnic minorities as defined in subpart 21-2.102 and women.

##### 21-2.103c Department of Civil Service programs:

In compliance with the Statewide policy of undertaking affirmative action, the Chief Examiner and Secretary will direct specific programs to be implemented. Programs will also be implemented to ensure employee selection mechanisms are directly related to qualifications necessary for satisfactory job performance. Programs to be implemented will include but are not limited to:

###### 1. Data processing systems:

A data processing support system will be developed for affirmative action program needs and for statistical projections. Information retrieved by such a system will be used to monitor and analyze personnel actions from an equal employment opportunity and affirmative action standpoint.

###### 2. Provisional appointment clearance:

"No authorization for a provisional appointment shall be given when the name of any person eligible and willing to accept appointment remains on any eligible list for that class except that an eligible person remaining on the list may request such provisional appointment, in which case his/her appointment must be made pending a complete list of eligible persons, unless the position is made vacant, or unless the employee is sooner removed for sufficient cause." (N.J.A.C. 4:1-14.2(a)). In instances where there are no eligible lists existing for a class, requests for provisional appointments pending open-competitive examination or temporary appointments will not be approved until the appointing authority has received resume bank clearance with the Division of Equal Employment Opportunity and Affirmative Action. Provisional and temporary appointments will be monitored by the division for equal employment opportunity and affirmative action compliance.

###### 3. Position classification:

Existing and proposed position classification specifications will be reviewed to ensure accurate descriptions of knowledge, skills and abilities necessary to perform satisfactorily the duties and responsibilities of positions and to preclude or eliminate artificial barriers. New and revised specifications must be reviewed and approved by a review committee consisting of representatives of the Division of Classification, Equal Employment Opportunity, and Examinations.

###### 4. Recruitment:

All State government recruitment programs will be intensified and concentrated on affirmative action needs.

###### 5. Examination applicant profiles:

The EEOC profile of persons admitted to each open-competitive examination will be analyzed to determine if protected classes are proportionately represented. Test scheduling will not proceed if protected classes are not proportionately represented and there is a failure to demonstrate qualified protected class applicants are not available for the title.

###### 6. Test content and procedures — validation for job relatedness:

Test constructions will be reviewed to insure that test content relates to the knowledge, skills and abilities identified by analysis as being job related, and that individual test questions are written in accordance with the technical standards manual. All tests will be certified by the examination unit supervisor and/or the assistant director for examination development as having met established standards prior to administration.

###### 7. Test scores:

Raw score distributions and statistical analysis including item statistics and normative data, will be reviewed prior to setting examination passing points. Test results must fall within an accepted range of standards and reliability factors. Non-defensible test results would be cause for cancellation prior to issuing an eligible list. All examination results will be certified by the examination unit supervisor and/or assistant director for examination development as meeting established standards prior to issuing an eligible list.

###### 8. Existing eligible lists:

Existing eligible lists will be reviewed to determine if protected classes are proportionately represented, based on the availability of qualified applicants. The President of the Civil Service Commission will be advised of those lists which are not representative.

9. Lists made appropriate:

All lists which have been determined to have protected class representativeness will be used as appropriate for positions requiring similar skills, knowledge and abilities at the same or lower evaluated content level in accordance with Civil Service rules and in accordance with existing certification procedures.

10. Certifications:

All certification dispositions will be reviewed for equal employment opportunity and affirmative action compliance. Noncompliance would result in disapproval of a disposition.

Note: All references to "standards" above refer to existing Department of Civil Service standards. Any action taken must comport with these standards as well as the standards of due process normally adhered to by this agency including notification of any action with the reason therefore. All rights of appeal will be observed.

An order adopting these amendments was filed on January 26, 1978, as R.1978 d.27 (Exempt, Procedure Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Amendments to State Service

#### Personnel Manual Subpart 21-1.101

On January 19, 1978, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Subpart 21-1.101 of the Civil Service Personnel Manual (State Service) concerning the State affirmative action program.

Full text of the amended rules follows:

#### Subpart 21-1.101 State Affirmative Action Program

##### 21-1.101a Subject:

This subpart promulgates the directives of Executive Order No. 61, signed by Governor Brendan T. Byrne on October 12, 1977.

##### 21-1.101b Authority:

The State is required to comply with Federal and State laws that mandate equal employment opportunity, including Title VII of the Civil Service Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the New Jersey Law Against Discrimination, and Executive Order No. 61. By Executive Order No. 61, the Governor has vested in the Division of Equal Employment Opportunity, Department of Civil Service, the authority to develop, implement, and administer a Statewide Equal Employment Opportunity and Affirmative Action Program for all departments and agencies subject to the order.

##### 21-1.101c Scope of executive order no. 61:

All departments in the executive branch and all appointees of the Governor in the executive branch and

their staff shall comply with executive order no. 61. "Departments" shall include each of the principal departments in the executive branch of State government and all boards, commissions, agencies, councils, authorities, bureaus and State colleges, now existing or hereafter established. The executive order extends to the unclassified as well as the classified service of State government. "Protected class persons" shall include race/ethnic minorities as defined in subpart 21-2.102, women and the physically handicapped.

##### 21-1.101d Policy:

There shall be equal employment opportunity for all employees and all applicants seeking employment in all departments, regardless of race, creed, national origin, age, sex, or physical handicap. Affirmative action shall be undertaken to provide protected class persons with equal employment opportunity in State government.

##### 21-1.101e Equal Employment Opportunity and Affirmative Action Program:

The head of each department shall ensure equality of opportunity for all departmental employees and applicants in the areas of recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation, fringe benefits, and all other terms and conditions of employment.

Each department head shall appoint at least one individual as the affirmative action officer. Such individual shall be directly responsible to the office of the department head. Affirmative action officers shall serve in a full-time capacity; any exceptions are subject to the approval of the Director of the Division of Equal Employment Opportunity.

##### 21-1.101f Program administration:

1. The Director of the Division of Equal Employment Opportunity and Affirmative Action shall:

a. Be responsible to the Governor and the President of the Civil Service Commission for the administration of the Statewide equal employment opportunity and affirmative action program.

b. Review State personnel policies and procedures including recruitment, selection, and promotion procedures, to identify and facilitate the elimination of artificial barriers to equal employment opportunity.

c. Ensure that each department develops appropriate affirmative action and equal employment goals for protected class persons.

d. Ensure that each department complies with all laws and regulations relating to equal employment opportunity and executive order No. 61.

e. Seek correction of discriminatory practices and procedures.

f. Act as liaison with Federal, State and local enforcement agencies.

g. Develop necessary Civil Service personnel manual subparts to further interpret executive order No. 61 and describe related procedures to be used by the Department of Civil Service and the departments relative to the statewide affirmative action program. Subparts will be promulgated through the normal Civil Service administrative process. Operational procedures will also be promulgated in an equal employment opportunity and affirmative action procedural manual. This manual will be distributed at least to all departmental affirmative action officers and personnel officers.

h. Recommend necessary legislation through the Department of Civil Service legislative liaison and perform other actions deemed necessary by the Governor and

the President of the Civil Service Commission to implement executive order No. 61.

2. The Department of Civil Service, through the Division of Equal Employment Opportunity and Affirmative Action shall:

a. Provide a pool of protected class applicants for consideration for vacant classified and unclassified positions. (See subpart 21-2.103)

b. Review Civil Service regulations to identify those regulations which serve to discriminate against minorities, the physically handicapped and women and recommend elimination of same to the Civil Service Commission.

c. Review testing procedures to eliminate those which serve to discriminate against minorities, the physically handicapped, and women. (See subpart 21-2.103)

d. Analyze job specifications to identify and eliminate those prerequisites which are not legitimate occupational qualifications.

e. Ensure selection devices are validated. (See subpart 21-2.103)

f. Receive and review all discrimination complaints of State government service employees and applicants for State government service; evaluate trends and recommend appropriate policy and procedural changes.

g. Receive, analyze and transmit to the Governor at least semiannually progress reports on affirmative action in all departments.

h. Make available to the public statistics relating to affirmative action progress.

3. Each department shall:

a. Submit an affirmative action plan complete with goals and timetables to the Director of the Division of Equal Employment Opportunity and Affirmative Action. Each plan shall identify existing inequities in hiring, promotion, and all other terms and conditions of employment and provide specific remedies for such inequities and establish time periods for accomplishing remedial action.

b. Submit quarterly affirmative action reports to the Director of the Division of Equal Employment Opportunity and Affirmative Action.

c. Submit for approval an annual update of the departmental affirmative action plan.

d. No press release regarding the affirmative action program or departmental affirmative action plans should be released without consultation with the Director of the Division of Equal Employment Opportunity and Affirmative Action, in order to avoid inadvertent violations of the program.

21-1.101g Enforcement authority:

1. The head of each department shall be held accountable to the Governor for achieving and maintaining compliance in the affirmative action program.

2. The Director of the Division of Equal Employment Opportunity and Affirmative Action shall recommend appropriate sanctions to the Governor and to the President of the Civil Service Commission for noncompliance of laws and regulations relating to equal employment opportunity and executive order No. 61.

3. Sanctions and penalties recommended by the Director of Equal Employment Opportunity and Affirmative Action may be applied by the Civil Service Commission in accordance with Federal and State regulations, subject to the concurrence of the Governor and the President of the Civil Service Commission, when a department fails to achieve its goals and to demonstrate good faith efforts.

4. Agencies achieving outstanding affirmative action results shall be cited by the Governor for their efforts.

21-1.101h Equal Employment Opportunity Advisory Commission:

The Equal Employment Opportunity Advisory Commission has been created by executive order No. 61 to advise the division of recommended improvements in the State's affirmative action effort. The advisory commission shall consist of 11 members appointed by the Governor.

The Director of the Division of Equal Employment Opportunity and Affirmative Action shall serve as Executive Secretary to the Advisory Commission.

An order adopting these amendments was filed on January 26, 1978, as R.1978 d.28 (Exempt, Procedure Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Amendments to Rules On State Library Aid

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:74-1 et seq., proposes to amend N.J.A.C. 6:68-1.8, concerning use of per capita aid; decision by public library board of trustees or county library commissioners.

The revision would provide that public libraries accumulating State library aid be required to submit an approval plan to the State librarian describing the intended use of the accumulated funds. Such a procedure should result in better management of State moneys.

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

6:68-1.8 Use of per capita aid; decision by public library board of trustees or county library commissioners

(a) Upon receipt of State aid checks pursuant to N.J.S.A. 18A:74-3, municipal and county treasurers shall make these funds immediately available to public library trustees or county library commissioners, as the case may be. Decisions on the use and expenditures of per capita State aid rest with the board of trustees of municipal, joint and association libraries and with the county library commission of the county libraries. The State librarian may require a certified audit if he/she deems necessary.

(b) State aid funds must be expended within two years of the date of receipt of the funds. If not expended, the board of trustees or the county library commission must submit to the State librarian a plan for the use of the unspent balances. Failure to submit such a plan, or disapproval of the plan by the State librarian shall result in the withholding of State aid payments.

(c) In reviewing the plan, the State librarian will give consideration to the following:

1. Priority for the use of balances for expenditures which enable the library to comply with the provisions of this chapter.

2. Demonstration that expenditures contribute to the provision of efficient and effective library services.

3. Inclusion of realistic, attainable, time bounded objectives.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

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

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

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Rules on Contracting for Educational Services with Eligible Private Vocational Schools

The State Board of Education, pursuant to authority of N.J.S.A. 18A:54-10.1 et seq., and 18A:69-1 et seq., proposes to adopt new rules concerning contracting for educational services with eligible private vocational schools.

These rules, implementing the provisions of Chapter 290, Laws of 1977, would permit local educational agencies to contract with private vocational schools. This procedure would allow local school districts to utilize private vocational school course offerings and provide pupils with additional vocational program availability.

Full text of the proposed new rules follows:

Full text if the proposed new rules follows:

SUBCHAPTER 9. CONTRACTING FOR EDUCATIONAL nonprofit which maintains a place of business within the

##### 6:46-9.1 Definition

(a) For purposes of these rules, a private vocational school is defined as follows:

1. A business enterprise operated for either profit or non-profit which maintains a place of business within the State of New Jersey and which:

i. Solicits pupils from the general public;

ii. Charges tuition and/or other fees;

iii. Offers instruction to a group or groups of four or more pupils at one time;

iv. Offers preparatory instruction to pupils for entry level employment or for upgrading in a specific field of endeavor; and

v. Offers course(s) or program(s) of instruction which shall have a minimum of 40 per cent of the instructional hours devoted to shop, laboratory, skill development, or problem solving directly related to the occupational goal.

##### 6:46-9.2 Conditions

(a) Boards of education may enter into agreements with private vocational schools under the following conditions:

1. Enrollment in such courses is not available in county vocational schools, or at area vocational schools, or at other comprehensive public high schools within a 20-mile radius; and

2. The private vocational school can provide a substantially equivalent course at a lesser cost as substantiated and certified by the local educational agency subject to the review and approval of the commissioner. Said course shall meet the requirements of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.).

##### 6:46-9.3 Eligibility of private vocational schools

(a) To be eligible to enter into contracts with a board of education, a private vocational school must:

1. Hold a current license issued by a New Jersey State board or agency empowered to issue such licenses and must have been licensed for at least two years immediately preceding execution of a contract; or

2. Hold a current certificate of approval and course approval notice from the New Jersey Department of Education and must have held such certificate for at least two years immediately preceding execution of the contract. The two-year period of operation requirement will apply to courses offered by a subsidiary branch or extension of a school. Additional facilities acquired by a school in the same general locality because of space limitations will not be considered to be a subsidiary branch or extension and will not be subject to the two-year limitation if all of the following conditions are met.

i. The school has been in operation for a period of two years or more;

ii. The school has reached the limit of its enrollment capacity in its present facilities;

iii. The courses to be offered at the additional facilities are the same as those given in the present facilities; and

iv. The additional facilities are within normal commuting distance of the present facilities; and

3. Meet all provisions of N.J.A.C. 6:46-4.1 et seq., except that in addition all facilities and instructional equipment to be used in meeting the terms and conditions of the proposed contract shall be approved by the county superintendent of schools of the county in which the school is located. Facility approval criteria, as a minimum, shall be those used for emergency approval for public schools.

##### 6:46-9.4 Records

(a) Each private vocational school entering into a contract with a board of education shall make its financial records available for inspection by the Commissioner of Education or his/her designated representative. Pupil records are subject to N.J.A.C. 6:3-2.1 et seq.

(b) Pupil progress and attendance records shall be furnished to the contracting board of education in a timely fashion to coincide with existing public school reporting procedures. Final payment to a private vocational school may be withheld until course completion results, on an individual basis, are received by the contracting board of education.

(c) Reports involving pupil skill performance and competencies may be required by the contracting board of education as determined by local employment needs and/or school philosophy.

##### 6:46-9.5 Contracts

(a) Each contract entered into shall:

1. Assure that all parties and all contractual criteria referenced therein be in accordance with applicable State laws and Federal regulations (P.L. 94:482, Title 20, U.S. Code);

2. Be approved by the commissioner or his/her design-

nated representative prior to its execution and such requests shall be presented at least 60 days prior to the proposed execution date; and

3. Be executed in a format developed and approved by the commissioner.

(b) Appended to each contract shall be a copy of the proposed curriculum, applicable pupil schedules, rules of the private vocational school concerning participating pupils, current comparative programmatic and cost analyses demonstrating that training offered is equivalent in nature and is being provided at a lesser per capita cost than could be provided by the contracting board of education, and any other appendages deemed appropriate by the contracting parties.

#### 6:46-9.6 Pupil attendance

(a) Pupils failing to attend without sufficient cause that portion of the school program provided in the public or nonpublic sending school, shall be prohibited from participation in the contracted portion of the program.

#### 6:46-9.7 Course credit

(a) Course credit shall be assigned in keeping with the provisions of N.J.A.C. 6:27-1.4, except that no course at a private vocational school shall receive more than 10 credits.

#### 6:46-9.8 Other requirements

The provisions of this subchapter are subject to the monitoring, supervision and other requirements of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

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

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt these 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 to Rules On Statewide Assessment

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:4-24, 18A:7A-1 et seq., proposes to amend N.J.A.C. 6:39-1.1 et seq., concerning Statewide assessment.

The reorganization of subchapter 1 and amendments are intended to clarify the issues concerning exclusion of pupils, the interpretation of data and dissemination of information, and to enable school districts to fulfill the specific requirements of the minimum standards program.

Full text of the proposed revisions follows (additions

indicated in boldface thus; deletions indicated in brackets [thus]):

### SUBCHAPTER 1. STATEWIDE ASSESSMENT

#### 6:39-1.1 Authority of the commissioner

(a) The Commissioner of Education, with the approval of the State Board of Education, shall conduct an assessment of student achievement in the public school system of the State and of any grades herein by such means, tests and examinations as to him/her seem proper, and he/she shall report to the State board the results of such inquiries and such other information with regard thereto as the State board may require or as he/she shall deem proper.

(b) All such means, tests, if determined to be appropriate by the commissioner, and examinations to be administered pursuant to this rule shall be conducted by and in all operating school districts in New Jersey.

(c) Said school districts shall conduct such means, tests and examinations in the manner and at the times prescribed by the commissioner.

#### 6:39-1.2 Exclusion of pupils

(a) Pupils classified as handicapped pursuant to N.J.S.A. 18A:46-1 et seq. and reported as enrolled in special education programs as of September 30 are not required to be tested, but shall be evaluated in accordance with N.J.A.C. 6:28-1.1 et seq.

(b) Pupils classified as handicapped but mainstreamed into regular classrooms shall be tested, but their scores will not be included in reports for the classroom, school building, district, county or State. When, in the judgment of the chief school administrator, testing of such pupils is considered to be detrimental to the pupil's development, the chief school administrator may exempt these pupils from testing; however, the names of the exempted pupils must be reported to the commissioner.

(c) Pupils classified as handicapped or placed in approved special education programs following September 30 may be tested at the discretion of the local education agency, but their scores will not be included in reports for the classroom, school building, district, county or State.

(d) Pupils who have been identified as being of limited English-speaking ability pursuant to N.J.A.C. 6:31-1.1 et seq. and reported as enrolled in bilingual education programs as of September 30 or placed in said programs following September 30 shall not be tested. Such pupils shall be evaluated in accordance with N.J.A.C. 6:31-1.9.

(e) Pupils identified as being of limited English-speaking ability but mainstreamed into regular classrooms shall be tested but their scores will not be included in reports for the classroom, school building, district, county or State.

#### [6:39-1.4] 6:39-1.3 Minimum levels of pupil proficiency

(a) The State Board of Education, after consultation with the commissioner, shall establish uniform Statewide standards of pupil proficiency in basic communication and computational skills on the Statewide assessment instruments pursuant to N.J.S.A. 18A:7A-6.

(b) In the event that certain [For those] grades are not administered the Statewide assessment instruments, the Department of Education shall establish, for those grades, equivalent standards of pupil proficiency on tests which measure performance in basic communication and computational skills and meet State criteria.

(c) All pupils performing below the established minimum levels of pupil proficiency in basic communication

and computational skills, as determined under [6:39-1.4] N.J.A.C. 6:39-1.3 (a) and (b), shall be provided appropriate instructional services according to the district's basic skills improvement plan, pursuant to N.J.S.A. 18A:7A-6., with the following exceptions:

1. The needs assessment conducted pursuant to N.J.A.C. 6:8-3.4(a) clearly demonstrates such enrollment is unnecessary, or

2. The needs assessment conducted pursuant to N.J.A.C. 6:8-3.4(a) clearly demonstrates enrollment of a pupil above minimum levels of pupil proficiency is necessary.]

A local board may apply to the commissioner for a waiver of this requirement which may be granted if the program of needs assessment conducted pursuant to N.J.A.C. 6:8-3.4(a) clearly demonstrates such enrollment is unnecessary or enrollment of a pupil above minimum levels of pupil proficiency is necessary.

#### [6:39-1.2] 6:39-1.4 Dissemination of information

(a) Notwithstanding N.J.A.C. [6:3-1.3] 6:3-2.1 et seq. individual [student] pupil data shall be released only to a pupil, his/her parent or legal guardian, and school personnel and school officials deemed appropriate by the commissioner.

(b) The State Department of Education shall produce and distribute to chief school administrators as uninterpreted reports: [a classroom report for the teacher; a school report for the school principal; a district report for the district superintendent or chief school administrator; and a county report for the county superintendent] minimum standards reports; summary reports for the classroom, school, district and county.

(c) The State Department of Education shall provide as interpreted State report to the State board and the commissioner.

(d) Each of these reports shall consist of completed report forms and interpretive aids prescribed and approved by the commissioner.

(e) Summary [R]reports shall be distributed to local boards, as indicated in subsection (b), (c), and (d) of this section, in such a manner as to provide a 60-day period from receipt of all [standard] reports for analysis of data and for the development of additional essential interpretive material by the local board pursuant to N.J.A.C. [6:39-1.3] 6:39-1.5. During this period such material shall not be available for public distribution.

(f) Following a 60-day analysis period, reports indicated in subsections (b), (c), and (d) of this section, excepting [classroom] minimum standards reports and individual pupil reports, shall be made available to the public; provided, however that no reports shall be released unless they are accompanied by interpretive materials approved by the commissioner. [No building or district report which reflects the identity of an individual teacher shall be released to the public without the express consent of that teacher.]

(g) Minimum standards reports shall be distributed to local boards as indicated in subsection (b) of this section in such a manner as to provide a 30-day interpretation and public release period. Following this 30-day period, the commissioner shall make available to the public minimum standards reports on each district.

[(g)] (h) The commissioner may make exceptions to the above regulations, such as those required by the minimum standards provisions of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.) as well as special reports requested by local school districts.

#### [6:39-1.3] 6:39-1.5 Interpretation of data

(a) Local district boards of education and county superintendents of schools shall interpret the results of all data within 60 days of receipt of all [standard] summary reports by the district superintendent, chief school administrator or county superintendent.

(b) Local district boards of education shall involve the district superintendent or chief school officer in the interpretation of the district reports; the school principal in the interpretation of the school report; and the classroom teacher in the interpretation of the classroom report.

(c) The State Department of Education will provide technical assistance in the development of essential interpretive material by local districts.

(d) The State Department of Education may provide interpretations for local, county and State use.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

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

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

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

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments Concerning Sulfur in Coal

Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., proposes to adopt amendments to the rules concerning sulfur in coal, as well as an order requiring the Atlantic Electric Company's Units No. 1 and No. 2 at the B. L. England generating station to comply with applicable particulate emission requirements by 1981.

This proposal is known within the Department of Environmental Protection as Docket No. DEP 002-78-02.

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

#### SUBCHAPTER 10. SULFUR IN COAL

##### FOREWORD

Subchapter 10, Sulfur In Coal, which became effective November 22, 1971 will be repealed on the date this proposal becomes effective. This repeal shall not affect actions, proceedings, or departmental orders pending or outstanding on the effective date of the new regulation; said actions, proceedings, or departmental orders may be prosecuted, defended and continued in the same manner and to the same effect as if the new regulation had not been adopted.

7:27-10.1 Definitions

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

"Anthracite coal" means a hard, black lustrous coal containing 85-95 per cent carbon, characterized by its small percentage of volatile matter, high specific gravity, hardness, nearly metallic luster, rich black color, and semiconchoidal fracture. Volatile matter is usually less than seven per cent.

"Approved stack-gas cleaning process" means a process which removes sulfur dioxide from the product of combustion of coal and which has been approved by the department.

"Bituminous coal" means a coal containing 70-85 per cent carbon having usually more than seven per cent volatile matter.

"Cannel coal" means a free burning variety of high volatile content bituminous or subbituminous composed almost entirely of attritus, of uniform and compact fine-grained texture with a general absence of banded structure, dark gray to black in color with a greasy luster, noticeably of conchoidal or shell-like fracture and which ignites easily, is noncaking and does not swell on heating.

"Coal" means anthracite coal, bituminous coal and coke.

"Coal merchant" means any person who stores, offers for sale or sells coal in retail or wholesale trade, excluding agents, brokers, wholesalers, distributors or producers who sell coal for use in single stream and/or electric power generating facilities having rated hourly capacities that equal or exceed [two hundred (200) million] 200,000,000 British Thermal Units (BTU) gross heat input, or in a group of steam and/or electric power generating facilities at one location having a combined rated capacity which equals or exceeds [four hundred and fifty (450) million] 450,000,000 British Thermal Units (BTU) gross heat input.

"Coke" means a fused, cellular, porous structure that remains after free moisture and the major portion of the volatile materials have been distilled from bituminous coal and other carbonaceous material by the application of heat in the absence of air or in the presence of a limited supply of air.

"Stack or chimney" means a flue, conduit or opening [permitting particulate or gaseous emissions into the open air, or constructed or arranged for such purpose.] designed, constructed, and/or utilized for the purpose of emitting air contaminants into the outdoor air.

"Sulfur dioxide (SO<sub>2</sub>)" means a colorless gas at standard conditions [which has the], having a molecular [formula SO<sub>2</sub>] composition of one sulfur atom and two oxygen atoms.

"Zone one" means Atlantic, Cape May, Cumberland, and Ocean Counties.

"Zone two" means Hunterdon, Sussex, and Warren Counties.

"Zone three" means Burlington, Camden, Gloucester, Mercer, and Salem Counties.

"Zone four" means Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties.

7:27-10.2 Sulfur content standards

(a) On and after the effective dates, no coal merchant shall store, offer for sale, sell, deliver for use, or exchange in trade, for use in New Jersey, bituminous and/or anthracite coal containing sulfur in excess of the percentages by weight set forth in the following table:

Type Coal	Per Cent Sulfur by Weight (Dry Basis)	
	Effective 5/6/68	Effective 10/1/71
Bituminous	1.0%	0.2%
Anthracite	0.7%	0.2%

(b) On and after May 6, 1968, no person shall use bituminous and/or anthracite coal containing sulfur in excess of the percentages by weight set forth in the following table:

Type Coal	Per Cent Sulfur by Weight (Dry Basis)
Bituminous	1.0%
Anthracite	0.7%]

(a) No coal merchant shall store, offer for sale, sell, deliver or exchange in trade, for use in New Jersey, bituminous or anthracite coal which contains sulfur in excess of the percentages by weight set forth in Table 1.

(b) No person shall use in New Jersey bituminous or anthracite coal which contains sulfur in excess of the percentages by weight set forth in Table 1.

TABLE 1

Existing Coal Burning Facilities

Type Coal	Maximum Allowable Per Cent Sulfur by Weight (Dry Basis)			
	Zone One	Zone Two	Zone Three	Zone Four
Bituminous	1.0%	1.0%	0.2%	0.2%
Anthracite	0.7%	0.7%	0.2%	0.2%

(c) The provisions of subsections (a) and (b) of this section shall not apply:

[1. In any case in which, by use of an approved stack gas cleaning process, it is demonstrated to the department that sulfur dioxide emissions, caused by the combustion of bituminous coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed, at any time, 1.5 pounds of sulfur dioxide per one million BTU gross heat input, or whenever any person can demonstrate that sulfur dioxide emissions, caused by the combustion of anthracite coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed, at any time, 1.0 pounds of sulfur dioxide per one million BTU gross heat input.]

1. To bituminous or anthracite coal whose combustion causes sulfur dioxide emissions from any stack or chimney into the outdoor atmosphere which are demonstrated to the department as not exceeding, at any time, those quantities of sulfur dioxide expressed in pounds per 1,000,000 British Thermal Units (BTU) gross heat input, set forth in Table 2.

TABLE 2

Existing Coal-Burning Facilities

Type Coal	Maximum Allowable SO <sub>2</sub> Emissions (lbs. /10 <sup>6</sup> BTU)			
	Zone One	Zone Two	Zone Three	Zone Four
Bituminous	1.5	1.5	0.3	0.3
Anthracite	1.0	1.0	0.3	0.3

2. To any coal fired steam or electric power generating facility which is located in Zone Three or Zone Four, having a rated hourly capacity of greater than 200,000,000 British Thermal Units (BTU) gross heat input or group of facilities located in Zone Three or Zone Four having

a rated hourly capacity of greater than 450,000,000 British Thermal Units (BTU) and which was in operation prior to May 6, 1968. Such facility shall be subject to the standards specified in Table 1 for Zone One.

[2.] 3. In any case in which the person responsible for the use of bituminous coal believes that bituminous coal containing one per cent sulfur or less by weight cannot be used in a specific steam and/or electric power generating facility, he may submit data to the department setting forth justification for a less restrictive per cent of sulfur content by weight in bituminous coal. If a change is approved by the department, the department shall authorize the use of a less restrictive percentage of sulfur by weight in bituminous coal. Any less restrictive per cent of sulfur content by weight in bituminous coal authorized by the department shall not exceed 1.5 per cent at any time.

(d) The department may authorize the use of bituminous coal not exceeding a maximum sulfur content of 3.5 per cent by weight (dry basis) for a period not to exceed five years at existing facilities in Zone One if:

1. The person responsible for the use of bituminous coal demonstrates that bituminous coal, containing one per cent sulfur or less by weight and suitable for use in the specific steam or electric power generating facility, is not reasonably available in sufficient quantities; and

2. Sulfur dioxide levels in the ambient atmosphere will at no time exceed or jeopardize the ambient air quality standards set forth in subchapter 13 of this chapter; and

3. The sulfur content of the coal burned by the facility represents the minimum sulfur content coal which can be used by the facility and is reasonably available in sufficient quantity; and

4. The person responsible for the use of bituminous coal agrees to such monitoring and reporting requirements as the department may deem appropriate to ensure compliance with the conditions set forth in this subsection; and

5. The person responsible for the use of bituminous coal submits to the department for such authorization an application which considers and addresses as a minimum, in addition to the above, the following criteria:

i. Physical surroundings of the coal fired steam or electric power generating facility;

ii. Population density of the surrounding area;

iii. Dispersion characteristics of the source;

iv. Topography of the immediate vicinity;

v. Aesthetic or nuisance effects.

[(d) On and after October 1, 1971, no person shall use bituminous and/or anthracite coal containing sulfur in excess of 0.20 per cent by weight.

(e) The provisions of subsection (d) of this section shall not apply:

1. In any case in which it is demonstrated to the department that sulfur dioxide emissions, caused by the combustion of bituminous and/or anthracite coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed, at any time, 0.30 pounds of sulfur dioxide per one million BTU gross heat input.

2. In any case in which the person responsible for the use of bituminous and/or anthracite coal in a coal-fired steam and/or electric power generating facility in existence prior to May 6, 1968, can demonstrate to the department.

i. That a single bituminous and/or anthracite coal-fired steam and/or electric power generating facility has a rated hourly capacity that equals or exceeds 200 million BTU gross heat input; or

ii. That a group of bituminous and/or anthracite coal-fired steam and/or electric power generating facilities at one location has a combined rated hourly capacity which equals or exceeds 450 million BTU gross heat input.

(f) The department may authorize such a facility or group of facilities at one location to use bituminous coal containing sulfur not at any time in excess of 1.0 per cent by weight, subject to the exception as provided in subsection (c)2, of this section or anthracite coal containing sulfur not at any time in excess of 0.70 per cent by weight.]

[(g)](e) [On and after May 6, 1968, no] No person shall store, offer for sale, sell, deliver [for use,] or exchange in trade, for use in New Jersey, or use coke [containing] which contains sulfur in excess of [0.65] 0.75 per cent by weight.

#### 7:27-10.3 Expansion, reconstruction or construction of coal-fired fuel burning facilities

(a) [On and after May 6, 1968, no] No person shall expand or reconstruct existing coal-fired steam and/or electric power generating facilities or build new coal-fired steam and/or electric power generating facilities having rated hourly capacities that equal or exceed, or would equal or exceed as a result of expansion and/or reconstruction, [one million] 1,000,000 British Thermal Units [BTU] gross heat input[.] unless it is demonstrated to the department:

[(b) The provisions of subsection (a) of this section shall not apply whenever any person responsible for the construction, reconstruction or expansion of a coal-fired steam and/or electric power generating facility having a rated hourly capacity that equals or exceeds, or would equal or exceed as a result of expansion and/or reconstruction, one million BTU gross heat input can demonstrate:]

1. That sulfur dioxide emissions, caused by the combustion of bituminous [and/] or anthracite coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed at any time 0.30 pounds of sulfur dioxide per [one million] 1,000,000 British Thermal Units (BTU) gross heat input; or

2. That the bituminous [and/] or anthracite coal used to fire such a facility will at no time contain more than 0.20 per cent sulfur by weight.

#### 7:27-10.4 Exemptions

(a) The provisions of this subchapter shall not apply to coal used by ocean-going vessels.

[(b) The requirements of this subchapter which are to become effective on October 1, 1971, shall not apply to coal used in Atlantic, Cape May, Cumberland, Hunterdon, Ocean, Sussex and Warren Counties.]

[(c) The requirements of this subchapter shall not preclude the use after May 6, 1968, of any coal on hand at the place of use on May 6, 1968.]

[(d)](b) In any case in which it is demonstrated to the department that a bona fide pilot installation of a stack-gas cleaning process is to be made, the use of non-conforming coal to the extent necessary, in the judgment of the department, to evaluate the effectiveness of the process will not be prohibited by this [chapter] subchapter.

[(e) The provisions of section 10.2(a) and (d) (Sulfur content standards) of this subchapter which are to become effective on October 1, 1971, shall not apply to anthracite coal or to cannel coal burned solely for heating purposes in combustion equipment in use in one or two family residences on or before October 1, 1971, for such purpose.]

(c) Anthracite coal containing not more than 0.7 per cent sulfur by weight or cannel coal containing not more than 1.0 per cent sulfur by weight, may be burned solely for heating purposes in one or two family residences only in combustion equipment in use for such purpose prior to October 1, 1971.

A public hearing respecting this proposed action will be held on April 21, 1978, at 9:00 A.M. in the State Museum Auditorium, State Cultural Center, State Street, Trenton, New Jersey. This hearing will be held in accordance with the provisions of the Air Pollution Control Act, as amended, and under Title 10, Section 51.4 of the Code of Federal Regulations as a proposed amendment to the State Implementation Plan to meet national ambient air quality standards.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 27, 1978, to:

Herbert Wortreich, Chief  
Bureau of Air Pollution Control  
Department of Environmental Protection  
P.O. Box 2807  
Trenton, N.J. 08625

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

Rocco D. Ricci  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Rules on Radiation Laboratory Fee Schedule

On February 6, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 26:20-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:28-25.1 et seq., concerning the radiation laboratory fee schedule, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 560(a).

Such rules are known within the Department of Environmental Protection as Docket No. DEP 060-77-11.

An order adopting these rules was filed and became effective on February 8, 1978, as R.1978 d.47.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Rules of Practice and Procedure Of the Division of Water Resources

On February 6, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq. and in accordance with applicable

provisions of the Administrative Procedure Act, adopted rules of practice and procedure of the Division of Water Resources. Such rules will be cited as N.J.A.C. 7:8-1.1 et seq. and are known within the Department of Environmental Protection as Docket No. DEP 001-78-02.

These rules concern general provisions; organization; permits, certifications and approvals; application procedures; permit programs; rule making; enforcement; records and information available to the public; and forms. They also involve a description of the organization of the Division of Water Resources, including locations of offices and mailing addresses; procedures for obtaining information about the Division and access to its public records; a description of the kinds of activities regulated by the Division; and a description of the Division's formal and informal procedures for enforcing the laws and regulations which it administers.

It is anticipated that these rules will be updated periodically to reflect changes in the organization and procedures of the Division of Water Resources. Comments and suggestions for future changes are welcome and should be addressed to:

Donald A. Brown, Assistant Director  
Office of Regulatory Affairs  
Division of Water Resources  
P.O. Box 2809  
Trenton, New Jersey 08625

Copies of the 51 pages of full text of these adopted rules may be obtained from the Division of Water Resources, at the above address.

An order adopting these rules was filed and became effective on February 9, 1978, as R.1978 d.48 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### DRUG UTILIZATION REVIEW COUNCIL

#### Proposed Interim Drug Evaluation And Acceptance Criteria

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 et seq., proposes to adopt interim drug evaluation and acceptance criteria.

Full text of the proposal follows:

#### CHAPTER 70. DRUG UTILIZATION REVIEW COUNCIL

##### SUBCHAPTER 1. INTERIM DRUG EVALUATION AND ACCEPTANCE CRITERIA

###### 8:70-1.1 Drug Utilization Review Council

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

(b) In evaluating and accepting drugs into the formulary, all products will be compared to reference stand-

ards which shall be established by the council. The minimum reference standards will be those of the United States Pharmacopoeia and the National Formulary. For certain products the council may decide that manufacturers, labelers and distributors will be expected to comply with reference standards as stated in a food and drug administration approved full or abbreviated new drug application.

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

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

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

#### 8:70-1.2 Bioavailability data

(a) Bioavailability has been defined as the extent and rate of absorption from a dosage form, as reflected by the time-concentration curve of the administered drug in any appropriate biological fluid. Bioequivalents are those chemical equivalents which, when administered to the same individuals in the same dosage regimen, will result in comparable bioavailability. Three parameters describing a single-dose blood concentration curve are considered important for comparison in evaluating bioequivalence. These are the maximal concentration, the time of maximal concentration and the area under the concentration/time curve.

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

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

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

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

#### 8:70-1.3 Physical criteria

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

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

#### 8:70-1.4 Manufacturer, labeler and distributor criteria

(a) The actual manufacturer of the drug product and the sources of materials must be identified. Products for which a distributor refuses to provide this information will not be approved. This information is required for all active and inactive ingredients as well as all other components of the product.

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

(c) Additional rules are:

1. Production facilities for submitted products must be inspected not less than every two years by an appropriate and acceptable Federal or State agency as determined by the council. When product is submitted for formulary consideration, the inspection records for the prior two years must be included. In addition, copies of all violation citations and records of violation corrections must be made available for review by the committee.

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

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

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

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

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

#### 8:70-1.5 Economic criteria

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

Jule M. Erdie  
Executive Assistant  
Office of the Commissioner  
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.

Sanford Luger, Chairman  
Drug Utilization Review Council  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules on Depuration Of Soft Shell Clams (*Mya Arenaria*)

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1, proposes to adopt regulations necessary to control the depuration of soft shell clams harvested from restricted shellfish growing waters.

Depuration is a process in which shellfish are made safe for human consumption and still remain alive through a self purification system by their natural biological processes. Depuration plants require proper controls to insure purification because of the higher disease potential if the process is not properly carried out.

The regulations establish depuration plant certification requirements, water quality and flow requirements, operational requirements, equipment specifications, bacteriological standards, record-keeping requirements, and prohibited acts. Such rules, if adopted, will be cited as N.J.A.C. 8:13-2.1 et seq.

Copies of the nine pages of text may be obtained from:

Kenneth Kolano  
Consumer Health Services  
1911 Princeton Avenue  
Trenton, N.J. 08648  
(609) 392-1180

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978 to the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Amended Standards and Criteria for Planning And Certification of Need of Perinatal Services

On February 6, 1978, 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 amended standards and criteria for planning and certification of need of perinatal services, to be cited as N.J.A.C. 8:31-8.1 et seq., substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 562(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 February 15, 1978, as R.1978 d.49.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Rule on Exempt Chemical Preparations

On February 21, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-5 through 24:21-8.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:65-10.8, concerning chemical preparations exempt from the Controlled Dangerous Substances Act, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 10(d).

An order adopting this rule was filed and became effective on February 21, 1978, as R.1978 d.59.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### THE COMMISSIONER

#### Rule on Excluded OTC Substances

On February 21, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-5 through 24:21-8.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:65-10.6, concerning O.T.C. substances excluded from the Controlled Dangerous Substances Act, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 11(b).

An order adopting this rule was filed and became effective on February 21, 1978, as R.1978 d.60.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## HEALTH

### THE COMMISSIONER

#### Rule on Excepted Prescription Drugs

On February 21, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-5 through 24:21-8.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:65-10.7, concerning excepted prescription drugs from the Controlled Dangerous Substances Act as proposed in the Notice published January 5, 1978, at 10 N.J.R. 11(a).

An order adopting this rule was filed and became effective on February 21, 1978, as R.1978 d.61.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Amendments on Certificates of Need

On February 21, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:33-1.5(f)3. concerning certificate of need regulations covering transfers of ownership, substantially as proposed in the Notice published November 10, 1977, at 9 N.J.R. 515(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting these amendments was filed and became effective on February 21, 1978, as R.1978 d.62.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Rules on Renal Dialysis Services

On February 21, 1978, 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 new rules, to be cited as N.J.A.C. 8:43B-15.1 et seq., concerning renal dialysis services, substantially as proposed in the Notice published November 11, 1977, at 9 N.J.R. 514(d), 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 on February 21, 1978, as R.1978 d.63 to become effective on March 9, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Rules on Standards for Nurse-Midwifery Services

On February 21, 1978, 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 new rules, to be cited as N.J.A.C. 8:43B-16.1 et seq., concerning standards for nurse-midwifery services, substantially as proposed in the Notice published November 10, 1977, at 9 N.J.R. 514(c), 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 on February 21, 1978, as R.1978 d.64 to become effective on March 9, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### THE COMMISSIONER

#### Amended Manual of Standards for Licensure Of Long-Term Care Facilities

On February 21, 1978, 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 Chapter 39 in Title 8 of the New Jersey Administrative Code concerning the Manual of Standards for Licensure of Long-Term Care Facilities, substantially as proposed in the Notice published November 10, 1977, at 9 N.J.R. 514(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting these amendments was filed on February 21, 1978, as R.1978 d.65 to become effective on July 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## HIGHER EDUCATION

### THE CHANCELLOR

#### Proposed Amendments on Appeals to Chancellor Under Higher Education Laws

T. Edward Hollander, Chancellor of Higher Education, pursuant to the authority of N.J.S.A. 18A:6-26, proposes to amend N.J.A.C. 9:2-6.2; concerning the rules for appeal to the chancellor under the higher education laws of New Jersey. Original notice of the proposal was published at 9 N.J.R. 567(c).

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

[9:2-6.3] 9:2-6.2 Filing and service of petition of appeal

To initiate a proceeding before the chancellor to adjudicate an appeal, controversy or dispute arising under the higher education laws, a petitioner shall file with the chancellor the original copy thereof on the respondent or respondents **within one year of actual or constructive notice of the determination of the board of trustees from which the appeal is taken.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

Richard Hale  
Assistant Chancellor  
Department of Higher Education  
225 West State Street  
Trenton, N.J. 08625

The Board of Higher Education may thereafter adopt this revised amendment along with those previously published at 9 N.J.R. 567(c) without further notice.

T. Edward Hollander  
Chancellor of Higher Education  
Department of Higher Education

(a)

## HIGHER EDUCATION

### STATE SCHOLARSHIP COMMISSION

#### Proposed Amendments to Rules Concerning Tuition Aid Grants and State Scholarships

The State Scholarship Commission in the Department of Higher Education, pursuant to authority of P.L. 1977, c. 330, proposes to delete in its entirety the current text of Chapter 7 in Title 9 of the New Jersey Administrative Code and adopt new text therein concerning the tuition aid grant program and the Garden State scholarship program.

The proposed new rules contain all eligibility criteria and award tables for the administration of these two programs of financial assistance to students. Specifically, the proposed new rules concern policy responsibility; creation of student advisory committee; undergraduate enrollment; residency; foreign nationals; determination of eligibility for and value of student assistance; student notification; dependent/independent student defined; income tax verification of family financial data; renewal eligibility and filing; award combinations; verification of enrollment; payments to students; student withdrawal or dismissal during period of an award; student's obligation to report changes; check endorsements; appeals; fiscal responsibilities; tuition aid grant award table; award table adjustment rules; renewal of grants awarded prior to March 1, 1978; eligibility requirements; award amounts; certificates of merit; graduate fellowships; college eligibility and allocation procedures for undergraduate grants; academic eligibility for undergraduate grants; fiscal responsibilities; and renewal of scholarships awarded prior to March 1, 1978.

Copies of the 22 pages of full text of the proposed new rules may be obtained from:

Dr. Gordon Van De Water  
Office of Student Assistance  
Department of Higher Education  
225 West State Street  
P.O. Box 1293  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to the Department of Higher Education at the above address.

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

T. Edward Hollander  
Chancellor of Higher Education  
Secretary, State Board of  
Higher Education

(b)

## HIGHER EDUCATION

### STATE BOARD OF HIGHER EDUCATION

#### Amendment to Definition of Academic Year

On February 17, 1978, T. Edward Hollander, Chancellor of Higher Education and Secretary to the State Board of

Higher Education, pursuant to authority of N.J.S.A. 18A:3-14 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:2-2.2 by adopting new text therein regarding the definition of academic year, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 12(c), with only inconsequential language or structural changes, in the opinion of the Department of Higher Education.

An order adopting these amendments was filed and became effective on February 17, 1978, as R.1978 d.52.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HIGHER EDUCATION

### STATE BOARD OF HIGHER EDUCATION

#### Amendments on Multi-Year Contracts For Non-Teaching Personnel at County Colleges

On February 17, 1978, T. Edward Hollander, Chancellor of Higher Education and Secretary to the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-14 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:4-7.2(d) concerning multi-year contracts for non-teaching personnel at county colleges, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 12(d).

An order adopting these amendments was filed and became effective on February 17, 1978, as R.1978 d.53.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HIGHER EDUCATION

### EDUCATIONAL OPPORTUNITY FUND

#### Amendments to Financial Aid Guidelines For Graduate and Undergraduate Students

On February 16, 1978, Fredrick Wilkes, Director of the Educational Opportunity Fund in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-33 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:11-1.1 et seq., concerning financial aid guidelines for graduate and undergraduate students in the educational opportunity fund program, substantially as proposed in the Notice published September 8, 1977, at 9 N.J.R. 430(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Higher Education.

The substantive changes involve increasing the eligibility of non-citizen resident applications; inserting a table of maximum awards available to participants in the program; "grandfathering" prior participants in the program; and providing an appeal procedure for eligibility decisions.

Copies of the 16 pages of amended rules may be obtained from or made available for review by contacting:

Fredrick Wilkes  
Educational Opportunity Fund  
1474 Prospect Street  
Post Office Box 1417  
Trenton, New Jersey 08625

An order adopting these rules was filed on February 17, 1978, as R.1978 d.54 to become effective for all students enrolled or entering in the 1978-79 academic year.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments on Income in Medicaid Only Program for Aged, Blind and Disabled

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87, proposes to amend subchapter 4 in chapter 94 of the New Jersey Administrative Code, concerning deeming of income, certain deductions allowable prior to Medicaid billing and living arrangements in the Medicaid Only program for the aged, blind and disabled.

The proposed amendments would replace present sections 460 through 492 of the Medicaid Only Manual.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to the Division of Public Welfare at the above address.

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 on Determination of Income For Individuals Employed on Contractual Basis

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:82-2.9(e) in the Assistance Standards Handbook by adding new text therein concerning the determination of income for those individuals employed on a contractual basis.

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

10:82-2.9(e)1. Income which is received as a result of a contractual agreement, whether written or implied, shall

be prorated over the period of the contract, regardless of the frequency of compensation. Teachers and certain other school employees are included under this provision.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

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

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments in Medical Assistance For an Unborn 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 certain rules in the Public Assistance Manual concerning the availability of medical assistance for an unborn child.

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

10:81-3.8(b) A pregnant woman may make application for AFDC-C or -F up to 60 days before the expected birth date of her child. Such application will be considered pending, with assistance to begin when the child is born, providing the applicant meets all other eligibility requirements. (See N.J.A.C. 10:81-8.22(a)5. for medical assistance for an unborn child.)

10:81-8.22(a)5. An unborn child, regardless of age of the mother, when the parent's (or parents') income, as calculated by appropriate procedures, would render her (or them) financially eligible for AFDC-C or -F, regardless of other program requirements.

i. Coverage begins with the medical determination of pregnancy and ends with delivery of the child (including expenses of delivery). Cost of the examination to determine pregnancy may be made from the administrative account.

ii. See N.J.A.C. 10:81-3.8 regarding application for AFDC pending birth of the child.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(Continued on Page 25)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, covering all rules adopted through February 26, 1978. It is adjusted in the month following

a mailing of update pages to subscribers.

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

## RULES NOT YET PRINTED IN CODE

N.J.A.C.  
CITATION

DOCUMENT    ADOPTION NOTICE  
CITATION    (N.J.R. CITATION)

### AGRICULTURE — TITLE 2

2:2-4.40	Rule on pseudorabies vaccination	R.1977 d.367	9 N.J.R. 502(b)
2:48-2.1	Amendments on advertising of milk products	R.1978 d.57	10 N.J.R. 92(a)
2:48-4.1	Confidentiality of certain reports	R.1977 d.366	9 N.J.R. 502(a)
2:52-1.8(a)	Revisions on required reports	R.1977 d.310	9 N.J.R. 404(a)
2:52-7.1 et seq.	Rules on application of minimum price regulations in sale of milk	R.1977 d.303	9 N.J.R. 403(c)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.294	9 N.J.R. 403(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.8	10 N.J.R. 54(a)
2:53-1.2(a)	Amend schedule 69-1N for North Jersey	R.1977 d.414	9 N.J.R. 555(c)
2:54-3.10	Amend Federal milk handling order	R.1977 d.407	9 N.J.R. 502(c)
2:69-1.11	Revisions on commercial values	R.1977 d.266	9 N.J.R. 403(a)
2:71-1.30	Revisions on certificates on grade for eggs	R.1977 d.339	9 N.J.R. 451(b)
2:90-1.3, 1.7, 1.12	Revisions to rules of Soil Conservation Committee	R.1978 d.5	10 N.J.R. 54(b)

(Rules in the Administrative Code for Title 2 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 11.)

### BANKING — TITLE 3

3:1-2.2, 2.3	Amend certain procedural rules	R.1977 d.462	10 N.J.R. 2(b)
3:1-6.1 et seq.	Amended fees	R.1977 d.469	10 N.J.R. 3(a)
3:1-9.1 et seq.	Rules on home mortgage disclosures	R.1977 d.308	9 N.J.R. 405(c)
3:1-9.2	Amended definition of home improvement loan	R.1977 d.470	10 N.J.R. 3(b)
3:1-10.1 et seq.	Restrictions on real property transactions in new charter applications	R.1978 d.55	10 N.J.R. 92(c)
3:1-11.1 et seq.	Restrictions on loans involving affiliated persons	R.1977 d.471	10 N.J.R. 3(c)
3:7-2.3	Deletion on verification of real estate taxes	R.1977 d.428	9 N.J.R. 556(a)
3:10-3.2, 3.3	Amendments on private mortgage insurance	R.1977 d.429	9 N.J.R. 556(b)
3:17-6.4	Repeal rule on husband and wife as one borrower	R.1977 d.330	9 N.J.R. 452(c)
3:18-6.1	Pledged receivables as collateral security for commercial loans	R.1978 d.41	10 N.J.R. 92(b)

(Rules in the Administrative Code for Title 3 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

### CIVIL SERVICE — TITLE 4

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

### COMMUNITY AFFAIRS — TITLE 5

5:23-2.6	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)
3.3, 3.8, 4.3 and 4.8			
5:23-3.4(a)21	Revisions to building subcode	R.1977 d.380	9 N.J.R. 506(a)
5:23-4.3(c)6.	Amendments on conflicts of interest	R.1977 d.434	9 N.J.R. 558(a)
5:23-4.9, 5.3	Amendments on effective dates	R.1977 d.435	9 N.J.R. 558(b)
5:24-1.1 et seq.	Conversion to condominiums and cooperatives	R.1978 d.22	10 N.J.R. 55(b)
5:30-1.14	Public participation in revenue sharing program	R.1977 d.479	10 N.J.R. 55(a)

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

## EDUCATION — TITLE 6

6:2-1.17	Appeals from commissioner on budget cap waivers	R.1977 d.420	9 N.J.R. 559(a)
6:3-1.1, 6:5-2.1	Amendments on acting administrators	R.1977 d.421	9 N.J.R. 559(b)
6:3-1.6	Delete summer payment plan rule for academic year personnel	R.1977 d.465	10 N.J.R. 6(b)
6:3-1.11	Amendments on superintendency	R.1978 d.7	10 N.J.R. 59(a)
6:4-1.5	Revisions on school and classroom practices	R.1977 d.274	9 N.J.R. 416(a)
6:8-1.1, 3.4, 3.8	Revisions on thorough and efficient system of public schools	R.1977 d.199	9 N.J.R. 310(a)
6:11-3.6	Amendments on assignment of titles	R.1977 d.422	9 N.J.R. 559(c)
6:11-10.5	Delete current text on special regulations	R.1977 d.423	9 N.J.R. 559(d)
6:11-10.11	Revisions on assistant superintendent for business	R.1977 d.341	9 N.J.R. 459(b)
6:20-2.3	Amendments on bookkeeping in local school districts	R.1977 d.463	10 N.J.R. 5(b)
6:21-7.1	Revisions on limit of apportionment of State aid	R.1977 d.277	9 N.J.R. 416(d)
6:22-2.5(e), 7.6 3.27, 3.28	Revisions on final plans approvals	R.1977 d.275	9 N.J.R. 416(b)
6:22-2.9	Revisions on master plans	R.1977 d.236	9 N.J.R. 359(b)
6:27-2.1	Revisions on approval of private secondary schools, independent and parochial	R.1977 d.385	9 N.J.R. 511(b)
6:27-7.1	Approval of secondary schools operated by other state, county or local agencies	R.1977 d.386	9 N.J.R. 511(c)
6:28-5.1 et seq.	Rules on auxiliary services for nonpublic school pupils	R.1977 d.464	10 N.J.R. 6(a)
6:28-6.1 et seq.	Rules on corrective speech services for nonpublic school pupils	R.1977 d.466	10 N.J.R. 6(c)
6:29-4.2	Revisions on testing for tuberculosis	R.1977 d.276	9 N.J.R. 416(c)
6:39-1.4	Minimum levels of pupil proficiency	R.1977 d.198	9 N.J.R. 309(a)
6:43-1.2(e)	Revisions on program requirements	R.1977 d.278	9 N.J.R. 417(a)
6:53-1.1 et seq.	Vocational education safety standards	R.1977 d.279	9 N.J.R. 417(b)
6:66-1.12, 1.19	Revisions on archives and history and records management	R.1977 d.340	9 N.J.R. 459(a)

(Rules in the Administrative Code for Title 6 include all adoptions prior to May 25, 1977—Transmittal Sheet No. 10.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1C-1.1 et seq.	Revisions on 90-day construction permits	R.1977 d.390	9 N.J.R. 513(c)
7:7A-1.13(a)	Extend Wetlands Order for parts of Salem, Cape May and Ocean	R.1977 d.267	9 N.J.R. 418(b)
7:8-1.1 et seq.	Rules of practice and procedure; Division of Water Resources	R.1978 d.48	10 N.J.R. 101(b)
7:9-2.1 et seq., 7:10-3.10 et seq.	Standards for construction of sewerage facilities and water systems	R.1978 d.21	10 N.J.R. 61(b)
7:9-4.4, 4.6, 4.8, 14.1 et seq.	Amendments on water quality standards for Pine Barrens	R.1978 d.20	10 N.J.R. 61(a)
7:9-10.1 et seq.	Amendments on Pine Barrens as critical area for sewerage	R.1978 d.19	10 N.J.R. 60(a)
7:9, 10, 20	Amend certain rules of the Division of Water Resources	R.1977 d.477	10 N.J.R. 10(c)
7:12-1.1, 1.3	Amendments on shellfish in Great Egg Harbor Bay	R.1977 d.427	9 N.J.R. 561(b)
7:12-1.3(a) 14.	Revisions on condemnation of certain shellfish beds	R.1977 d.300	9 N.J.R. 420(b)
7:12-1.3(a)39.i.	Revisions on condemnation of certain shellfish beds	R.1977 d.301	9 N.J.R. 420(c)
7:12-1.3(a)39i.(1)	Amendments on condemnation of certain shellfish harvesting waters	R.1977 d.283	9 N.J.R. 419(a)
7:14-1.1 et seq.	Rules on the Water Pollution Control Act	R.1977 d.268	9 N.J.R. 418(c)
7:14-7.1 et seq.	Rules on ocean dumping alternatives development	R.1977 d.458	10 N.J.R. 10(b)
7:16-1.1 et seq.	Financial assistance for public sewage systems	R.1978 d.18	10 N.J.R. 59(c)
7:22-1.1 et seq.	Award of grants for the planning, design and construction of wastewater treatment facilities	R.1977 d.356	9 N.J.R. 465(b)
7:25-9.5	Rules on crab dredging	R.1977 d.269	9 N.J.R. 418(d)
7:25-9.6	Relaying hard clams; Manasquan River	R.1977 d.338	9 N.J.R. 464(b)
7:25-9.6(g), (h)	Revision on relaying hard clams in Manasquan River	R.1977 d.363	9 N.J.R. 512(b)
7:26-1.10(c)	Revisions to effective dates of categories of solid waste districts	R.1977 d.311	9 N.J.R. 421(a)
7:27-2.10(a)	Delete portion of rule on orchard prunings	R.1977 d.485	10 N.J.R. 59(b)
7:27-3.1 et seq.	Revisions on control and prohibition of smoke from combustion of fuel	R.1977 d.284	9 N.J.R. 420(a)
7:27-4.1 et seq.	Revisions on control and prohibition of particles from combustion	R.1977 d.284	9 N.J.R. 420(a)
7:27-5.1 et seq.	Revisions on prohibition of air pollution	R.1977 d.284	9 N.J.R. 420(a)
7:28-25.1 et seq.	Radiation laboratory fee schedule	R.1978 d.47	10 N.J.R. 101(b)
7:36-1.1 et seq.	Rules on Green Acres land grant program	R.1977 d.395	9 N.J.R. 514(a)
Temporary rule	Revisions on sea clam harvest area openings	R.1977 d.337	9 N.J.R. 464(a)
Temporary rule	Special rule on limiting use of shotgun shells	R.1977 d.355	9 N.J.R. 465(a)
Temporary rule	1978 Fish Code	R.1977 d.384	9 N.J.R. 513(a)
Temporary rule	Crab dredging season for Atlantic Coast	R.1977 d.387	9 N.J.R. 513(b)
Temporary rule	Rules on 1977-78 sea clam season	R.1977 d.451	10 N.J.R. 10(a)

(Rules in the Administrative Code for Title 7 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

## HEALTH — TITLE 8

8:7-1.9(a)2.i.	Amendments on qualifications of health officer	R.1978 d.24	10 N.J.R. 62(c)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
8:21-7.1 et seq.	Extension of effective date to July 1, 1979	R.1977 d.472	10 N.J.R. 12(b)
8:30-14.1 et seq.	Long-term-care facilities for indigents as condition for licensure	R.1978 d.25	10 N.J.R. 62(d)
8:31-8.1 et seq.	Amended standards and criteria; prenatal services	R.1978 d.49	10 N.J.R. 103(b)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-27.1 et seq.	Rules on megavoltage radiation oncology units	R.1977 d.397	9 N.J.R. 518(b)
8:31A-10.5	Implementation of economic factor for SHARE	R.1977 d.396	9 N.J.R. 518(a)
8:33-1.5(f)3.	Amendment or certificates of need and transfers of ownership	R.1978 d.62	10 N.J.R. 104(a)
8:33-1.5(i), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(d)
8:36A-1.1 et seq.	Rules on regional end-stage renal disease services	R.1977 d.398	9 N.J.R. 518(c)
8:39-1.1 et seq.	Amended standards for licensing long-term care facilities	R.1978 d.65	10 N.J.R. 104(d)
8:42-1.18(f)	Amendments on licensure of home health agencies	R.1977 d.400	9 N.J.R. 519(a)
8:43-4.7(c)	Amendments on records for new boarding homes	R.1977 d.401	9 N.J.R. 519(b)
8:43B-15.1 et seq.	Renal dialysis services	R.1978 d.63	10 N.J.R. 104(b)
8:43B-16.1 et seq.	Nurse-midwifery services	R.1978 d.64	10 N.J.R. 104(c)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
8:57-1.19	Reporting bladder cancer	R.1977 d.467	10 N.J.R. 12(a)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.4	Addition of Lorazepam to controlled dangerous substances	R.1978 d.23	10 N.J.R. 62(b)
8:65-10.5	Add Loperamide as dangerous	R.1977 d.440	9 N.J.R. 567(a)
8:65-10.6	Excluded O.T.C. substances	R.1978 d.60	10 N.J.R. 103(d)
8:65-10.7	Excepted prescription drugs	R.1978 d.61	10 N.J.R. 103(e)
8:65-10.8	Exempt chemical preparations	R.1978 d.59	10 N.J.R. 103(c)

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

## HIGHER EDUCATION — TITLE 9

9:2-2.2	Definition of academic year	R.1978 d.52	10 N.J.R. 105(b)
9:2-11.1 et seq.	Veterans tuition credit program	R.1977 d.376	9 N.J.R. 521(a)
9:4-3.57(b)	Amendments on non-credit and credit courses auditing procedures	R.1977 d.483	10 N.J.R. 63(a)
9:4-7.2(d)	Amendment on multi-year contracts for non-teaching personnel	R.1978 d.53	10 N.J.R. 105(c)
9:11-1.1 et seq.	Amend financial aid guidelines for students	R.1978 d.54	10 N.J.R. 105(d)
9:14-3	Amendments to SPUR rules	R.1977 d.439	9 N.J.R. 571(a)

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

## HUMAN SERVICES — TITLE 10

### CORRECTIONS

10:37-12.1 et seq.	Construction assistance for community mental health facilities	R.1977 d.482	10 N.J.R. 63(d)
10:49-1.3(b)	Adoption by reference of Federal standards for mentally retarded	R.1977 d.490	10 N.J.R. 65(b)
10:49-1.1 through 10:49-6.1 et seq.	Revisions on administration and general information; Health Services Program	R.1977 d.213	9 N.J.R. 342(c)
10:49-1.5(a)12.	Amendments on general exclusions	R.1977 d.408	9 N.J.R. 534(b)
10:49-1.25	Medicaid reimbursement for abortions	R.1977 d.243	9 N.J.R. 370(e)
10:49-11.1	Medicaid management information system	R.1977 d.409	9 N.J.R. 534(c)
10:50-1.1 et seq.	Revised transportation services manual	R.1977 d.374	9 N.J.R. 533(b)
10:50-2.1 et seq.	Revised transportation billing	R.1977 d.375	9 N.J.R. 534(a)
10:51-1.10(c)	Amendments on basis of payment for legend drugs	R.1978 d.1	10 N.J.R. 66(d)
10:51-1.1 et seq.	Revisions concerning pharmaceutical services	R.1977 d.215	9 N.J.R. 343(b)
10:51-2.1 et seq.	Revised pharmacy billing procedures	R.1977 d.313	9 N.J.R. 435(c)
10:51-4.1 et seq.	Consultant pharmacist services	R.1977 d.214	9 N.J.R. 343(a)
10:54-1.2(b)	Medicaid childhood immunization policy	R.1977 d.424	9 N.J.R. 582(c)
10:54-3.5, 3.6	Amendments on pneumococcal polyvalent vaccine	R.1978 d.44	10 N.J.R. 116(b)
10:51-5.1 et seq.	Rules on pharmaceutical assistance to aged program	R.1977 d.491	10 N.J.R. 66(a)
10:56-1.1 et seq.	Amended dental services manual	R.1978 d.2	10 N.J.R. 66(e)
10:56-1.48, 10:57-1.4, 1.22	Revisions on injectables policy for podiatrists and dentists	R.1977 d.302	9 N.J.R. 435(a)
10:57-1.1	Amended definition of podiatry services	R.1977 d.417	9 N.J.R. 582(b)
10:63-1.16	Involuntary transfer of patients	R.1977 d.425	9 N.J.R. 583(a)
10:63-3.1 et seq.	Amendments on cost study, rate review guidelines, long-term-care	R.1977 d.489	10 N.J.R. 65(a)
10:65-3.12	Involuntary transfer of patients	R.1977 d.425	9 N.J.R. 583(a)
10:69A-1.1 et seq.	Amendments on pharmaceutical assistance to aged	R.1977 d.492	10 N.J.R. 66(b)
10:81	Amendments to Public Assistance Manual to conform to P.L. 1977, c.127	R.1977 d.452	10 N.J.R. 16(b)
10:81-2.8, 3.18, 5.9	Revisions on WIN registration program	R.1977 d.226	9 N.J.R. 370(a)
10:81-3.12, 7.46	Revisions on suspected child abuse or neglect	R.1977 d.332	9 N.J.R. 479(a)
10:81-3.15	Delete rule on noncontributing person(s) in household	R.1977 d.212	9 N.J.R. 342(b)

10:81-3.18(1)	Amendments on lawful strikes in public assistance	R.1977 d.411	9 N.J.R. 575(c)
10:81-4.14	Revisions on recipient's right to a fair hearing	R.1977 d.290	9 N.J.R. 434(b)
10:81-6.5	Revisions on clients' right during pendency of fair hearing	R.1977 d.289	9 N.J.R. 434(a)
10:81-6.10, 6.12, 6.13, 6.14	Amendments to Public Assistance Manual	R.1977 d.412	9 N.J.R. 582(a)
10:81-6.13(d)	Revisions on fair hearing decisions	R.1977 d.227	9 N.J.R. 370(b)
10:81-6.15(d)	Amendments on fair hearing requests	R.1977 d.447	10 N.J.R. 16(a)
10:81-7.44	Revisions on cases involving fraudulent receipt of assistance	R.1977 d.230	9 N.J.R. 370(d)
10:81 Appendix D	Revisions on child support and paternity program	R.1977 d.307	9 N.J.R. 435(b)
10:82-1.1 et seq.	Revised Assistance Standards Handbook	R.1977 d.211	9 N.J.R. 342(a)
10:82-3.2(b)7.viii.	Exemption on experimental housing assistance	R.1977 d.431	9 N.J.R. 584(b)
10:82-3.2(b) 10.	Revisions on personal loan exemptions	R.1977 d.229	9 N.J.R. 370(c)
10:82-5.12(a)	Amendments on emergency assistance	R.1977 d.299	9 N.J.R. 434(e)
10:85-3.1(a), 10:85-3.1(b)2.	Amendments on eligibility for general assistance	R.1977 d.410	9 N.J.R. 535(a)
10:85-3.1(a)2, 3.3(e)1.,3.4(b)1., 9.1(d)	Amendments on sponsors of aliens as potential resources	R.1977 d.444	10 N.J.R. 15(a)
10:85-3.3, 4.1, 4.2	Amendments on general assistance payment levels	R.1977 d.488	10 N.J.R. 64(c)
10:85-3.3(e)4. and 9.5(c)	Amendments on financial eligibility and support	R.1977 d.445	10 N.J.R. 15(b)
10:85-3.3(e)5.	Amendments on exemption of HUD vendor payments	R.1977 d.446	10 N.J.R. 15(c)
10:85-3.3(e)5.v.	Amendments on personal loans as exempt income	R.1977 d.291	9 N.J.R. 434(c)
10:87-3.24	Delete rule on administrative reports	R.1977 d.487	10 N.J.R. 64(b)
10:87-5.7(a)6., 8.	Amendments on countable income for food stamps	R.1977 d.430	9 N.J.R. 584(a)
10:87-5.8(c)	Amendments on medical expenses deductible for food stamp income	R.1977 d.335	9 N.J.R. 479(d)
10:87-6.9, 6.10, 7.24	Revise food stamp manual on notification	R.1977 d.373	9 N.J.R. 533(a)
10:87-6.14, 6.41, 6.42 and 6.44	Amendments to Food Stamp Manual	R.1978 d.43	10 N.J.R. 116(a)
10:87-7.17(a)6	Amendment on appellant's right during fair hearing	R.1977 d.486	10 N.J.R. 64(a)
10:87-8.1 et seq.	Fiscal procedures in food stamp program	R.1977 d.288	9 N.J.R. 433(c)
10:94-3.13(b)	Revisions on optometrists as qualified to examine visually impaired	R.1977 d.334	9 N.J.R. 479(c)
10:94-4.4(d)	Amendments on ownership of resources; Medicaid Only Manual	R.1977 d.336	9 N.J.R. 479(e)
10:94-4.42	Maximum resources for institutionalized individuals	R.1977 d.333	9 N.J.R. 479(b)
10:109-1.1 et seq.	Revisions to Ruling 11	R.1977 d.293	9 N.J.R. 434(d)
10:109-2.2(e)	Amend Ruling II classification and compensation plan	R.1977 d.459	10 N.J.R. 16(c)
10:122-2.4, 2.5, 2.6	Revisions on child care licensing	R.1977 d.225	9 N.J.R. 369(a)
10:128-1.1 et seq.	Manual of Standards for Group Homes	R.1977 d.287	9 N.J.R. 433(b)
Temporary rule	1978 State plan for vocational rehabilitation	R.1977 d.494	10 N.J.R. 66(c)

(Rules in the Administrative Code for Title 10 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

## INSURANCE — TITLE 11

11:1-5.2(f)	Assumption of insolvent N.Y. insurers' obligations	R.1977 d.389	9 N.J.R. 535(d)
11:1-5.2(g)	Policies of Empire Mutual Insurance Co. and Allcity Insurance Co.	R.1977 d.413	9 N.J.R. 586(a)
11:1-5.2(g)4	Amendment on three-year policies covered by JUA	R.1978 d.3	10 N.J.R. 69(a)
11:1-10.1	Amended definition of financial institutions	R.1978 d.17	10 N.J.R. 70(a)
11:1-10.1 et seq.	Amendments on licensing of financial institutions	R.1977 d.405	9 N.J.R. 536(c)
11:1-11.3	Disciplinary action and restitution	R.1978 d.11	10 N.J.R. 69(b)
11:2-1.5	Educational program requirements for title agents	R.1977 d.438	9 N.J.R. 586(a)
11:3-8.1	Amendment on nonrenewal of auto insurance	R.1977 d.437	9 N.J.R. 586(b)
11:3-11.1	Motorized bicycle insurance	R.1978 d.12	10 N.J.R. 69(c)
11:4-10.2	Required notice concerning expenses exhibits	R.1977 d.358	9 N.J.R. 481(b)
11:4-13.1 et seq.	Group student health insurance	R.1977 d.309	9 N.J.R. 438(d)
11:4-14.1 et seq.	Home health care insurance coverage	R.1977 d.476	10 N.J.R. 16(d)
11:5-1.1	Revisions on disciplinary action	R.1977 d.392	9 N.J.R. 536(b)
11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
11:5-1.16(d)	Amendments on prohibited advertising	R.1977 d.391	9 N.J.R. 536(a)
11:5-1.25(h)	Revisions on sale of interstate properties	R.1977 d.292	9 N.J.R. 438(c)

(Rules in the Administrative Code for Title 11 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

## LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Revised 1978 maximum weekly benefit rates	R.1977 d.297	9 N.J.R. 439(b)
12:15-1.4	Revised 1978 taxable wage base under unemployment compensation	R.1977 d.298	9 N.J.R. 439(c)
12:235-4.8	Amendments on certificates of readiness	R.1977 d.406	9 N.J.R. 537(b)
Temporary	Revised 1978 workers' compensation benefit rates	R.1977 d.296	9 N.J.R. 439(a)
Temporary rule	Listing of wage rates for construction workers	R.1977 d.383	9 N.J.R. 537(a)

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

## LAW AND PUBLIC SAFETY — TITLE 13

13:2-1.1 et seq.	Revised rules of Division of Alcoholic Beverage Control	R.1977 d.342	9 N.J.R. 487(b)
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.33	10 N.J.R. 121(a)
13:2-3.11	Alcoholic Beverage Licenses in Atlantic City	R.1977 d.348	9 N.J.R. 487(c)
13:4-9.1, 8.2, 8.4	Amendments on procedure rules of Division on Civil Rights	R.1978 d.26	10 N.J.R. 72(a)
13:4-12.9	Costs of hearings	R.1978 d.46	10 N.J.R. 121(b)
13:19-10.1 et seq.	Revisions on point system and driving during suspension	R.1977 d.352	9 N.J.R. 488(b)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.66	10 N.J.R. 122(a)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.67	10 N.J.R. 122(b)
13:20-35.1 et seq.	Inspection of State-owned vehicles by central motor pool	R.1978 d.40	10 N.J.R. 71(b)
13:23-2.2(d)	Amendments on documents; initial applications for drivers' school licenses	R.1978 d.68	10 N.J.R. 122(c)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.58	10 N.J.R. 121(d)
13:33-1.29	Amendments on record of prescription filled	R.1978 d.9	10 N.J.R. 72(b)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.32	10 N.J.R. 120(a)
13:35-1.4	Amendments on approving educational chiropractic institutions	R.1977 d.481	10 N.J.R. 71(c)
13:35-7.2	Termination of pregnancy	R.1977 d.351	9 N.J.R. 488(a)
13:37-8.1 et seq.	Revisions on schools of practical nursing	R.1977 d.273	9 N.J.R. 440(b)
13:44-2.9	Temporary permits	R.1977 d.285	9 N.J.R. 441(a)
13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.56	10 N.J.R. 121(c)
13:70-1.17, 1.27, 14:29, 16.34 13:71-5.1, 5.20, 8.38, 23.22	Amend harness and thoroughbred racing rules	R.1977 d.331	9 N.J.R. 487(a)

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

## ENERGY — TITLE 14A (Including Public Utility Commission - 14)

14:1-1.7, 4.3, 6.5, 8.4, 8.5, 9.4, 10.1	Revisions on communications	R.1977 d.263	9 N.J.R. 442(a)
14:18-11.19, 11.21	Revisions on required information	R.1977 d.295	9 N.J.R. 443(a)
14A:1.1 et seq.	Adopt P.U.C. rules of practice by reference	R.1977 d.264	9 N.J.R. 442(b)
14A:1-1 et seq.	Rules of practice for Department of Energy	R.1977 d.433	9 N.J.R. 593(a)
14A:2-1.1 et seq.	Energy emergency allocation	R.1977 d.432	9 N.J.R. 592(b)

(Rules in the Administrative Code for Title 14 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 8.)

## STATE — TITLE 15

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

## PUBLIC ADVOCATE — TITLE 15A

15A:1-1.1 et seq.	Rules of practice; Public Interest Advocacy (No rules yet available in the Code.)	R.1977 d.362	9 N.J.R. 541(b)
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## TRANSPORTATION — TITLE 16

16:1-2.1 et seq.	Revisions on issuance and sale of DOT public records	R.1977 d.345	9 N.J.R. 493(d)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)

16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.103	Revisions on restricted parking on parts of Route 49	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.151, 152	Restricted parking on parts of Routes 31 and 28	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.153, 3.154	Restricted parking on parts of Routes 88 and 28	R.1977 d.329	9 N.J.R. 493(c)
16:28-3.155	Restricted parking on parts of Route 57	R.1977 d.328	9 N.J.R. 493(b)
16:28-3.157, 3.158	Restricted parking on parts of U.S. Routes 22 and 57	R.1977 d.493	10 N.J.R. 80(a)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)
16:28-5.3	Stop intersection on part of Route 208	R.1977 d.326	9 N.J.R. 492(c)
16:28-6.16	No left turn on parts of Route 23	R.1977 d.325	9 N.J.R. 492(b)
16:28-12.1, 12.5, 12.9, 12.15, 12.16 and 12.17	No right turns on red on parts of Routes US 1, 5, 10, 22, 23 and 24	R.1977 d.456	10 N.J.R. 36(e)
16:28-12.18, 12.19, 12.20, 12.26, 12.35 and 12.36	Amend no right turns on parts of Routes 27, 28, 29, 36, 46 and 47	R.1977 d.454	10 N.J.R. 36(c)
16:28-12.37, 12.38, 12.44, 12.55 and 12.56	No right turns on parts of Routes 49, 70, 124 and US 130	R.1977 d.453	10 N.J.R. 36(b)
16:28-12.56 through 12.59	No right turns on red on parts of Routes 130, 154, 166 and 168	R.1977 d.455	10 N.J.R. 36(d)
16:28-13.4	Limited access on interstate highways	R.1977 d.443	10 N.J.R. 36(a)
16:41-8	Amend rules on outdoor advertising on access highways	R.1977 d.426	9 N.J.R. 593(d)
16:41-10.9	Violations relating to permits	R.1977 d.418	9 N.J.R. 593(c)
16:65-1.1, 1.2, 4.2, 5.1, 5.5, 6.2	Revisions on classification of contractors	R.1977 d.388	9 N.J.R. 543(b)

(Rules in the Administrative Code for Title 16 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

#### TREASURY-GENERAL — TITLE 17

17:1-4.30	Optional settlements for group life	R.1977 d.416	9 N.J.R. 601(a)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-4.1, 6.1, 6.2, 6.3, 6.13	Revisions on police, firemen's retirement system	R.1977 d.378	9 N.J.R. 544(c)
17:6-2.1(a), 3.2, 3.9, 3.10	Amend rules of Consolidated Police and Firemen's Pension Fund	R.1977 d.461	10 N.J.R. 44(b)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)
17:16-31.1 et seq.	Rules on New Jersey Cash Management Fund	R.1977 d.478	10 N.J.R. 45(c)
17:16-41.1 et seq.	Cash management fund	R.1977 d.436	9 N.J.R. 601(b)
17:27-1.1 et seq.	Affirmative action requirements for public works	R.1977 d.364	9 N.J.R. 543(c)

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

#### TREASURY-TAXATION — TITLE 18

18:5-6.5, 6.19	Amendments on cigarette distributors' licenses	R.1977 d.473	10 N.J.R. 44(c)
18:5-6.5(d)	Rule on fingerprinting for cigarette distributors' licenses	R.1977 d.468	10 N.J.R. 45(b)
18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(b)
18:12-7.1 et seq.	Amendments to homestead tax rebate rules	R.1978 d.4	10 N.J.R. 81(b)
18:12-7.11	Amendment on extension of filing date	R.1977 d.448	10 N.J.R. 44(a)
18:12-7.12	Amendment on extension of filing date; homestead tax rebate	R.1978 d.10	10 N.J.R. 81(c)
18:24-4.1, 4.4, 4.7	Revisions on exemptions from sales and use tax	R.1977 d.365	9 N.J.R. 544(a)
18:24-7.8, 7.18, 19.4	Amendments on exemption of certain motor vehicles from sales and use tax	R.1977 d.484	10 N.J.R. 81(a)
18:26-2.5, 6.2, 8.22, 9.13	Amendments on transfer inheritance tax	R.1978 d.31	10 N.J.R. 128(a)
18:33-1.1 et seq.	Closing agreements and compromises	R.1978 d.29	10 N.J.R. 127(d)
18:35-1.8	Information returns for 1977 and subsequent years	R.1977 d.460	10 N.J.R. 45(a)

(Rules in the Administrative Code for Title 18 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

(a)

# HUMAN SERVICES

## DIVISION OF PUBLIC WELFARE

### Proposed Amendments Concerning Budgeting of Public Assistance Cases

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend various rules in Chapter 82 of Title 10 in the New Jersey Administrative Code of the Assistance Standards Handbook, concerning the determination of eligible unit, overpayments, exclusion from income of HUD vendor payments and so forth.

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

10:82-1.3(b)1. When all eligibility factors are present in a [two-person] family of two or more people, the individuals not receiving SSI benefits shall comprise [an] the eligible unit [of one]. This applies to a parent as well as to a child.

10:82-1.3(d) The eligible unit shall include the [following] parent(s) and/or needy parent person(s) with whom the eligible children live, unless such parent has incurred a penalty of ineligibility, is an SSI recipient or is an illegal alien.

10:82-1.4(a) The AFDC-C segment shall include:

1. The natural or adoptive parent(s) of one or more of the eligible child(ren), except when excluded in accordance with subchapter 2 of this chapter;

2. The stepparent . . .

3. An enumerated parent-person and his/her spouse, . . .

[b] 4. When the child(ren) lives with a parent-person who is not him/herself applying for assistance and a natural or adoptive parent is not in the home, only the eligible child(ren) comprises the eligible unit.

(b) The AFDC-F segment shall include the natural or adoptive parents with whom the eligible child(ren) lives when both parents are in the home, are not incapacitated and the father meets the Federal definition of unemployment as set forth in PAM.

(c) A child over 18 and under 21 who is not regularly attending school or formal vocational or technical training is not eligible for AFDC-C or -F and shall not be included in the eligible unit. [However, this child may be eligible for Medicaid if he/she would be otherwise eligible for AFDC-C or -F except that he/she is not in school or training (see PAM sections 3282 and 8540).] For determination of Medicaid eligibility see ASH section 214.

10:82-[13.(d)] 1.4(e) When it is necessary to identify the allowance for an individual member of the eligible unit, such as when this information is required by a court order for support, his/her per capita share of the eligible unit's public assistance allowance is determined from [Schedule I or II as applicable] the per capita table following Section 230.

10:82-2.3(a)3. When the grant is effective after the 20th day of the month, [a per diem] 1/30th of the amount of the appropriate public assistance allowance [for] multiplied by the number of days remaining in the month shall be used in determining the amount of the grant, and all income available from the date of the grant until the end of the month shall be considered.

10:82-2.4(b) When the natural or adoptive parent is not included in the eligible unit and has earned or unearned income of his/her own, such income, less the parent's per capita share of the allowance standard for the eligible unit with the parent included, shall be applied to the needs of the eligible children, except in stepparent situations as stated in section 213.5 or when such parent is an SSI recipient.

10:82-2.6(a)2. Prorate the difference on a per diem basis (for example, divide by [number of days in the month] the number 30).

## OTHER AGENCIES — TITLE 19

19:1	Amended rules of Mortgage Finance Agency	R.1977 d.442	10 N.J.R. 47(a)
19:6-3.1 et seq.	Uniform procedures for administration of Meadowlands construction code	R.1977 d.457	10 N.J.R. 49(a)
19:8-1.1, 3.1(b)	Amendments on use of Parkway by trucks	R.1977 d.419	9 N.J.R. 603(d)
19:8-1.8	Revisions on Garden State Parkway commuter parking	R.1977 d.270	9 N.J.R. 448(b)
19:9-4.1 et seq.	Rules on inspection and obtaining of Turnpike Authority records	R.1977 d.265	9 N.J.R. 448(d)
19:10-1.1 et seq.	Revised rules on PERC	R.1977 d.272	9 N.J.R. 448(a)
19:16-1.1 et seq.	Rules on negotiations, public fire and police departments	R.1977 d.349	9 N.J.R. 497(a)
19:25-12.1(b)	Revisions on reporting of expenditures	R.1977 d.379	9 N.J.R. 548(a)
19:25-15.38-15.41	Rules on election travel, political action committees and valuation	R.1977 d.350	9 N.J.R. 496(b)
19:40-1.1 et seq.	Practices and procedures; Casino Control Commission	R.1977 d.394	9 N.J.R. 546(a)
19:41-1.1 et seq.	Rules on casino applications	R.1977 d.475	10 N.J.R. 4(d)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 128(c)
19:44-1.1 et seq.	Rules on gaming schools	R.1977 d.474	10 N.J.R. 4(c)
19:50-1.1 et seq.	Casino hotel alcoholic beverage control	R.1978 d.13	10 N.J.R. 81(d)
19:51-1.1 et seq.	Rules on casino advertising	R.1978 d.14	10 N.J.R. 82(a)
19:52-1.1 et seq.	Rules on casino entertainment	R.1978 d.15	10 N.J.R. 82(b)
19:53-1.1 et seq.	Rules on casino equal employment opportunities	R.1978 d.16	10 N.J.R. 83(a)

(Rules in the Administrative Code for Title 19 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

3. Multiply [the per diem] this amount by the number of days the child is in the home.

4. Issue [this] the total amount in addition to the regular monthly grant.

10:82-2.10(c) A child over 18 and under 21 who is not regularly attending school or formal vocational or technical training may be eligible for Medicaid if he/she would be otherwise eligible for AFDC-C or -F except that he/she is not in school or training (see PAM sections 3282 and 8540, also see section 8543 regarding eligibility for Medicaid Special).

10:82-2.19(a)4. Determine the amount of the overpayment.

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

[2. Where available resources such as disregarded in-of assistance granted in excess of child support payments can be considered overpayment for purposes of recoupment.

10:82-2.9(c)2. In all other situations [in which] except where overpayment was due to [client error or when the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision,] administrative error, recoupment is limited to available resources such as disregarded income or savings. [When disregarded income or savings do not exist, the current assistance payment shall not be reduced to accomplish such recoupment.]

[Where available resources such as disregarded income or savings, and so forth, exist, the following procedure will be used to determine the amount of recoupment:]

i. [When there is earned income currently available and subject to disregards, deduct from the adjusted allowance the amount of the overpayment(s), not to exceed 20 per cent of the eligible unit's total gross earnings or, where such deduction would in the judgment of the CWA create undue hardship, a lesser amount; and] Situations due to client error not specified other than those specified in 251.2a.

iii. When disregarded income or savings do not exist, the able resources, develop a mutually agreeable arrangement with the client for recoupment of the overpayment.] Where the client has withdrawn from or abandoned the fair hearing request.

iii. [Such recoupment shall be limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.] Where the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision.

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

10:82-3.2(b)7.viii.(6) Payments made through the United States Department of Housing and Urban Development (HUD) section 8, Rental Assistance Program (RAP), which provides funds to certain handicapped individuals and low income families to assist them in meeting shelter costs (see PAM section 8700).

10:82-3.8(a) The following table indicates the legally responsible relatives (LRRs) in each program to whom the policies and standards in this section apply:

Legally Responsible Relative	Program		
	AFDC	MA	MAA
Spouse	X	X	X
Child under age 55	X		X
Any parent of a dependent child under 21	X	X	
Parent under age 55 of a child 21 or over		X	
[Parent under age 55 of blind or disabled child over 21			X]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments on Fair Hearing Process Relating to Food Stamp Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend various portions of the Food Stamp Manual concerning fair hearing process.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):  
10:87-7.10(a)2.ii.(1) Abandonment defined: A request for a hearing shall be considered abandoned if neither the appellant nor his/her representative appears at the time and place established for the hearing, unless, however, the State agency or C.W.A. received notice, not later than the scheduled date of hearing, that the appellant would be unable to attend for [unavoidable cause] reasonable good cause; in which case, the hearing shall be adjourned and rescheduled. No hearing shall be delayed for a period of more than 30 working days under any circumstances except as provided in item 2 below.

(2) If the appellant, or his/her representative, fails to appear for a scheduled hearing without having given proper notice, the State agency shall send a notice of assumption of abandonment to the appellant. If there is no answer within 10 calendar days, the State agency shall deem the hearing abandoned. The appellant shall have the right to present to the State agency, directly or through the C.W.A., in writing, such facts or reasons for the failure to appear. The State agency may, upon its sole discretion, determine whether the facts so presented by the client, or his/her representative, constitutes [such extenuating circumstances] reasonable good cause as is defined in subchapter 3 of this chapter as to warrant reinstatement of the hearing.

10:87-7.12(a)4. In situations where the household demonstrates good cause in its failure to request a hearing during the 10 day advance notice period, the C.W.A. shall be directed to continue or reinstate benefits on the level authorized immediately prior to the notice of the adverse action.

10:87-7.14 Hearing procedure

The date, time, and place of the hearing shall be convenient to the appellant [, as well as to the C.W.A.]. **The hearing shall be scheduled during normal agency business hours.**

10:87-7.19 [(a) The fair hearing record shall be comprised of the following elements:]

10:87-7.19(a) Subsequent medical reports: If the hearing involves medical issues, requiring a diagnosis or a report from an examining physician, the hearing officer may rule that a medical assessment, other than that of the person making the original medical determination, shall be obtained from a source satisfactory to both the appellant and the State agency and, subsequently, to be made part of the hearing record.

[10:87-7.19(a)1. The hearing officer shall prepare a report summarizing who appeared, and what transpired at the hearing. The report shall include the point(s) at issue, findings of fact, supporting regulations, and his/her conclusions of law, based exclusively on the evidence and on matters officially noticed.

i. Disposition of hearing officer's report: The hearing officer's report shall be filed with the State agency. Simultaneously, such report shall be mailed to the client, his/her representative, and to the county welfare board. The report of the hearing officer shall become part of the case record.

ii. Contesting the hearing officer's report: Within 15 days of the mailing of the hearing officer's report, the appellant and/or the county welfare board may file written exceptions, objections and replies thereto with the State agency, with a copy of such written comment to the other party.]

[10:87-7.19(a)3. The recommendations of the hearing officer, if any, shall be based exclusively on the facts which have been elicited through the examination of the issues involved in the appeal, as recorded in the fair hearing record.

4. The final hearing decision shall be made a part of the fair hearing record (see Item 750).]

10:87-7.20 Fair hearing decision

(a) The hearing decision shall be rendered by the [Director of the Division of Public Welfare,] **hearing officer** and shall be binding upon [all parties to the appeal] **the agency**.

(b) The hearing officer . . .

(Ed. Note: Insert here the former text of N.J.A.C. 10:87-7.19(a)1. noted above.)

10:87-7.22 [Options available to the director] (Reserved)

[The director may adopt the hearing officer's recommendation, make a decision contrary to, or different from, the hearing officer's recommendation, or remand the appeal to the hearing officer for compilation of further evidence.]

10:87-7.25 [Contents of the official decision] (Reserved)

[The official decision shall specifically identify the supporting evidence and the pertinent regulation or policy upon which the decision is based.]

10:87-7.26 [Notification of appellant] (Reserved)

[The appellant shall be afforded a copy of the official decision.]

10:87-7.27 [Final administrative action] **Implementation of hearing decision; responsibilities of State agency**

(a) Responsibilities of State agency - [Final administrative action] **Corrective action as required by a hearing decision shall occur no later than 60 days from the date of the request for a fair hearing, with the following exception:**

10:87-7.28 [Final administrative action] **Implementation of hearing decision; county welfare agency responsibilities**

(a) Unless otherwise directed in the decision itself, the county welfare agency shall implement the corrective and/or remedial measures mandated by the fair hearing decision[, no later than 15 days from the date upon which] as soon as the decision is received. Such implementation shall be reported to the State agency, by mail, [no later than 30 days from the date upon which the decision is received] **upon implementation of the action.**

10:87-7.29 Right to administrative review by director

(a) Both the appellant and the county welfare agency shall have the right to administrative review of the hearing officer's decision provided that a request for such review is made within seven days from the date the decision is rendered by the State agency.

(b) The director may ratify the hearing officer's decision, or make a decision different from, or contrary to, the hearing officer's recommendation. The decision rendered by the director shall constitute final administrative action.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amendments for Rehabilitation Services Long-Term-Care Payments

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:63-1.8 concerning the basis of payment of rehabilitation services in long-term-care facilities.

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

10:63-1.8(d) Reimbursement will be made for physical, speech and occupational therapy based on unit of time as follows:

1. Reimbursement for physical therapy will be made at the rate of \$12.20 per hour of services (or \$6.10 per half hour of service). Reimbursement will be made for the physical therapist's travel time to the facility and is limited to one half of \$12.20 or \$6.10.

2. Reimbursement will be made for speech therapy at the rate of \$14.80 per hour for the speech therapist personal time spent with the long term care patient on a one to one basis. Travel time is not reimbursable.

3. Reimbursement for occupational therapy will be made at the rate of \$12.20 per hour of services (or \$6.10 per half hour of service). Reimbursement will be made for the occupational therapist's travel time to the facility and is limited to one half of \$12.20 or \$6.10.

4. Reimbursement will be made in no less than one-hour segments.

5. Reimbursement for physical and occupational therapies are based upon 3.2 patients per hour (reasonable standard averaging). This standard is subject to a yearly audit to be performed by the New Jersey Medicaid program to determine reasonableness.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

Administrative Practice Officer  
Division of Medical Assistance  
and Health Services  
P.O. Box 2486  
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 PUBLIC WELFARE

#### Amendments to Food Stamp Manual on Claim Determinations, Fraud, Restoration of Lost Benefits and Cash Refunds

On January 27, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-6.14(a)4, 10:87-6.41, 10:87-6.42 and 10:87-6.44 in the Food Stamp Manual concerning claim determinations, fraud, restoration of lost benefits and cash refunds, substantially as proposed in the Notice published October 6, 1977, at 9 N.J.R. 471(a).

An order adopting these amendments was filed on January 31, 1978, as R.1978 d.43 to become effective on March 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Emergency Amendments on Pneumococcal Polyvalent Vaccine

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 an emergency rule concerning the addition of pneumococcal polyvalent vaccine as an allowable immunization in the Physicians' Manual, and technical revisions.

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

Delete text of N.J.A.C. 10:54-3.6(a)2., Childhood immunizations and codes 9450 - 9451 and add new language as follows:

Note: For a description of allowable immunizations, see N.J.A.C. 10:54-3.5.

#### 10:54-3.5 Injection policy

[Note: For a description of Childhood immunizations see section 10:54-3.6 EPSDT procedure codes 9450 through 9460.]

10:54-3.5(a)3. Immunizations: The New Jersey Medicaid Program will pay the physician directly who assumes the cost of the vaccine for immunizations as outlined below. The listed individual procedure codes and fees are based on the cost of the vaccine plus a service charge and are all inclusive covering the cost of administration. No prior authorization is required.

i. 9450 - Immunization - Measles:	\$4.50;
ii. 9451 - Immunization - Rubella:	4.50;
iii. 9452 - Immunization - Mumps:	5.20;
iv. 9453 - Immunization - Measles and Rubella combined vaccine:	6.85;
v. 9454 - Immunization - Measles, Mumps and Rubella combined vaccine:	9.60;
vi. 9455 - Immunization - Diptheria, pertussis, tetanus combined vaccine:	2.50;
vii. 9456 - Immunization - Diptheria, tetanus toxoid combined vaccine:	2.50;
viii. 9457 - Immunization - Diptheria toxoid:	2.50;
ix. 9458 - Immunization - Pertussis vaccine:	2.50;
x. 9459 - Immunization - Tetanus toxoid:	2.50;
xi. 9460 - Immunization - Oral polio vaccine:	2.50;
xii. 9461 - Immunization - Pneumococcal vaccine	7.00.

Polyvalent (If vaccine becomes available free of charge from local, State or Federal government, or any source, the maximum allowable fee would be that of Code 9072).

Note: If any significant price reduction should occur, the reimbursement will be reduced accordingly.

10:54-1.2(a)1. ii. [(3) Childhood immunization (see subchapter 3 of this chapter).]

An order adopting these amendments was filed and became effective on February 1, 1978, as R.1978 d.44 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## INSURANCE

### REAL ESTATE COMMISSION

#### Amendments to Advertising Rules

On January 25, 1978, Joan Haberle, Secretary-Director of the Real Estate Commission in the Department of

Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.15(d) concerning advertising rules, as proposed in the Notice published November 10, 1977, at 9 N.J.R. 534(c).

An order adopting these amendments was filed and became effective on January 31, 1978, as R.1978 d.42.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## LABOR AND INDUSTRY

### BOARD OF REVIEW

#### Proposed Amendment On Appearances Before Appeal Tribunals and the Board of Review

The Board of Review, in the Office of Hearings, Appeals and Review, in the Department of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-6(f), proposes to amend N.J.A.C. 12:20-5.4(b) concerning appearances before appeal tribunals and the Board of Review by third-year law students or graduates of approved law schools.

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

12:20-5.4(b) Appearances for and on behalf of interested parties other than the division at formal hearings before the appeal tribunals and the Board of Review shall be limited to accredited members of the New Jersey bar and **third-year law students or graduates of approved law schools who are participating in a program supervised by a law school or legal aid office and that has been approved by the New Jersey Supreme Court.** This subsection, however, shall not apply to informal hearings, conferences or proceedings not subject to judicial review.

Interested persons may present statements or arguments in writing relevant to the proposal on or before March 29, 1978, to:

Jacob Orenstein, Chairman  
Board of Review, Room 1000  
Labor and Industry Building  
Trenton, New Jersey 08625

The Board of Review may thereafter adopt the proposed rule amendment concerning this subject without further notice.

Jacob Orenstein  
Chairman, Board of Review  
Office of Hearings, Appeals and Review  
Department of Labor and Industry

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF DENTISTRY

#### Proposed Rules on Providing Information to the Public

James F. Flood, President of the State Board of Dentistry in the Division of Consumer Affairs of the

Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposes to adopt the following new regulations concerning advertising and solicitation.

Full text of the proposed new rules follows:

#### 13:30-8.6 Providing information to the public

(a) The purpose of this regulation is to define and establish standards for licensees to provide information about their services to the public.

(b) Notwithstanding any provision of N.J.S.A. 45:6-7, dentists engaged in the practice of dentistry in the State of New Jersey may provide information to the public, by publication in a dignified manner in newspapers, yellow-page directories or comparable written publications or such signs as are permitted in this subsection, concerning location and availability of services and fees for routine professional services. The following shall continue to be considered advertising prohibited by N.J.S.A. 45:6-7(g):

1. Exercising undue influence on the patient, including the promotion of the sales of services, goods, appliances or drugs in such manner as to exploit the patient for the financial gain of the practitioner or of a third party.

2. Directly or indirectly offering, giving, soliciting or receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient in connection with the performance of professional services.

3. Revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient except as authorized or required by law or by the professional board.

4. Advertising a service that the licensee knows or should know is beyond his or her ability to perform.

5. Advertising or soliciting for patronage that is not in the public interest. Advertising or soliciting not in the public interest shall include but not be limited to advertising that:

i. Is false, fraudulent, deceptive, misleading, sensational or flamboyant;

ii. Represents intimidation or undue pressure;

iii. Uses testimonials;

iv. Offers gratuitous services or discounts in connection with professional services, but this clause shall not be construed to relate to the negotiation of fees between professionals and patients or to prohibit the rendering of professional services for which no fee is charged;

v. Makes claims of professional superiority or claims that the materials used are superior;

vi. States or includes fees for professional services, except that the advertising of hourly fees or the advertising of fixed fees or a stated range of fees for specified routine professional services, provided such advertisement clearly states whether additional charges may be incurred for related services which may be required in individual cases, shall be permitted.

6. Failing to respond within 30 days to written communications from the Board of Dentistry or failure to make available to such board any relevant records with respect to an inquiry or complaint about the licensee's advertising practices. The period of 30 days shall commence on the date when such communication was sent from the board by certified mail with return receipt requested to the address appearing in the last registration.

7. Guaranteeing that any service or satisfaction or cure will result from the performing of professional services.

8. Printed advertisements appearing in commercial publications greater than one-eighth of the page, or which include pictorial materials, drawings, sketches, caricatures or the like, or multi-colored print.

9. Signs larger than two square feet or whose lettering exceeds two inches in height or which use flashing or flickering or neon lights. No more than two such signs may be visible from any one vantage point.

10. Use of circulars, flyers, matchbooks, mirrors, throwaways, bumper stickers or other such articles.

11. Use of a name of a professional association which includes words other than the name of the licensees of that professional association unless the name of the licensees are displayed at least as prominently as the other words in the professional association's name and provided that the other words of the name of the professional association could not be reasonably construed to indicate an association or relationship with any governmental entity or with any established professional society or organization or the use of which violates any of the other provisions of this regulation. Any licensee practicing as part of a group practice or association or at a hospital, clinic or multi-professional facility shall be required to wear an identifying badge indicating his or her name and professional status. Employees of such licensees shall also be required to wear similar badges indicating their names and professional or occupational status, which status shall be limited to the following: dentist, dental hygienist, dental assistant, dental laboratory technician, secretary, receptionist, registered nurse, practical nurse, business manager or office manager. For purposes of this provision, employees of a professional association shall be construed to be employees of all individual members of such association.

i. Any violation of these rules and regulations by a professional association or dental clinic may be construed to be a violation by all of the individual licensees of that association or clinic.

12. All advertisements which state or include fees for services must include the words: "Additional charges may be incurred for related services which may be required in individual cases."

13. For purposes of this rule, "routine professional services" shall include and be limited to:

- i. Examination;
- ii. Prophylaxis;
- iii. X-rays;
- iv. Fluoride treatment;
- v. Simple one-surface silver amalgam fillings;
- vi. Simple extractions.

Interested persons may present comments concerning the above rules at a public hearing to be held at 10:00 A.M., March 29, 1978, at the Holiday Inn, Route 1 South, North Brunswick, New Jersey. Written comments may be submitted on or before March 29, 1978, to:

Herman Hammerschmidt  
Secretary, Board of Dentistry  
150 East State Street  
Trenton, New Jersey 08625

The Board of Dentistry may thereafter adopt these rules substantially as proposed without further notice.

James F. Flood  
President  
Board of Dentistry  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

##### Proposed Amendments Concerning Temporary Ophthalmic Technician Permit

Robert Hillman, President of the Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13, proposes to revise the rules of the board to allow the holder of a temporary ophthalmic dispenser permit to work unsupervised and to accept as qualified an out-of-State licensee.

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

##### 13:33-1.11 Temporary ophthalmic dispenser permit

[(a) Any person with appropriate ophthalmic dispensing qualifications who can prove such qualifications to the board may apply for a temporary ophthalmic dispenser's permit to secure employment in New Jersey under the supervision of an ophthalmic dispenser licensed by the State of New Jersey, an optometrist licensed by the State of New Jersey or a physician licensed by the State of New Jersey.

(b) The permit shall be issued for a period of one year and shall not be renewed except for the following reasons:

1. The person can show reasons beyond his control, satisfactory to the board, that he was unable to work the full time;

2. To enable the person to take the first succeeding examination following the one-year period;

3. If said person is unsuccessful in passing the examination, the permit may be renewed to enable him to take the next succeeding examination.

(c) No applicant shall be permitted to take the examination under this section more than three times.

(d) A fee of \$5.00 will be charged for each permit.]

**A temporary dispenser permit shall be issued only to an individual from out of the State of New Jersey who is licensed in another state and can prove at least four years of ophthalmic dispensing experience.**

Interested persons may present statements or arguments in writing, orally, in person or by telephone relevant to the proposed action on or before March 31, 1978, to:

Robert Hillman, President  
Board of Ophthalmic Dispensers and  
Ophthalmic Technicians  
1100 Raymond Boulevard, Room 503  
Newark, N.J. 07102  
Telephone: (201) 648-2840

The Board of Ophthalmic Dispensers and Ophthalmic Technicians, upon its own motion or at the instance of any interested party, may thereafter adopt the attached rules substantially as proposed without further notice.

Robert Hillman, President  
Board of Ophthalmic Dispensers  
and Ophthalmic Technicians  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF OPTOMETRISTS

##### Proposed Rules on Availability of Records, Prescriptions and Specifications to Patients

Richard Rosenberg, 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 the availability of records, prescriptions and specifications to patients.

Proposed rules concerning the same subject appeared in the November 10, 1977, New Jersey Register at 9 N.J.R. 538(b). Since substantial changes have been made, the following revised rules are now being proposed.

Full text of the proposed new rules follows:

#### 13:38-6.1 Availability of records

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

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

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

(d) The provisions of N.J.S.A. 45:12-11 shall govern violation of the above rule by registrants.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

Board of Optometrists  
Department of Law and Public Safety  
1100 Raymond Boulevard  
Room 501  
Newark, N.J. 07102

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

Richard P. Rosenberg  
President, Board of Optometrists  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BUREAU OF SECURITIES

##### Proposed Rules Concerning the Corporation Takeover Bid Disclosure Law

James McLelland Smith, Chief of the Bureau of Securities in the Department of Law and Public Safety, Division of Consumer Affairs, pursuant to authority of N.J.S.A. 49:5-11.a of the New Jersey Corporation Takeover Bid Disclosure Law, proposes to adopt rules and forms as

revised. The rules and forms were initially published on October 6, 1977, in the New Jersey Register, Volume 9, Number 10 (9 N.J.R. 486(a)).

The material revisions include a new definition of "capital assets"; the addition to proposed regulation 13:47A-26.2 of a description of material terms to be given to the wire services; the addition to proposed regulation 13:47A-28.3 of provisions for computation of time periods; and the amendment of form T-1 to follow more closely the wording of section 3.b of the New Jersey Corporation Takeover Bid Disclosure Law.

The objective of these rules and forms is to set fees, define terms, set forth the procedures to be followed in complying with the filing provisions of N.J.S.A. 49:5-1, et seq., which was enacted on April 27, 1977, specify the required contents of certain filings, and to aid persons required to make filings.

Copies of the full text of the proposed new rules and forms as revised may be obtained from:

James McLelland Smith  
Chief, Bureau of Securities  
Room 308, 80 Mulberry Street  
Newark, N.J. 07102  
(201) 648-2040

Interested persons may present statements or arguments in writing relevant to the proposed new rules or forms on or before April 21, 1978, to James McLelland Smith, Chief, Bureau of Securities, at the above address.

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

James McLelland Smith  
Chief, Bureau of Securities  
Department of Law and Public Safety

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

##### Proposed New Rules on Unsatisfied Claim and Judgment Fund Reimbursement of Excess Medical Expense Benefits

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:6-73.1 proposes to adopt a new rule to be cited as N.J.A.C. 13:18-10.1 et seq., concerning the Unsatisfied Claim and Judgment Fund's reimbursement of excess medical expense benefits paid by insurers.

Full text of the proposal follows:

#### SUBCHAPTER 10. UNSATISFIED CLAIM AND JUDGMENT FUND'S REIMBURSEMENT OF EXCESS MEDICAL EXPENSE BENEFITS PAID BY INSURERS

##### 13:18-10.1 Notification of potential for payment of excess medical expense benefits

An automobile liability insurance carrier shall, as soon as practical, notify the Unsatisfied Claim and Judgment Fund on forms provided by the fund of all claims for medical expense benefits, as defined in N.J.S.A. 39:6A-2(e), where the potential exposure to the carrier exceeds \$75,000

on account of personal injury to any one person in any one accident occurring after 12:00 A.M. on February 19, 1978.

**13:18-10.2 Report of such claims when the carrier has paid at least \$50,000 for medical expense benefits**

In cases where the potential exposure to the automobile liability insurance carrier exceeds \$75,000, the carrier shall report on forms provided by the fund whenever medical expense benefits in a total amount of \$50,000 have been paid on account of personal injury to any one person in any one accident.

**13:18-10.3 Notice of change in the amount of reserves**

Whenever an automobile liability insurance carrier has paid medical expense benefits on account of personal injury to any one person in any one accident in a total amount of \$50,000, said carrier shall notify the fund of any changes in the amount of reserves established for payment of the claim or closing of the file.

**13:18-10.4 Supplemental form to be submitted to the fund**

A reimbursement and reserve form shall be filed with the fund within 90 days after an automobile insurance liability carrier has paid medical expense benefits on account of personal injury to any one person in any one accident in a total amount of \$75,000. Such form shall be filed each quarter that the carrier seeks reimbursement.

**13:18-10.5 Carrier's continuing obligation to investigate claims**

An automobile liability insurance carrier shall be required to discharge its duty of investigating claims where the potential exposure to the carrier exceeds \$75,000. Said carrier's duty and obligation with regard to claim handling shall exist and continue to exist notwithstanding this regulation. The fund manager may direct such investigations as often as he deems necessary. All expenses relating to the investigation of claims, including expenses for medical examinations and file maintenance, are the responsibility of the automobile liability insurance carrier.

**13:18-10.6 Reimbursement of excess medical expense benefits paid by insurers**

(a) Carriers shall submit to the fund itemized accounts with supporting documentation of claim payments as soon as practicable after the close of the quarter for which reimbursement is sought. The fund shall reimburse automobile liability insurance carriers for excess medical expense benefits on a quarterly basis. Carriers shall not be reimbursed for interest, attorney fees or punitive damages.

(b) The fund shall not reimburse a carrier for excess medical expense benefits if it is determined that there are multiple insurance policies applicable to a claim unless a carrier or carriers have expanded medical benefits in an amount exceeding \$75,000 per policy on account of personal injury to any one person in any one accident.

(c) Where the fund has reimbursed a carrier for excess medical expense benefits and thereafter determines that there were or are multiple insurance policies applicable to the underlying claim, the carrier shall return all moneys paid from the fund. The carrier(s) shall apportion the medical benefits payment and make individual application to the fund where the potential exposure to the carrier(s) exceeds \$75,000 per policy on account of personal injury to any one person in any one accident.

(d) Whenever a carrier recovers amounts expended by it for medical benefits it shall not be reimbursed for excess medical expense benefits unless it has fully repaid the amount previously reimbursed by the fund.

**13:18-10.7 Audits**

Upon request of the fund, the carrier(s) shall present for audit at the direction of the fund manager at a New Jersey location all policy and claim records on which notice of potential for payment of excess medical expense benefits have been submitted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

John A. Waddington, Director  
Division of Motor Vehicles  
Department of Law and Public Safety  
25 South Montgomery Street  
Trenton, N.J. 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

John A. Waddington  
Director  
Division of Motor Vehicles  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

##### Amendments Concerning Professional Advertising

On October 6, 1977, Robert Troast, President of the Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:33-1.35(a) concerning professional advertising, substantially as proposed in the Notice published August 4, 1977, at 9 N.J.R. 372(b), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

Full text of the amended rules follows:

13:33-1.35(a) It shall be lawful for an ophthalmic dispenser or ophthalmic technician to advertise; provided, however, that [no mention shall be made, either directly or indirectly by any means whatsoever, of a discount, any definite or indefinite price or credit terms on corrective ophthalmic lenses, frames, complete prescription or corrective glasses; and provided, that] such ophthalmic dispenser or ophthalmic technician does not advertise in any manner that would tend to mislead or deceive the public or that would in any manner discredit others in the eye care field [.] and provided that:

1. Any advertisement, placed on or in newspapers, magazines, radio, television, flyers, on-premise signs, off-premise signs, and the like, which contains the price of corrective lenses, frames, or complete corrective eye-glasses must, for each stated price:

i. Specify the type of lenses being offered, such as single vision, bifocal, trifocal, or any other category; tints, colorations; standard size or oversize; glass, plastic, or other material.

ii. Specify the type of frame such as metal, zyl, rimless, or any other category, together with brand name; where

precious metals such as silver or gold have been used in the manufacture of the frame, advertising must conform to E.T.C. rules applicable to the jewelry industry; and, if a manufacturer's discontinued frame, this characteristic must be stated.

2. Where delivery time is advertised, any restrictions imposed upon such delivery shall be in a minimum of 10 point type and shall be placed adjacent to indicated delivery time.

3. Where warranties and guarantees are advertised, all exceptions attendant upon such warranty or guarantee shall be listed.

4. Those providers who advertise prices of lenses, frames, or complete corrective eyeglasses are required to answer telephone inquiries on the availability and the prices of the advertised ophthalmic goods.

5. The advertising and marketing practices regulations of the Division of Consumer Affairs, N.J.A.C. 13:45A-9.1 et seq., shall apply to the advertisement of corrective lenses, frames and complete eyeglasses.

An order adopting these amendments was filed and became effective on January 27, 1978, as R.1978 d.32.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF ALCOHOLIC BEVERAGE CONTROL

#### Deletion of Address Throughout Division's Rules

On January 25, 1978, 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, deleted all references within the division's rules concerning the address of 25 Commerce Drive, Cranford, New Jersey 07016.

The rules of the Division of Alcoholic Beverage Control are cited as N.J.A.C. 13:2-1.1 et seq. The effect of this amendment is to delete the street and town address of the Division of Alcoholic Beverage Control throughout its rules. Thus, whenever the words "Division of Alcoholic Beverage Control, 25 Commerce Drive, Cranford, New Jersey 07016" appear in N.J.A.C. 13:2-1.1 et seq., it will now become merely "Division of Alcoholic Beverage Control." This deletion is necessary because the division is moving its offices to a new address.

An order deleting these references to addresses was filed and became effective on January 27, 1978, as R.1978 d.33 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION ON CIVIL RIGHTS

#### Rule Concerning Costs at Hearing

On December 28, 1977, Vernon N. Potter, Director of the

Division on Civil Rights in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 10:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedural rule concerning costs at hearing.

Full text of the adoption follows:

#### 13:4-12.9 Costs at hearing

(a) When a default hearing has been convened upon proper notice to all parties, and during or after the hearing a party moves to have the order of default vacated, and the director vacates the default upon the motion by the party, the director may assess costs of the hearing against the party so moving upon a recommendation of the hearing examiner.

(b) When a public hearing has been scheduled upon due notice to all parties, an adjournment will not be granted except upon timely application to the director and for good cause shown. The granting of an adjournment may be conditioned upon the assessment of costs incurred by the division, parties or witnesses, as a result thereof.

(c) Costs, which are those costs normally paid by the division in such cases, shall include but not be limited to the court reporter's fee, hearing examiner's fee, witnesses' fees, and any other administrative expenses incurred as a result of adjourning and rescheduling the hearing.

An order adopting this rule was filed and became effective on February 3, 1978, as R.1978 d.46 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### OFFICE OF WEIGHTS AND MEASURES

#### Amendments to Rules on Weights and Measures

On January 19, 1978, William J. Wolfe, superintendent 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. 51:1-54, 61, 51:4-31, 51:8-4, 51:9-10, 51:10-11 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21 and 13:47B-2.1 et seq., concerning weights and measures, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 588(a).

An order adopting these amendments was filed and became effective on February 21, 1978, as R.1978 d.56.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Rules on Motorized Bicycles

On January 30, 1978, John A. Waddington, Director of

the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:4-14.3, 39:4-14.3a et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:25-1.1 et seq., concerning motorized bicycles, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 19(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

The substantive changes mainly concern the deletion of proposed subchapter 7 and the renumbering of the proposed subchapter 8 to be cited as subchapter 7 therein.

An order adopting these rules was filed and became effective on February 21, 1978, as R.1978 d.58.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Deletion of Rules on Classes Of Abandoned Vehicles

On January 30, 1978, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10A-6 and in accordance with applicable provisions of the Administrative Procedure Act, deleted in its entirety the current text of N.J.A.C. 13:20-27.1, concerning classes of abandoned vehicles, and marked that section and subchapter as Reserved, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 17(b).

An order adopting this deletion was filed and became effective on February 22, 1978, as R.1978 d.66.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Amendments on Motor Vehicle Reinspection Centers Which Certify Repairs on Engine Emissions

On January 30, 1978, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-2 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:20-32.3(b) and 13:20-33.22(b), concerning motor vehicle reinspection centers licensed to certify repairs in the engine emission category, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 17(a).

An order adopting these amendments was filed and became effective on February 22, 1978, as R.1978 d.67.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Amendments on Supplementary Documents with Initial Applications for Drivers' School Licenses

On January 30, 1978, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:12-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:23-2.2(d), concerning supplementary documents which must accompany initial applications for drivers' school licenses, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 16(e).

An order adopting these amendments was filed and became effective on February 22, 1978, as R.1978 d.68.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## ENERGY

### THE COMMISSIONER

#### Notice on Coastal Energy Impact Program Intrastate Allocation Process

Take notice that I, Joel R. Jacobson, Commissioner of the Department of Energy, pursuant to the authority of the Department of Energy Act and Governor Byrne's designation on January 18, 1978 of the Department of Energy as the State agency to receive and administer the grants for implementing the Coastal Energy Impact Program of the Coastal Zone Management Act, as amended 33 U.S.C. 1451 and others, propose to conduct a public meeting and receive comments on the draft process proposed to be used by the Department of Energy to allocate Federal financial assistance allotted to New Jersey under the Coastal Energy Impact Program.

The program is to provide financial assistance to local governments affected by the development of offshore energy resources. The public meeting will be March 23, 1978, beginning at 10:00 A.M., in hearing room 2 of the Board of Public Utilities, Newark, New Jersey.

Copies of the draft New Jersey Coastal Energy Impact Program Intrastate Allocation Process are available from:

Phyllis Salvato-Cole  
C.E.I.P. Coordinator  
Department of Energy  
101 Commerce St.  
Newark, N.J. 07102

Interested persons are asked to present statements on the draft process at the public meeting or in writing to the above address on or before March 29, 1978. After the close of the comment period, the commissioner shall submit the allocation process, with revisions as appropriate, to the United States Department of Commerce, National

Oceanic and Atmospheric Administration for Federal approval, pursuant to 15 CFR 931.

Please take notice that, this draft process has been developed cooperatively by the Department of Energy and the Department of Environmental Protection. However, the Department of Energy shall have sole jurisdiction over the revision and allocation process.

This notice is intended to constitute compliance with the public notice requirements of the applicable Federal regulations governing development of the intrastate allocation process.

This Notice is published as a matter of public information.  
G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENERGY

### THE COMMISSIONER

#### Proposed Rules on Air Conditioning Energy Efficiency Ratios

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of P.L. 1977 c. 146, proposes to adopt new rules concerning efficiency ratings for air conditioners and heat pumps.

Full text of the proposal follows:

#### SUBCHAPTER 2. AIR CONDITIONING ENERGY EFFICIENCY RATIOS

##### 14A:3-2.1 Applicability

(a) The standards set forth in this subsection shall apply to all air conditioners or heat pumps either directly or indirectly offered for sale, rent or distribution in this State. Any air conditioner or heat pump manufactured before the effective dates of this regulation or any rebuilt, used or reconditioned air conditioner or heat pump originally manufactured before the effective dates of this regulation shall be exempt from the standards set forth herein.

(b) An air conditioner or heat pump shall not be deemed to be sold, distributed, offered or displayed for sale because of the inclusion of the product in a sales catalog printed or distributed on or before the effective date of these regulations. However, the product may not be sold or distributed within the State without meeting the requirements set forth herein.

##### 14A:3-2.2 Purpose

No person shall sell, rent, distribute, offer for sale, rental or distribution, or attempt directly or indirectly to sell, rent or distribute any air conditioner or heat pump with an energy efficiency ratio less than the standard prescribed herein.

##### 14A:3-2.3 Definitions

For the purposes of these regulations, the following words and terms shall have the following meanings, unless the context clearly indicates or requires another or different meaning or intent.

"Air conditioner" means and includes any electrical appliance which has a compressor, a condenser, an evaporator, and a fan to cool and dehumidify the surrounding air, and which has a cooling capacity rating up to 65,000 BTU/hours, including room air conditioners, unitary cen-

tral air conditioners and packaged terminal air conditioners.

"Cooling capacity rating" means the quantity of heat in British Thermal Units which an air conditioner is capable of removing in one hour.

"Energy efficiency ratio" means the measurement of the efficiency of an air conditioner calculated by dividing the cooling capacity rating by the wattage rating of the air conditioner.

"Heat pump" means a mechanical apparatus for heating or cooling a building or room therein by transferring heat between an external reservoir such as air, water or ground, and the internal environment.

"Packaged terminal air conditioner" means a factory-sealed combination of heating and cooling components, assemblies or sections intended to serve an individual room or zone.

"Room air conditioner" means a factory-encased air conditioner designed as a unit for mounting in a window or through a wall for the purpose of delivering conditioned air to an enclosed space without ducts.

"Unitary central air conditioner" means an air conditioner consisting of one or more factory-made assemblies which normally include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well.

"Wattage rating" means the number of watts of electricity necessary to obtain the cooling capacity rating of an air conditioner.

##### 14A:3-2.4 Test procedure

(a) Samples of all air conditioners and heat pumps subject to the provisions of these regulations shall be tested by the manufacturers or their agents to insure compliance with the requirements hereof in accordance with the following procedures:

1. Room air conditioners: American National Standard Z 234.1 - 1972, sections 4, 5, 6.1 and 6.5.

ASHRAE Standard 16-69, Method of Testing for Rating Room Air Conditioners.

2. Split system central air conditioners: Air Conditioning and Refrigeration Institute Procedure ARI 210-75.

3. Packaged terminal air conditioners: Air Conditioning and Refrigeration Institute Standard ARI 310-76.

##### 14A:3-2.5 Certification

Each manufacturer of an air conditioner or heat pump subject to the provisions of these regulations shall certify annually to the Department of Energy that such air conditioners or heat pumps meet or exceed the minimum energy efficiency ratios provided for in N.J.A.C. 14A:3-2.6, as such are established pursuant to the test procedures outlined in section 4 of this subchapter.

##### 14A:3-2.6 Standards

(a) Energy efficiency ratios shall be as follows:

1. For air conditioners except as otherwise provided:

i. Effective January 1, 1979: 7.0;

ii. Effective January 1, 1981: 8.0.

2. For packaged terminal air conditioners flush mounted with an outside wall:

i. Effective January 1, 1980: 7.0;

ii. Effective January 1, 1982: 8.0.

3. For heat pumps:

i. Effective January 1, 1979: 6.5;

ii. Effective January 1, 1981: 7.5.

##### 14A:3-2.7 Notification

(a) Any person selling, offering for sale or displaying for sale in this State any air conditioner or heat pump, other than unitary central air conditioners manufactured after the effective dates of this regulation, shall set forth

by a conspicuous stamp, tab, label or sign attached to the air conditioner or heat pump, the model number, cooling capacity rating, wattage rating and the energy efficiency ratio for such air conditioner or heat pump, with an explanation as follows:

1. Model number
2. Cooling capacity rating ..... BTU's/hr.
3. Wattage rating: cooling ..... watts
4. Energy efficiency ratio ..... BTU's/hr. watts

(b) In the case of any unitary central air conditioner manufactured after the effective dates of this regulation, the installer of such unitary central air conditioner shall fill in and affix in a prominent position on the indoor section of such installed system a label containing information concerning the installed system's energy efficiency taken from the manufacturer's published specifications or from the current Air Conditioning and Refrigeration Institute's Directory of Certified Air Conditioners and Heat Pumps.

(c) Said stamp, tab, label or sign attached pursuant to this subsection to the air conditioner or heat pump shall include the following statement: The energy efficiency ratio is a measurement of the efficiency of an air conditioner or heat pump when installed according to the manufacturer's instructions. It is calculated by dividing the cooling capacity rating by the wattage rating. The higher the energy efficiency ratio, the more efficient is the unit. The more efficient air conditioners will have an energy efficiency ratio of seven or higher BTU per watt/hour for cooling. Heat pumps must have an energy efficiency ratio of at least 6.5 or higher BTU per watt/hour. State law prohibits the sale of air conditioners or heat pumps with an energy efficiency ratio less than that standard prescribed by the Department of Energy.

#### 14A:3-2.8 Enforcement

Whenever it shall appear to the Department of Energy that a person has engaged in, is engaging in or is about to engage in any practice declared to be prohibited by these regulations, the department may seek and obtain by summary action in the Superior Court an injunction prohibiting such person from continuing such practices or engaging therein or doing any acts in furtherance thereof.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

Mary Patricia Keefe  
Administrative Practice Officer  
Department of Energy  
101 Commerce St.  
Newark, N.J. 07102

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

Joel R. Jacobson  
Commissioner  
Department of Energy

(a)

## ENERGY

### BOARD OF PUBLIC UTILITIES

#### OFFICE OF CABLE TELEVISION

##### Proposed Rules on Cable Television Rate Regulation Under a Common Tariff

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 adopt new rules concerning cable television rate regulation under a common tariff.

Full text of the proposal follows:

#### SUBCHAPTER 18. CATV RATE REGULATION UNDER A COMMON TARIFF

##### 14:17-18.1 Definitions

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

"Competitive system" means any cable television system which lies wholly within the grade A contours of at least three major network broadcast signals shall be defined as a "competitive system". The boundaries of grade A contours in the State of New Jersey shall be delineated as defined by the Federal Communications Commission at 17 CFR § 73.683(a).

"Classical system" means a cable television system, any part of which is located outside the grade A contours of at least three major network broadcast stations shall be deemed a "classical system".

"Low density companies" mean those classical systems providing service in a service area in which the potential subscription is less than 200 subscribers per system mile as reported by the company to the Federal Communications Commission on its form 325.

"High density companies" mean those classical systems providing service in a service area in which the potential subscribership is equal to or greater than 200 subscribers per system mile as reported by the company to the Federal Communications Commission on its form 325.

"Twelve channel system" means any cable television system which provides 12 or fewer simultaneous video channels exclusive of ancillary services for which a separate charge is imposed.

"Greater than 12 channel system" means any system which provides more than 12 video channels simultaneously exclusive of ancillary services for which a separate charge is imposed.

##### 14:17-18.2 Rate structures

(a) The office with the approval of the board shall establish, subject to modification after full public hearing, maximum rates in each of the following categories:

1. Classical high-density 12-channel systems;
2. Classical low-density 12-channel systems;
3. Classical high-density greater than 12-channel systems;
4. Classical low-density greater than 12-channel systems;
5. Competitive 12-channel systems;
6. Competitive greater than 12-channel systems.

(b) A cable television company may increase or decrease its rates at its discretion up to the maximum established by the office in its respective category.

##### 14:17-18.3 Participation

(a) Any cable television company in the State of New Jersey may establish rates under the provisions of this subchapter subject to the following terms and conditions:

1. In the first 12 month period following its election to avail itself of rates under this subchapter, a cable television company shall be entitled to increase its monthly charge for a primary connection by an amount not to exceed \$0.50.

2. In the second 12 month period it shall be entitled to increase its monthly charge by not more than an additional \$0.75.

3. Thereafter, the cable television company is entitled to increase its rates to the class ceiling set by the board and the office without limitation.

4. The entitlement to raise rates to a specific level in any 12 month period shall not be lost if not exercised by the company within that 12 month period, but shall be cumulative.

5. A cable television company may reduce its rates at discretion without impairment of its ability to increase those rates directly to its preexisting maximum allowable rate. Any such reduction or increase in rates shall not be unjustly preferential or discriminatory to any class of existing customers, except that nothing herein shall be construed as prohibiting the provision of free service to schools and libraries.

6. A company with a preexisting rate higher than the class ceiling may avail itself of the provisions of this subchapter and its ceiling is deemed to be its preexisting higher rate.

7. A cable television company which has received an increase in rates in a separate proceeding before the board and which subsequently elects to be governed by the provisions of this subchapter shall not be entitled to increase its rates under the provisions of this subchapter for a period of nine months following the effective date of the increase in rates allowed in the separate proceeding before the board.

8. An election by a cable television company to avail itself of the rates under this subchapter will preclude it from petitioning for an increase in rates through an individual proceeding before the board for a period of 18 months following such an election, or for a period of 12 months following the implementation of any increase in rates pursuant to the provisions of this subchapter above its previous high rates, whichever is later.

#### 14:17-18.4 Implementation of tariff changes

(a) A cable television company may elect to be governed by the provisions of this subchapter by submitting written notice to that effect to the director of the office and serving a copy of same upon the municipal clerk in each of the municipalities in which it renders cable television service.

(b) A cable television company desiring to implement a change in its rates pursuant to the provisions of this subchapter shall submit to the office at least 30 days in advance of the effective date of the increase, a letter reaffirming its classification or, if necessary, documenting and requesting any change thereof, as well as including a tariff revision setting forth the new rates for service. Additionally, each cable television company that makes a filing under this subsection shall, unless otherwise ordered or permitted by the board or director, give notice thereof as follows:

1. Serve a notice of the filing and a copy of the proposed tariff or a copy of the letter or a statement of the effect of the proposed filing upon the municipal clerk in each of the municipalities in which there is rendered cable television service, the charge for which is proposed to be increased.

2. Serve a notice of the filing and a statement of the effect on subscribers of various classes on all current subscribers who are billed on a recurring basis and who will be affected by said filing. Such notice may be by bill insert or by publication in newspapers published and circulated in the cable television company's service area.

3. Proof of service and/or notice shall be filed with the office at least five days in advance of the effective date of the increase.

(c) In the absence of contrary notice from the office, the new rates may be implemented 30 days after filing and making of public notice. In the event of a proposed classification change, either requested by the operator or proposed by the office, implementation of new rates would be postponed for a maximum of an additional 30 days. If no agreement can be reached within such second 30 day period, the new rates would be implemented under bond pending a formal rate decision by the office.

(d) Notwithstanding any definitions herein to the contrary, a cable television company may request or the office may propose that the classification of such company be revised.

#### 14:17-18.5 Provision of inadequate service

Annual public hearings, to be scheduled on a regular basis by the director, concerning the service aspects of cable television systems shall be held throughout the State of New Jersey. If pursuant to such a hearing or as the result of an independent evaluation by the office it is found that there is an indication of significant service problems in a specific system, the board may schedule a hearing thereon. Upon a finding by the board following hearing upon notice that a cable television company is providing seriously inadequate service, a designated portion of the primary monthly service rate not to exceed \$0.50 per subscriber may be ordered deposited into an escrow fund. The moneys in the escrow fund shall be utilized with the approval of the director for the purpose of rectifying the inadequacies found to exist.

#### 14:17-18.6 Provision of superior service

If, following hearing upon notice, a cable television company can demonstrate that it is providing clearly superior service, the office with the approval of the board may in its discretion increase the maximum rate that such a company may charge under these provisions in an amount not to exceed \$0.50 per month per subscriber.

#### 14:17-18.7 Effective date

(a) This subchapter shall become effective immediately, except as follows:

1. The provisions contained in N.J.A.C. 14:17-18.4(b) shall become effective 90 days from the date of promulgation of these rules.

(b) This subchapter shall expire three years from the effective date hereof.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

John P. Cleary, Director  
Office of Cable Television  
101 Commerce Street  
Newark, N.J. 07102

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

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

(a)

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Rules on Restricted Parking on Parts of Routes 79, 21A and U.S. 130**

On January 27, 1978, Russell H. Mullen, Acting 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. 16:28-3.166 through 16:28-3.168, concerning restricted parking on parts of Routes 79, 21A and U.S. 130, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 20(a).

An order adopting these rules was filed and became effective on January 30, 1978, as R.1978 d.34.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Amendments on Restricted Parking On Parts of Routes 21, 44, 17 and 31**

On January 27, 1978, Russell H. Mullen, Acting 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 amendments to N.J.A.C. 16:28-3.59 and new rules, to be cited as N.J.A.C. 16:28-3.161 through 16:28-3.165, concerning restricted parking on parts of Routes 21, 44, 17 and 31, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 21(b).

An order adopting these amendments was filed and became effective on January 30, 1978, as R.1978 d.36.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Amendments on Restricted Parking on Parts Of Routes 70, U.S. 130 and 179**

On January 27, 1978, Russell H. Mullen, Acting 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 amendments to N.J.A.C. 16:28-3.36 and 16:28-3.56 and new rules, to be cited as N.J.A.C. 16:28-3.158 and 16:28-3.159 concerning restricted parking on parts of Routes 70,

U.S. 130 and 179, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 22(a).

An order adopting these amendments was filed and became effective on January 30, 1978, as R.1978 d.37.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Rules on Restricted Parking On Parts of Route 36**

On January 27, 1978, Russell H. Mullen, Acting 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 a new rule, to be cited as N.J.A.C. 16:28-3.160, concerning restricted parking on parts of Route 36 in Long Branch, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 35(a).

An order adopting this rule was filed and became effective on January 30, 1978, as R.1978 d.38.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Amendments on Speed Limits on Parts of Routes 52, U.S. 202, I-676 and I-76**

On January 27, 1978, Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-1.98 and new rules, to be cited as N.J.A.C. 16:28-1.168 through 16:28-1.170 concerning speed limits on portions of Routes 52, U.S. 202, I-676 and I-76, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 19(b).

An order adopting these amendments was filed and became effective on January 30, 1978, as R.1978 d.39.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(f)

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Amendments on Restricted Parking on Parts of Route U.S. 206 in Lawrence Township**

On January 30, 1978, Russell H. Mullen, Acting 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 amendments to N.J.A.C. 16:28-3.83 concerning restricted parking on portions of Route U.S. 206 in Lawrence Township, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 21(a).

An order adopting these amendments was filed and became effective on January 30, 1978, as R.1978 d.35.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Rule on Speed Limits on Parts of Route 31 In Hopewell Township and Pennington Borough

On January 27, 1978, Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-1.171, concerning speed limits on portions of Route 31 in Hopewell Township and Pennington Borough, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 35(b).

An order adopting this rule was filed and became effective on January 30, 1978, as R.1978 d.40.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF PENSIONS

#### PUBLIC EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

##### Proposed Amendment Concerning Change In Contributory Insurance Rate

John P. Olender, Secretary of the Public Employees' Retirement System Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17, proposes to amend N.J.A.C. 17:2-3.3 concerning the contributory insurance rate.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):  
17:2-3.3 Contributory insurance rate

All participating members' contribution rate for contributory group insurance shall be [three quarters] **one half** of one per cent of the member's base or contractual salary, effective as of [November 1, 1970.] **April 1, 1978.**

Interested persons may present statements or arguments in writing relevant to the proposal on or before March 29, 1978, to:

John P. Olender, Secretary  
Public Employees' Retirement System  
Board of Trustees  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

The Public Employees' Retirement System Board of Trustees may thereafter adopt the rule concerning this subject without further notice.

John P. Olender, Secretary  
Public Employees' Retirement System  
Board of Trustees  
Division of Pensions  
Department of the Treasury

(c)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning Transfer Inheritance Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 et seq., proposes to amend N.J.A.C. 18:26-8.22, concerning estates for life or years and the transfer inheritance tax.

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

18:26-8.22 Estates for life or years

(a) A life estate, annuity or estate for a term of years is valued in accordance with the American experience table of mortality, with interest at the rate of five per cent per annum for estates of decedents dying before January 1, 1978. This applies as well in cases where a beneficiary survives the decedent by only a short period.

(b) With respect to estates of decedents dying on or after January 1, 1978, the United States life tables, after December 31, 1970, Single Life Male Six Per Cent and Single Life Female Six Per Cent, published by the United States Department of Health, Education and Welfare, Public Health Service, with interest at the rate of six per cent per annum, shall be used. **This applies as well in cases where a beneficiary survives the decedent by only a short period.**

[(c) This regulation shall take effect July 1, 1978.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 29, 1978, to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
Trenton, N.J. 08646

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(d)

## TREASURY

### DIVISION OF TAXATION

#### Rules on Closing Agreements and Compromises

On January 27, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury,

pursuant to authority of N.J.S.A. 54:50-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 18:33-1.1 et seq., concerning closing agreements and compromises, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 41(a).

An order adopting these rules was filed and became effective on January 27, 1978, as R.1978 d.29.

G. Duncan Fletcher  
 Director of Administrative Procedure  
 Department of State

(a)

**TREASURY**

**DIVISION OF TAXATION**

**Amendments on Transfer Inheritance Tax**

On January 27, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:26-2.5, 18:26-6.2, 18:26-8.22 and 18:26-9.13(a) concerning the transfer inheritance tax, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 43(a).

Take notice that, due to a printing error one line concerning the value of \$150,000 up to \$200,000 at five per cent was omitted from N.J.A.C. 18:26-2.5(b)1. In order to clarify this portion, following is the correct text of the proposed and adopted text of N.J.A.C. 18:26-2.5(b)1:

18:26-2.5(b) Transfers to Class "A" transferees where the decedent dies on or after July 1, 1978, are taxed at the following rates:

1. On any amount in excess of—		
\$ 15,000 up to \$	50,000	2%
50,000 up to	100,000	3%
100,000 up to	150,000	4%
150,000 up to	200,000	5%
200,000 up to	300,000	6%
300,000 up to	500,000	7%
500,000 up to	700,000	8%
700,000 up to	900,000	9%
900,000 up to	1,100,000	10%
1,100,000 up to	1,400,000	11%
1,400,000 up to	1,700,000	12%
1,700,000 up to	2,200,000	13%
2,200,000 up to	2,700,000	14%
2,700,000 up to	3,200,000	15%
3,200,000		16%

An order adopting these amendments was filed and became effective on January 27, 1978, as R.1978 d.31.

G. Duncan Fletcher  
 Director of Administrative Procedure  
 Department of State

(b)

**TREASURY**

**DIVISION OF TAXATION**

**Rule on New Jobs Credit and Corporation Tax**

On January 27, 1978, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury,

pursuant to authority of N.J.S.A. 54:10A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 18:7-5.11, concerning the corporation tax and new jobs credit, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 40(b).

An order adopting this rule was filed and became effective on January 27, 1978, as R.1978 d.30.

G. Duncan Fletcher  
 Director of Administrative Procedure  
 Department of State

**(Other Agencies)**

(c)

**CASINO CONTROL COMMISSION**

**Rules on Casino Service Industries**

On February 15, 1978, 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. 19:43-1.1 et seq., concerning casino service industries, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 4(b), with only inconsequential structural or language changes, in the opinion of the Casino Control Commission.

An order adopting these rules was filed and became effective on February 16, 1978, as R.1978 d.50.

G. Duncan Fletcher  
 Director of Administrative Procedure  
 Department of State

(d)

**PORT AUTHORITY OF  
 NEW YORK AND NEW JERSEY**

**Revisions to Charges at Kennedy International Airport Concerning Boarding Gate Tariff**

On January 12, 1978, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges at Kennedy International Airport concerning boarding gate tariffs.

Full text of the adoption follows:

Resolved, that the schedule of charges for the use of public landing area, public passenger ramp and apron area, public cargo ramp and apron area and public aircraft parking and storage areas at Kennedy International Airport, adopted by the Committee, at its meeting on January 5, 1950 (appearing at page 21 of the Committee minutes of that date), as amended, be and the same is hereby amended, effective February 1, 1978, by adding a new section VIII, entitled "Special Terminal Charge", to read as follows:

"For each eight-hour police tour for providing boarding gate police security requested by an airline or required by Federal regulation when the airline in question has no prior agreement with the Port Authority as to the provision of such service . . . \$200.00."

and be it further

Resolved, that the executive director be and he hereby is authorized, at his discretion to revise the \$200.00 per tour rate as conditions and cost require.

An order adopting these revisions was filed February 2, 1978, as R.1978 d.45 (Exempt, Exempt Agency).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## WATERFRONT COMMISSION OF NEW YORK HARBOR

### Amended Rules of the Commission

On January 24, 1978, the Waterfront Commission of New York Harbor adopted amendments to a portion of its rules.

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

Resolved, that section 1.4 of part 1 of the regulations of the commission be and it hereby is amended as follows, with new matter in bold face and matter deleted in brackets, effective immediately:

1.4 Subpoena of commission records. [Confidential records.] [(a) Information or documents obtained by members, officers or employees of the commission in the course of their official duties and all files of the commission, unless made a matter of public record by the commission, shall be deemed confidential. Members, officers and employees are prohibited from making such confidential information or documents available to anyone other than a member, officer or employee of the commission to be used in the official course of his duties, unless the commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest.] A member, officer or employee of the commission who is served with a subpoena requiring the disclosure of [such] information or the production of [such] documents **not available for public inspection pursuant to section 1.24**, shall, unless otherwise directed by the commission, appear as directed by the subpoena and, unless otherwise authorized by the commission [the authorization described in the preceding sentence shall have been given], shall respectfully decline to discuss the information or produce the documents called for, basing the refusal upon this section. Any member, officer or employee who is served with such subpoena shall promptly advise the commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents. Nothing herein shall prohibit the commission from authorizing the disclosure or exchange of information with any public official, agency or other person upon a finding that the purposes of the act will be effectuated thereby.

[(b) Nothing herein contained shall be construed to prevent the opening for public inspection of the register of longshoremen or the commission's lists of licensees or applicants or gang rosters or any record of the place of employment of any licensee or registrant, nor the

delivery to licensed or registered persons, or to their duly authorized representatives of a copy of any report, application or other paper filed by such person pursuant to the act or this chapter, nor the publication of statistics which do not disclose information of a private or competitive nature relating to licensees, registrations and other persons, nor to prevent inspection and examination of records and files of the commission for purposes of audit by any duly authorized auditors engaged by the commission or designated by proper authority of either State.]

[(c) The commission may authorize the disclosure or exchange of information with any public official, agency or other person upon a finding that the purposes of the act will be effectuated thereby.]

Resolved that section 1.24 of part 1 of the regulations of the commission be and it hereby is rescinded, and the following section 1.24 be and it hereby is adopted, effective immediately:

1.24 Access to records. (a) The records of the commission shall be made available for public inspection and copying, except that access may be denied as to records or portions thereof which:

(1) are specifically exempted from disclosure by State or Federal statute;

(2) if disclosed, would constitute an unwarranted invasion of personal privacy;

(3) if disclosed, would impair present or imminent contract awards or collective bargaining negotiations;

(4) are trade secrets or are maintained for the regulation, supervision or licensing of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the enterprise;

(5) are compiled for law enforcement or official investigatory purposes when their disclosure would interfere with law enforcement investigations or judicial, licensing, registration or disciplinary proceedings or hearings, or deprive a person of a right to a fair trial or hearing or impartial adjudication, or identify a confidential source or disclose confidential information relating to a criminal, licensing, registration or disciplinary investigation, or reveal criminal investigative techniques or procedures, except routine techniques and procedures;

(6) if disclosed, would endanger the life or safety of any person;

(7) are inter-agency or intra-agency materials other than statistical or factual tabulations of data, instructions to the staff of the commission that affect the public, or final commission policy or determinations; or

(8) are examination questions or answers which are requested prior to the final administration of such questions.

(b) Requests for inspection or copying of the records of the commission shall be made to the secretary of the commission upon a form prescribed by the commission and shall contain sufficient information to identify the particular record sought. Such requests shall be made either:

(1) in person during regular business hours at the commission's main offices at 150 William Street, New York, New York 10038; or

(2) by mailing such request, postage prepaid, to Secretary, Waterfront Commission of New York Harbor, at the aforesaid address.

(c) Upon receipt of a request, the secretary shall promptly determine whether or not the records requested

can be made available and will notify the person making the request of such determination. If the request is granted, such person shall also be notified where and when the records will be made available. The commission will provide an opportunity for inspection and copying of the records at a time and place it deems feasible.

(d) The records may be inspected only under the supervision of the secretary of the commission or such other officer or employee as may be designated by the secretary in the commission's office during regular business hours at such other times or places as the secretary deems convenient.

(e) Each request must be responded to within 10 business days of the receipt thereof with reasons being given for denial of access or copying or a statement of the time and place when the record request will be made available. Any person denied access to a record of the commission by the secretary of the commission may within 30 days file an appeal in writing from such denial with the commission's general counsel. Such appeal may be accompanied by a memorandum in support thereof setting forth the reasons why the appellant is entitled to access to the record requested. Such appeals shall be decided by the general counsel. If the appeal is denied, the reasons therefor shall be explained fully in writing within seven business days of the date on which such appeal is received by the general counsel.

(f) Documents which are to be copied will be copied by the commission if practicable and the person requesting a copy will be charged a fee equal to the commission's cost, but no less than \$0.25 for each page of the first 10, \$0.15 for each page of the second 10 and \$0.10 for each additional page. If it is not practicable for the commission to copy such documents, they will be copied commercially and the person requesting the copy will be charged a fee equal to the commission's cost of such commercial reproduction. A fee of \$2.00 will be charged for certification by the secretary of the commission as to the authenticity of any document, or that a record of which the commission is legal custodian cannot be found. In the event a search for records requested requires more than one-half hour, a search fee will be charged at the rate of not less than \$5.00 per hour, or any part thereof, per person assigned to such search. All such fees shall be paid by the person making the request in cash, certified check or bank cashier's check, in advance or at the time of the delivery of any record for inspection or copies of any records or certificate referred to herein.

An order adopting these amendments was filed on February 17, 1978, as R.1978 d.51 (Exempt, Exempt Agency).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

## HEARING UNDERWAY ON STATE'S UNEMPLOYMENT INSURANCE PROGRAM

For the first time since the initiation of Social Security in 1936, public hearings are being held in all parts of the State regarding the unemployment insurance program.

In announcing the hearings, Archer Cole of the State's Employment Security Council said, "We intend to offer the opportunity to all representatives of labor, industry, and the public to attend these public hearings and offer us their opinions, comments, and recommendations concerning the unemployment insurance program of New Jersey. No topic is sacrosanct. Everyone will be given a chance to be heard."

The first two hearings were held in Trenton and Newark, with four others set for Glassboro on Thursday, March 16; New Brunswick on Wednesday, March 29; Paterson on Wednesday, April 12; and Atlantic City on Tuesday, May 2. Locations will be announced in the near future.

Those who wish to testify orally must give notification in writing to the council 10 days in advance of each of the scheduled hearings. Written testimony must also be submitted 10 days in advance. Each person testifying will be permitted a ten-minute oral statement or may submit written testimony.

## SEVERAL NEW LAWS AFFECT COUNTIES AND MUNICIPALITIES

Governor Brendan Byrne recently signed into law the following bills affecting counties and municipalities of the State:

A-442, sponsored by Assemblyman Robert Hollenbeck, (D-Bergen), which allows county sewer districts authorities to vary the rates charged to participants. This will allow the authority to include the cost of extending the system to new participants in the rates charged them. Prior to this, county sewer district authorities were not permitted to vary the rates charges to participants.

The bill specifically authorizes the authority to consider peak flow as a factor in establishing rates.

A-1157, sponsored by Assemblyman James Bornhtimer, (D-Middlesex), which promotes the development of county and municipal recreational services for handicapped persons. The bill authorizes the Department of Community Affairs to develop a comprehensive program for furnishing recreation for handicapped persons, and to develop rules and regulations for administering this program.

A-1475, sponsored by Assemblyman Vincent Pellechia, (D-Passaic), which allows any county or municipality to establish a voluntary deferred salary plan with its employees that will qualify for Federal Internal Revenue Service tax shelter benefits for them.

S-1497, sponsored by Senator Joseph Tumulty, (D-Hudson), former Assemblyman, which permits the State to

lease State-owned riparian lands to counties for recreational purposes. Present law restricts such lease agreements to municipalities.

S-1666, sponsored by Senator Joseph P. Merlino, (D-Mercer), which provides for payment of additional death benefits to certain members of the Public Employees Retirement System.

Under the new law, the beneficiary if an elected official who is elected to office before age 70 and who dies during the term of office but after reaching age 70, or an elected official who is elected or reelected to a term of office after reaching the age of 70 and dies while in office, receives one and one-half times the compensation which the elected official received during his last creditable year of service.

### **CUT HOSPITAL MALPRACTICE INSURANCE**

Governor Brendan Byrne announced that State Insurance Commissioner James J. Sheeran has approved a revision of premium rates for hospital malpractice insurance of the St. Paul Fire and Marine Insurance Company, which will result in substantial savings of projected costs for the 28 hospitals it insures.

The cumulative premium over a five-year period will decrease by 27 per cent. In addition, the hospitals will be given partial refunds on their 1977 premiums, which could run as high as 41 per cent.

The rates are based on what is known as a "claims-made" policy, under which the companies provide coverage for claims made only while a policy is in effect. St. Paul received permission to introduce a claims-made policy in New Jersey in 1976 to replace a "claims-incurred" policy. Under the latter, coverage was provided for incidents of malpractice occurring while the policy was in force even if the resulting claims were not reported until after the policy period.

Sheeran said that a rate schedule was approved for claims-made policies in 1977 on a provisional basis and was subject to revision as soon as sufficient statistical data became available.

"St. Paul has now made a thorough review of its experience and it shows that the rates can be reduced substantially to ease the burden on hospitals of paying for an essential insurance coverage," Sheeran said.

### **JOAN WISKOWSKI NAMED TO HIGH POST IN LABOR-INDUSTRY DEPARTMENT**

Governor Brendan Byrne recently announced the appointment of Joan Wiskowski, 30, of North Brunswick, as Assistant Commissioner of Human Resources in the State Department of Labor and Industry.

Governor Byrne said, "Mrs. Wiskowski's educational background and distinguished career in government make her an excellent choice for this important position." As special assignment and then executive assistant to Labor and Industry Commissioner John J. Horn, Mrs. Wiskowski quickly became familiar with all department program areas, he said.

"She served as liaison between the commissioner and all departments and divisions, as well as in the Governor's Washington office and Congressional delegation. We believe she can do the job."

Mrs. Wiskowski has an A.B., M.A., and Ph.D. in sociology from Douglass College and Rutgers University. She also received her M.B.A. from Rutgers University Graduate School of Business Administration.

### **TWO PER CENT SURCHARGE ADDED TO HOMEOWNERS AND BURGLARY INSURANCE**

A two per cent surcharge, now limited to commercial property insurance, was extended as of March 1 to personal lines of property insurance, including homeowners, burglary and theft coverages, State Insurance Commissioner James J. Sheeran has announced.

Sheeran said the extension of the surcharge to personal lines was necessary to support the FAIR (Fair Access to Insurance Requirements) Plan. This plan was authorized by the Legislature in 1968 as a mechanism for making property insurance available where it was difficult to obtain in the standard market, particularly in urban areas. The plan also sponsors New Jersey's Crime Indemnity Program.

The law established the New Jersey Insurance Underwriting Association, which all fire and casualty companies writing insurance in New Jersey were required to join and through which the property insurance is sold. Financial backup is provided by the Insurance Development Fund, into which the surcharge will be paid.

When the FAIR Plan was first established a surcharge of one and a half per cent was assessed against premiums of all property insurance, including residences. Sheeran removed the surcharge on July 1, 1974, because the value of the fund had reached the maximum allowed by law.

Since that time, however, the FAIR Plan has been suffering continuing losses and claim payments and expenses have been exceeding premiums received. As a result, the surcharge was revived last July 1 but was limited to commercial properties.

The commissioner added that the plan estimates it paid out about \$1.60 in claims and expenses last year for every premium dollar collected, with a resultant overall loss of about \$7.7 million. The plan's estimated deficit for 1978 is \$8.6 million.

The surcharge is expected to yield about \$4 million a year on personal lines and \$4.6 million on the commercial lines.

In the case of homeowners insurance, the surcharge will be imposed on 85 per cent of the total premium, rather than the full premium. The 15 per cent represents the value of the liability portion of the premium. Liability coverages are not sold by FAIR and, accordingly, are not subject to the surcharge.

A public hearing on the extension of the surcharge was held March 1.

### **MINORITY CONTRACTORS SOUGHT FOR TRANSPORTATION PROJECTS**

Governor Brendan Byrne recently announced a new effort to encourage minority and small contractors to submit bids on transportation projects for the Department of Transportation.

"We want to encourage these small businesses to participate in the State's bidding process by making it more convenient for them to do so. This is good not only for them but also for the State since, hopefully, it will create a more competitive climate," the Governor said.

The Department has three locations where such contractors can review plans and specifications, rather than requiring them to obtain information only from the Trenton headquarters.

The plan rooms are in Department offices at 1259 Route 46, Parsippany-Troy Hills, telephone (201) 263-5100; another at the intersection of Routes 1, 9, 21 and 22 in

## UPDATED RULES ISSUED FOR SIX MORE CODE TITLES

Mailing was completed last month of an Administrative Code update for six Departmental Titles, namely, Title 4—Civil Service, 5—Community Affairs, 8—Health, 9—Higher Education, 15—State, and 17—Treasury-General.

The update covered new or amended rules adopted up until Sept. 21, 1977 for these departments, and marks the next update since the November mailing covering nine other Titles.

If Code subscribers do not receive this mailing by March 15, please contact: Division of Administrative Procedure, 10 North Stockton Street, Trenton, N.J. 08608, or phone (609) 292-6060.

Newark, telephone (201) 648-3551; and the third at 325 Lincoln Avenue, Haddonfield, telephone (609) 292-6428. All offices are open from 8:30 a.m. to 4:30 p.m. Inquiries should be made to the Department's Office of Equal Opportunity at (609) 292-1789.

Minority contractors are firms identified as such by Federal regulations, including blacks and Hispanics. They and contractors who carry on a relatively small volume of business may be engaged in such work as paving, plumbing, welding, traffic signal installation, painting and general construction.

### PHARMACY AID FOR AGED AT \$1

Governor Brendan Byrne recently released booklets describing New Jersey's newly revised Pharmaceutical Assistance for the Aged program, believed to be the first of its kind in the nation.

The program provides income-eligible senior citizens with a PAA card entitling them to obtain any prescription drug for only \$1.00, effective January 1, 1978. The balance of the cost will be paid by the State. Seniors with incomes under \$9,000, or under \$12,000 for couples, are eligible.

Seniors who participated in the earlier PAA which involved reimbursement will automatically receive PAA cards.

The booklets and PAA application forms are available at pharmacies, County offices on aging, senior citizen centers or by writing PAA, CNO - 038 Trenton, New Jersey 08625. There is also a toll-free PAA hotline number—800-792-9745.

### BYRNE AIDE GOES TO WASHINGTON

Governor Brendan Byrne announced that Robert G. Torricelli, his assistant legislative counsel, has left that post to take a position on the staff of Vice President Walter Mondale.

Torricelli, 26, of Franklin Lakes, this week joined Mondale's staff in Washington as an associate counsel.

He had been a member of the Governor's staff since 1975 and last year was deputy campaign manager of both the primary and general election campaigns for Governor Byrne.

Torricelli is a graduate of Rutgers Law School, Rutgers College, and is a member of Rutgers University Board of Governors.

## INDEX FOR THIS ISSUE

(Continued from front cover)

	Page
<b>TRANSPORTATION</b>	
Parking rules on 79, 21A, U.S. 130 .....	38(a)
Amend parking on Routes 21, 44, 17, 31 .....	38(b)
Amend parking on Routes 70, 179, U.S. 130 .....	38(c)
Restricted parking on Route 36 .....	38(d)
Speed limits on 52, U.S. 202, I-676, I-76 .....	38(e)
Restrict parking on U.S. 206 .....	38(f)
Speed limits on Route 31 .....	39(a)
<b>TREASURY-TAXATION</b>	
Proposed change on contributory insurance rates ..	39(b)
Proposed changes in transfer inheritance tax .....	39(c)
Adopt rules on closing agreements .....	39(d)
Amend transfer inheritance tax .....	40(a)
Rules on new jobs credits .....	40(b)

### OTHER AGENCIES

Adopt rules on casino service industries .....	40(c)
Revise Kennedy boarding charges .....	40(d)
Waterfront Commission amends rules .....	41(a)

•

Administrative CODE INTERIM INDEX .....

•

PUBLIC INTEREST News Items .....

Next RULES FILING DEADLINE ... March 20
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## 1977 REGISTER BOUND VOLUMES ARE STILL AVAILABLE AT \$14

Orders can still be filled for bound volumes of all 1977 issues of the New Jersey Register at no increase in price over a year earlier.

In addition to the 12 issues, the 610-page volume contains an index of all rules adopted during the year—and of rules that had been proposed but not yet adopted at year-end.

Price is \$14 per copy, payable in advance, with shipment postpaid.

Checks should be made out to, and orders placed with: Div. of Administrative Procedure, 10 North Stockton Street, Trenton, N.J. 08608.

### ONE CHECK FOR HOMESTEAD REBATES

Governor Brendan Byrne has signed the bill providing for the payment to taxpayers of the homestead rebates against State taxes by a single check each year rather than the previous two-check system.

The single payment date will be July 15 this year. As the measure is effective immediately, no checks will be mailed on either April 15 or October 15, 1978.

Treasury Department officials estimate the single payment will result in a savings of approximately \$400,000 annually.