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(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Rule on Quarantining And Branding of Infected Equine Infectious Anemia Horses

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-6 and 4:21-4:22, proposes to adopt a new rule to provide for quarantine and regulation to control the disease of equine infectious anemia (EIA).

Full text of the proposed new rule follows:

SUBCHAPTER 2. EQUINE QUARANTINES AND EMBARGOES

2:5-2.1 Quarantining and branding of infected equine infectious anemia horses

(a) When the disease of equines known as equine infectious anemia exists or is suspected to exist in any horse or stable of horses, the Department may cause to be administered the test most appropriate to ascertain the presence or absence of EIA, swamp fever.

(b) All horses having a positive equine infectious anemia test will be quarantined to the premise. Authorized veterinary agents of the Department will properly identify the positive horses and re-bleed them to make sure that the proper horse has been quarantined.

(c) The owner or custodian shall confine, present, control and restrain such animal(s) for examination tests and identification as necessary.

(d) Animal(s) during the testing period shall be confined and not moved from the premises. Identification marks or devices affixed for the purpose of the test shall not be altered or defaced.

(e) Animals found to be infected with EIA must be permanently identified by a method prescribed by the Department. Infected animals may be humanely destroyed, or moved on a permit issued by an authorized agent under the direction of the Director of Animal Health. Permits will be issued to move animals to slaughter plants, research facilities and to a new location provided the location meets the requirements of the Department.

(f) Positive animals that are not to be destroyed shall be quarantined to the premise and must be kept separate and apart from all other horses on the premises. Stabled

horses shall be kept in tightly-screened quarters and be supplied with separate equipment and tack.

(g) As EIA is an infectious disease of equines for which there is no known cure, official positive animals shall be permanently identified.

(h) They shall be freeze-branded with an identification number on the left side of the neck in a humane manner by an authorized agent. The identification number shall be preceded by the coding number 22A.

(i) The Department will not be liable for any loss of value of the branded horse or for any indemnity for a horse that is voluntarily destroyed.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before August 29, 1973 to:

Dr. C. K. Jewell, Director
Division of Animal Health
New Jersey Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625
Telephone: (609) 292-3965

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Revision to Times Established for Brucellosis Tests

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22, proposes to change times established for Brucellosis tests.

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

2:2-2.10 Times established for Brucellosis tests

[(a) All cattle and goats shall be Brucellosis tested every three years, except dairy cattle in herds where the Brucellosis ring test is conducted.]

NEW JERSEY REGISTER

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

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Subscriptions to the official New Jersey Administrative Code containing all State rules in loose-leaf, updated volumes are also available from the Division or by using the official order form on the last page.

[(b)] (a) The New Jersey Department of Agriculture may subject [dairy] any herds to a blood test for Brucellosis whenever it is deemed necessary.

[(c)] (b) Officially vaccinated dairy heifers under 20 months of age and heifers of the beef breeds under 24 months except those that are parturient, springers, or post-parturient need not be tested.

[(d)] (c) All dairy herds producing milk for sale shall be Brucellosis ring tested every three months.

(d) All females and bulls of the beef breeds are to be back tagged when presented to any auction market. The Department shall supply the necessary tags and glue. Auction markets shall be responsible for correlation in their market records of back tag numbers with their market method of identifying individual cattle. Back tags may be applied at locations other than auction markets when the Department deems its advisability.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before August 29, 1973 to:

Dr. C. K. Jewell, Director
Division of Animal Health
New Jersey Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625
Telephone: (609) 292-3965

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Revision to Times Established for Tuberculin Tests

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-19, proposes to change times established for tuberculin tests.

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

2:2-3.3 Times established for tuberculin tests

(a) [All cattle two years of age and older and goats one year of age and older] All dairy herds producing milk for sale shall be tuberculin tested every three years.

(b) No tuberculin test shall be conducted within 60 days of a prior test, except when the cervical test is used by a State or Federal veterinarian.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before August 29, 1973 to:

Dr. C. K. Jewell, Director
Division of Animal Health
New Jersey Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625
Telephone: (609) 292-3965

The State Board of Agriculture, upon its own motion or at the instance of any interested party, may thereafter

adopt this revision substantially as proposed without further notice.

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Proposed Rule to Regulate Labeling of Eggs

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.22, proposes to adopt a new rule concerning labeling of eggs.

Full text of the proposed new rule follows:

2:71-1.33 Labeling of eggs

(a) No package, carton, case, container or advertisement shall be labeled so as to include the words "New Jersey", "Jersey", the name of any county, municipality or geographic area within the State, in whole or in part, or any word or words that imply the same, except as it appears in the name or address of the packer or distributor, unless the eggs contained therein were produced in New Jersey or the declared geographic area thereof.

(b) The name and address of the packer or distributor shall be in bold face type not less than 1/8 inch nor more than 9/32 inch in height, all in the same size, style and color of type.

(c) Each package, carton, case, container, display or advertisement may be considered as a separate violation.

This regulation shall be effective January 1, 1975.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before August 29, 1973, to:

Delmar K. Myers, Director
Division of Regulatory Services
New Jersey Department of Agriculture
John Fitch Plaza
Trenton, New Jersey 08625
Telephone (609) 292-5575

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(c)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Commercial Values

On July 25, 1973, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.26 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:69-1.11 concerning commercial values, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 214(a).

An order adopting these revisions was filed and effective July 25, 1973, as R.198.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

BANKING

DIVISION OF BANKING

Proposed Revisions In Required Reserve For Banks Not Members of Federal Reserve System

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48, proposes to revise the rule concerning required reserve to be maintained by banks not members of the Federal Reserve System.

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

3:8-3.1 Required reserve

(a) Each bank of this State not a member of the Federal Reserve System shall maintain as its required reserve:

1. Three per cent of its savings deposits and time deposits, open accounts of individuals such as Christmas and vacation clubs; and up to \$5,000,000 of other time deposits, open accounts or time certificates of deposit;

plus

2. Five per cent of its other time deposits, open accounts or time certificates of deposit in excess of \$5,000,000;

plus

3. Eight per cent of its immediate liabilities if its aggregate immediate liabilities are \$2,000,000 or less; \$160,000 plus [16] 10½ per cent of its immediate liabilities in excess of \$2,000,000 if its aggregate immediate liabilities are in excess of \$2,000,000 but less than \$10,000,000; [\$960,000] \$1,000,000 plus [12] 12½ per cent of its immediate liabilities in excess of \$10,000,000 if its aggregate immediate liabilities are in excess of \$10,000,000 but less than \$100,000,000; [\$11,760,000] \$12,250,000 plus [13] 13½ per cent of its immediate liabilities in excess of \$100,000,000 if its aggregate immediate liabilities are in excess of \$100,000,000 but less than \$400,000,000; or [\$50,760,000] \$52,750,000 plus [17½] 18 per cent of its immediate liabilities in excess of \$400,000,000.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department of Banking
Trenton, N.J. 08625

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

Roger F. Wagner
Acting Commissioner
Department of Banking

(b)

BANKING

DIVISION OF BANKING

Proposed Rule On Approval of Investment In Student Loan Marketing Association

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-25.2, 17:9A-25.3, 17:9A-182.1 and 17:9A-182.2, proposes to adopt a new rule

concerning approval of investment in the Student Loan Marketing Association.

Full text of the proposed rule follows:

3:11-6.3 Approval of investment in Student Loan Marketing Association

(a) Banks are authorized to subscribe for, purchase and hold common stock in the Student Loan Marketing Association.

Authority
N.J.S.A. 17:9A-25.2, 17:9A-25.3

(b) Savings banks are authorized to subscribe for, purchase and hold common stock in the Student Loan Marketing Association.

Authority
N.J.S.A. 17:9A-182.1, 17:9A-182.2

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department of Banking
Trenton, N.J. 08625

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

Roger F. Wagner
Acting Commissioner
Department of Banking

(c)

BANKING

DIVISION OF BANKING

Proposed Rule On Verbal Advertisement For Secondary Mortgage Loans

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-46L(5), proposes to adopt a new rule concerning verbal advertisement involving secondary mortgage loans.

Full text of the proposed rule follows:

3:18-7.6 Verbal advertisement

A verbal advertisement by radio, television or otherwise shall include a statement to the effect that the type of loan involved is a secondary mortgage loan. The term 'statement' as used herein shall mean and include any verbal or visual communication, provided that if visual communication is employed, it must appear for the total time said advertisement is broadcast.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department of Banking
Trenton, N.J. 08625

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

Roger F. Wagner
Acting Commissioner
Department of Banking

(a)

BANKING

DIVISION OF BANKING

Proposed Revisions In Reserve Required By Savings Banks Against Demand Deposits

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311, proposes to revise the rules concerning reserve required by savings banks against demand deposits.

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

3:8-5.1 Reserve required

Savings banks which maintain demand checking accounts are required to maintain reserve balances in available funds equal to eight per cent of all immediate liabilities if its aggregate immediate liabilities are \$2,000,000 or less; \$160,000 plus [10] 10½ per cent of its immediate liabilities in excess of \$2,000,000 if its aggregate immediate liabilities are in excess of \$2,000,000 but less than \$10,000,000; [\$960,000] \$1,000,000 plus [12] 12½ per cent of its immediate liabilities in excess of \$10,000,000 if its aggregate immediate liabilities are in excess of \$10,000,000 but less than \$100,000,000; [\$11,760,000] \$12,250,000 plus [13] 13½ per cent of its immediate liabilities in excess of \$100,000,000 if its aggregate immediate liabilities are in excess of \$100,000,000 but less than \$400,000,000; or [\$50,760,000] \$52,750,000 plus [17½] 18 per cent of its immediate liabilities in excess of \$400,000,000.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department of Banking
Trenton, N.J. 08625

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

Roger F. Wagner
Acting Commissioner
Department of Banking

(b)

BANKING

DIVISION OF BANKING

Proposed Amendment of Financial Reports Of Bank Incorporators

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-1 et seq., proposes to adopt an amendment to the rule concerning financial reports of bank incorporators.

Full text of the proposed amendment follows:

3:1-2.13(b) This regulation is not intended to indicate that any and/or all matters contained on the financial reports of bank incorporators are evidential and/or materially

relevant at any hearings which might be conducted before a Departmental hearing officer.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

Philip A. Kerner
Deputy Commissioner
Division of Administration
Department of Banking
Trenton, N.J. 08625

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

Roger F. Wagner
Acting Commissioner
Department of Banking

(c)

BANKING

DIVISION OF ADMINISTRATION

Notice of Hearing on Proposed Rule Concerning Selection of Attorney by Mortgage Applicant

Take notice, that the Department of Banking will hold a public hearing on a proposed rule concerning selection of attorney by mortgage applicant (see Notice of proposal published July 5, 1973, at 5 N.J.R. 215(b) for full text) on August 30, 1973, at 10:00 A.M. in the Assembly Chambers, State House, Trenton, New Jersey.

This Notice is published as a matter of public information.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

BANKING

DIVISION OF BANKING

Proposed Revisions in Legal Fees

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-46h, proposes to revise the rule concerning legal fees regarding Secondary Mortgage Loan Act regulations.

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

3:18-5.4 Legal fees; notice

Any licensee who requires any or all of its borrowers to pay a legal fee shall, at least three days prior to the closing of the loan, inform the borrower of such requirement by letter sent by certified mail, return receipt requested. Such letter shall also include an (detailed) itemized statement by the licensee of all legal and other expenses to be paid by the borrower at closing. Each separate item shall be followed by the corresponding dollar amount charged for the performance of said service when the total fee exceeds \$100.00. Proof of compliance with this section must be included in the licensee's loan file.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before August 29, 1973, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department of Banking
Trenton, N.J. 08625

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

Roger F. Wagner
Acting Commissioner
Department of Banking

(a)

BANKING

DIVISION OF BANKING

Rules on Limitations on Mortgage Loans

On July 2, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-69A and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning limitations on mortgage loans, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 182(b).

Such rules may be cited as N.J.A.C. 3:10-1.1.

An order adopting these rules was filed and effective July 2, 1973, as R.1973 d.174.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF ADMINISTRATION

Revisions to Rule on Interest Rates

On July 16, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 31:1-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule which revised N.J.A.C. 3:1-1.1 concerning interest rates.

Full text of the adopted rule follows:

3:1-1.1 Interest rate

(a) The maximum rate of interest to be charged, taken or received upon a loan or forbearance of any money, wares, merchandise, goods and chattels, consummated on or after July 16, 1973, shall be eight per cent per year. Such interest shall be calculated in accord with N.J.S.A. 31:1-1 of the Revised Statutes as amended by Ch. 55, P.L. 1968.

(b) This regulation has prospective effect only. See N.J.S.A. 31:1-1. With specific reference to mortgage loans, where a mortgage loan, contract, or any commitment for such a loan was entered into prior to the effective date of this regulation, the interest rate to be charged thereon shall not exceed the usury rate ceiling in effect at the time such mortgage loan, contract, or any commitment for such a loan was entered into; whether or not the mortgage loan, contract, or commitment for such a loan provides for an increase in the rate of interest during the term of such loan. N.J.S.A. 46:10B-1 et seq.

(c) The rate established herein shall remain in force until such time as this regulation is rescinded or until said rate is increased or decreased by a subsequent regulation.

An order adopting these revisions was filed and effective July 16, 1973, as R.1973 d.191 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF BANKING

Rules on Out-of-State Mortgages

On July 25, 1973, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-65C and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on out-of-State mortgages, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 215(c).

Such rules may be cited as N.J.A.C. 3:10-6.1 et seq.

An order adopting these rules was filed and effective July 25, 1973, as R.1973 d.200.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

BANKING

DIVISION OF BANKING

Rule Concerning Banking Offices Protection

On July 25, 1973, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:108.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rule concerning banking offices protection, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 216(a).

Such rule may be cited as N.J.A.C. 3:6-7.1.

An order adopting this rule was filed and effective July 25, 1973, as R.1973 d.201.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

BANKING

DIVISION OF ADMINISTRATION

Rule on Financial Reports of Bank Incorporators

On July 25, 1973, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rule on financial reports of bank incorporators, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 215(a).

Such rule may be cited as N.J.A.C. 3:1-2.13.

An order adopting this rule was filed and effective July 25, 1973, as R.1973 d.202.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (State Service)

On July 20, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subparts 6-3.101 and 11-4.101 of the Civil Service Personnel Manual (State Service).

Full text of these revisions follows:

PART 6-3 CLASSIFICATION OF POSITIONS

Subpart 6-3.101 Neuter Position Classifications

6-3.101a Subject:

This Subpart deals with the use of neuter class titles where the current title is identified as having a fixed gender.

6-3.101b Policy:

It is the policy of the Civil Service Commission to remove all forms of discrimination on the basis of sex. Accordingly, Civil Service class titles, wherever possible, will be identified by language that does not specify or imply a fixed gender. In those instances where an occupation has been traditionally described in terms denoting a fixed gender and a plausible neuter title cannot be found, the title will be followed by the designation M/W (example: Foreman (Trades) M/W). The M/W designation indicates that the job title is applicable to both men and women.

PART 11-4 DURATION OF ELIGIBLE LISTS

Subpart 11-4.101 Duration Of Employment Lists Resulting From Promotional Procedures

11-4.101a Subject:

This Subpart specifies the Civil Service Commission regulations regarding the periods for promulgation of promotional employment lists in State service.

11-4.101b Requirements:

1. All promotional employment lists produced by the Department of Civil Service under the program of decentralized promotions (7/1/71-6/12/72) and promulgated on or before October 1, 1972, for a duration of one year are extended to a duration of two years from the date of promulgation. This policy does not apply to lists produced by the operating agencies during this period under decentralization procedures.

2. All promotional employment lists for State service promulgated subsequent to October 1, 1972, shall have a duration of two years from the date of promulgation.

An order adopting these revisions was filed and effective July 27, 1973, as R.1973 d.211 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (Local Jurisdiction)

On July 20, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative

Procedure Act of 1968, adopted revisions to Subpart 6-3.102 of the Civil Service Personnel Manual (Local Jurisdiction).

Full text of the revisions follows:

Subpart 6-3.102 Neuter Position Classifications

6-3.102a Subject:

This Subpart deals with the use of neuter class titles where the current title is identified as having a fixed gender.

6-3.102b Policy:

It is the policy of the Civil Service Commission to remove all forms of discrimination on the basis of sex. Accordingly, Civil Service class titles, wherever possible, will be identified by language that does not specify or imply a fixed gender. In those instances where an occupation has been traditionally described in terms denoting a fixed gender and a plausible neuter title cannot be found, the title will be followed by the designation M/W (example: Foreman (Trades) M/W). The M/W designation indicates that the job title is applicable to both men and women.

An order adopting these revisions was filed and effective July 27, 1973, as R.1973 d.210 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Revisions In Definitions Of Building and Multiple Dwelling

Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27-21 and 55:13A-6(a), proposes to revise the definitions of the terms of building and multiple dwelling as they appear in N.J.A.C. 5:10.

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

5:10-2.2 Definitions

BUILDING — [An enclosed structure including service equipment therein. The term shall be construed as if followed by the phrase "structure, premises, or part thereof" unless otherwise indicated by the text.]

BUILDING — A structure built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind, which is:

1. Enclosed within exterior walls on all sides, or
2. Separated from all other structures by a two-hour fire-rated wall constructed in accordance with the provisions of these regulations and,
 - a. Is the only building on an officially mapped and recorded lot except for approved accessory buildings.
 - b. Has its own separate mechanical systems and is connected independently to all public utilities required.
 - c. Has a private entrance off a publically dedicated street by virtue of the fact that the lot on which it stands is contiguous with said street.

MULTIPLE DWELLING — [A building containing three or more dwelling units. Multiple dwelling shall not be deemed to include a hotel, hospital, school, convent, mon-

astery, asylum or other public institution. This definition shall include buildings that are part hotel and part multiple dwelling and buildings that would be hotels save for the size and accommodation requirements.]

MULTIPLE DWELLING — Any building of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other, provided, that this definition shall not be construed to include any building or structure defined as a hotel, or, registered as a hotel with the Commissioner, or occupied or intended to be occupied exclusively as such.

A public hearing respecting the proposed action will be held on Thursday, August 30, 1973, at 9:30 A.M. in the large conference room at the Department of Community Affairs, 363 West State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 7, 1973, to the Department of Community Affairs at the above address.

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

Lawrence F. Kramer
Commissioner
Department of Community Affairs

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions in Requirements For Drivers of Small Vehicles

On June 29, 1973, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 6:21-11.2 concerning the requirements for drivers of small vehicles, as proposed in the Notice published June 27, 1973, at 5 N.J.R. 184(c).

An order adopting these revisions was filed and effective July 3, 1973, as R.1973 d.180.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Extension of Wetlands Order To Portions of Cape May County

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1 et seq., proposes to extend the coverage of the Wetlands Order originally filed and effective April 13, 1972, as R.1972 d.68 (see: 4 N.J.R. 96(d)) to include certain portions of Cape May County.

Full text of the proposed rule extending coverage in Cape May County follows:

7:7A-1.1(a)12. Cape May County (Filed in the office of the county recording officer—Cape May courthouse)

056-1956, 063-1956, 063-1962, 070-1950, 070-1956, 070-1962, 070-1968, 077-1950, 077-1956, 077-1962, 077-1968, 084-1950, 084-1956, 084-1962, 084-1968, 084-1974, 091-1956, 091-1962, 091-1968, 091-1974, 091-1980, 098-1962, 098-1968, 098-1974, 098-1980, 098-1986, 105-1968, 105-1974, 105-1980, 105-1986, 112-1956, 112-1974, 112-1980, 112-1986, 112-1992, 119-1974, 119-1980, 119-1986, 119-1992, 126-1956, 126-1986, 126-1992, 126-1998, 133-1986, 133-1992, 133-1998, 133-2004, 140-1974, 140-1980, 140-1992, 140-1998, 140-2004, 140-2010, 147-1980, 147-1986, 147-1998, 147-2004, 147-2010, 154-1980, 154-1986, 154-1992, 154-1998, 154-2004, 154-2010, 154-2016, 161-1962, 161-1968, 161-1974, 161-1980, 161-1986, 161-1992, 161-1998, 161-2004, 161-2010, 161-2016, 161-2022, 168-1956, 168-1962, 168-1968, 168-1974, 168-1980, 168-1986, 168-1992, 168-1998, 168-2016, 168-2022

A public hearing respecting the proposed action will be held on September 14, 1973, at 1:00 P.M. and continuing into the evening, if necessary, at:

Ocean City Tabernacle
6th and Asbury Avenue
Ocean City, New Jersey

This hearing will be held in accordance with the provisions of the Wetlands Act of 1970, Chapter 272, P.L. 1970.

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, interested persons may present statements or arguments in writing relevant to the proposed action on or before October 15, 1973, to:

Richard J. Sullivan
Commissioner
Department of Environmental Protection
John Fitch Plaza
Trenton, New Jersey 08625

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

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed 1974 Fish Code

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt the Fish Code for the 1974 fishing season.

The Fish Code, if adopted, will be included in Subchapter 6, Chapter 25, Title 7 of the New Jersey Administrative Code.

Copies of the proposed Fish Code have been prepared and a summary supplied to newspapers throughout the

State. The proposed Code states when, under what circumstances, in what localities, by what means and in what amounts and numbers fresh water fish may be pursued, taken or had in possession.

Copies of the full text of the proposed Fish Code may be obtained from: Division of Fish, Game and Shellfisheries, P. O. Box 1809, Trenton, N.J., 08625.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the office of the Division, Room 702, State Labor and Industry Building, John Fitch Plaza, Trenton, N.J., on Tuesday, September 11, 1973 at 4:00 P.M.

Written comments regarding the proposed Code may be filed on or before September 11, 1973 with the New Jersey Fish and Game Council, Division of Fish, Game and Shellfisheries, at the above address.

After full consideration of all submissions respecting the proposed Code, the New Jersey Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt the Code substantially as proposed without further notice.

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Amendment to 1973 Fish Code

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to amend the 1973 Fish Code by a rule concerning the newly created Furnace Brook Impoundment.

Full text of the proposed amendment follows:

7:25-6.14 Furnace Brook impoundment

The newly-created Furnace Brook impoundment shall be closed to all angling as of September 17, 1973, and remain closed until 8:00 A.M. on April 13, 1974.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the office of the Division, Room 702, State Labor and Industry Building, John Fitch Plaza, Trenton, N.J., on Tuesday, September 11, 1973 at 4:00 P.M.

Written comments regarding the proposed amendment may be filed on or before September 11, 1973, with the New Jersey Fish and Game Council, Division of Fish, Game and Shellfisheries at the above address.

After full consideration of all submissions respecting the proposed action, the New Jersey Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt the amendment substantially as proposed without further notice.

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

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed Rules On Manasquan River Traps

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt new rules within the 1973-74 Game Code concerning the Manasquan River and certain traps.

Full text of the proposed rules follows:

7:25-5.27 No person shall capture, kill, injure, destroy or have in possession or hunt, hunt for, or attempt to capture, kill, injure or destroy any migratory waterfowl or migratory bird in that portion of the Manasquan River lying in the Borough of Brielle from the ocean inlet upstream to the Route 70 bridge.

7:25-5.28 Conibear or other killing-type traps, when set in tide waters, must be completely covered by water at normal high tide. Conibear or other killing-type traps set in non-tidal streams, ponds or lakes, must be completely covered by water when the water is at normal level.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the office of the Division, Room 702, State Labor and Industry Building, John Fitch Plaza, Trenton, N.J., on Tuesday, September 11, 1973 at 4:00 P.M.

Written comments regarding the proposed addenda to the Game Code may be filed on or before September 11, 1973, with the New Jersey Fish and Game Council, Division of Fish, Game and Shellfisheries at the above address.

After full consideration of all submissions respecting the proposed action, the New Jersey Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

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

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Extension of Wetlands Order To Cover Portions of Gloucester County

On July 26, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule extending the wetlands order to cover certain portions of Gloucester County, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 140(a).

Such rule may be cited as N.J.A.C. 7:7A-1.1(a)11.

An order adopting this rule was filed July 26, 1973, as R.1973 d.204 to become effective August 13, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Proposed Rule On Food Preparation Facilities And Food Handling Procedures in Licensed Health Facilities

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with approval of the Health Care Administration Board, proposes to adopt a rule concerning food preparation facilities and food handling procedures in licensed health facilities.

Full text of the proposed rule follows:

SUBCHAPTER 5. FOOD PREPARATION AND HANDLING

8:31-5.1 Food preparation facilities and food handling procedures in licensed health facilities

Chapter 12 of the New Jersey State Sanitary Code is to be adopted and applicable to all health care facilities as defined in Chapters 136 and 138, P.L. 1971, Section 2.a. In addition, Section 2.1.19 of Chapter 12, which defines retail food establishments, shall be meant to include health care facilities as defined in Section 2.a. of Chapter 136.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

James R. Cowan
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Bacteriological Standards For Potentially Hazardous Foods

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-8(A) (1) and (2), 26:3-31 (j) and Chapter 12, Section 3.1.6 of the State Sanitary Code, proposes to adopt bacteriological standards for potentially hazardous foods which shall be enforced by local boards of health as well as the New Jersey State Department of Health.

Full text of the proposed standards follows:

8:21-2.35 Bacteriological standards for potentially hazardous foods

(a) Bacteriological standards shall be applied to the following ready-to-eat products sold in New Jersey:

1. Chicken salad;
2. Chopped chicken liver;
3. Coleslaw;

4. Egg salad;
5. Macaroni salad;
6. Potato salad;
7. Shrimp salad;
8. Tuna salad;
9. Turkey salad.

(b) No sample of these foods shall, by bacteriological analysis, contain any of the following;

1. More than 100,000 per gram in total aerobic bacteria plate count;
2. More than 100 per gram of total coliform organisms;
3. More than 100 per gram of coagulase positive staphylococcus aureus;
4. Any salmonella, shigella or enteropathogenic strains of E. coli.

(c) However, if these standards are not met for the potentially hazardous foods specified due to the addition of otherwise wholesome foods having naturally high total bacteria plate counts, the onus of demonstrating that this is indeed the case rests with the food establishment at the point of sampling.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

Dr. Oscar Sussman, Director
Consumer Health Services
State Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

James R. Cowan
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Policy on Skilled Nursing And Intermediate Care Beds

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with approval of the Health Care Administration Board, proposes to adopt a new rule concerning policy on skilled nursing and intermediate care beds.

Full text of the proposed rule follows:

Effective immediately and until March 31, 1974, certificates of need shall not be issued to health care facilities requesting additional skilled nursing or intermediate care beds, or proposing to construct new facilities to accommodate skilled nursing or intermediate care beds.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

The Department of Health, upon its own motion or at the

instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

James R. Cowan
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Revisions to Guidelines for Expediting a Certificate of Need in Transfer of Ownership

On July 9, 1973, James R. Cowan, 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 of 1968, adopted revisions to N.J.A.C. 8:31-4.3(c), 8:31-4.4 and 8:31-4.5 concerning guidelines for expediting a certificate of need in the transfer of ownership, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 187(c).

Take notice that, in the original proposal as published these revisions were incorrectly cited as N.J.A.C. 8:34-4.3, 8:34-4.4 and 8:34-4.5. These revisions will instead be included in Chapter 31, as indicated above.

An order adopting these revisions was filed and effective July 10, 1973, as R.1973 d.184.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Facilities Planning Standards and Approval Procedures for New Jersey Public Colleges and Universities

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq., proposes to delete Subchapters 1 and 2 in Chapter 3 of Title 9 in their entirety and adopt in place thereof facilities planning standards and approval procedures for New Jersey public colleges and universities.

The proposed rules set forth facilities space planning guidelines, utilization standards for academic and supporting administrative space, procedures for requesting approval of proposed facilities construction and instructions for reporting space inventories and utilization.

Copies of the full text of 88 pages of the proposed new rules may be obtained from:

Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to the Department of Higher Education at the above address.

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

Ralph A. Dungan
Chancellor of Higher Education
Secretary, State Board of Higher Education

(c)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Revisions on Alternate Benefit Program

On June 21, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:66-167 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions on the alternate benefit program, substantially as proposed in the Notice published April 5, 1973, at 5 N.J.R. 107(c), with only inconsequential structural or language changes, in the opinion of the Department of Higher Education.

Full text of the adopted revisions follows:

SUBCHAPTER 4. ALTERNATE BENEFIT PROGRAM

9:2-4.1 General provisions

(a) Effective July 1, 1973, the following full-time members of the faculty and administrative staffs of the College of Medicine and Dentistry of New Jersey, Rutgers, the State University, the Newark College of Engineering, the State colleges and the county community colleges appointed to positions as follows are eligible to participate in the Alternate Benefit Program under Chapter 242, Public Law 1969 (N.J.S.A. 18A:66-167 et seq):

1. All officers, such as president, vice president, secretary and treasurer;
2. All members of the faculty, such as dean, associate dean, assistant dean, professor, associate professor, assistant professor, instructor, assistant instructor, and distinguished service professor;
3. All librarians;
4. All academic counselors;
5. All directors, associate directors, and assistant directors in the following areas or functions, providing that those holding such titles serve in applicable academic positions:
 - i. Academic planning;
 - ii. Admissions;
 - iii. Adult, evening or continuing education;
 - iv. Evaluation and psychological services;
 - v. Financial aid;
 - vi. Grant and scholarship programs;
 - vii. Placement;
 - viii. Registrar;
 - ix. Scheduling;
 - x. Student teaching.

(b) The following guideline shall be used as a basis to determine whether specific full-time positions under the above categories, or their equivalents are to be considered as applicable academic positions. Individuals will be considered to be in an applicable academic position if they are:

1. Teaching faculty;
2. Officers of the institutions;
3. Administrative personnel directly in contact with and related to the academic performance of the students and the institution;
4. Administrative personnel who play an integral part in the policy determinations of the institutions.

(c) That in the case of questions arising from the application of the guidelines, the Board of Higher Education hereby delegates responsibility to determine eligibility for participation in the alternate benefit program to the

Chancellor of Higher Education in consultation with the employing institution and the Division of Pensions.

(d) That the holders of the following positions or their equivalent in the Department of Higher Education shall be eligible to participate in the alternate benefit program:

1. Chancellor;
2. Vice chancellor;
3. Assistant chancellor;
4. Special assistant;
5. Executive assistant;
6. Confidential agent;
7. Director;
8. Associate director;
9. Assistant director;
10. Program officer;
11. Program assistant;
12. Program analyst;
13. Program specialist;
14. Academic advisor;
15. Administrative assistant;
16. Administrative services assistant;
17. Career education coordinator;
18. Director, public information and board activities;
19. Educational advisor;
20. Evaluation officer;
21. Graduate placement specialist;
22. Project coordinator, computer planning and information systems;
23. Registrar;
24. Research and development specialist;
25. Special projects officer;
26. Supervisor, fiscal operations;
27. Supervisor, program analysts.

An order adopting these revisions was filed and effective July 2, 1973, as R.1973 d.175.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Rules on Outside Employment For Public Institutions

On July 11, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq., 52:13D-12 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on outside employment for public institutions, substantially as proposed in the Notice published January 4, 1973, at 5 N.J.R. 8(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Higher Education.

Full text of the adopted rules follows:

SUBCHAPTER 10.

GUIDELINES ON OUTSIDE EMPLOYMENT FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND THE DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF HIGHER EDUCATION; AND DEPARTMENTAL CODE OF ETHICS

9:3-10.2 Guidelines on outside employment for full-time employees

(a) All public institutions of higher education and the Department have an obligation to establish a clear definition of the responsibilities of each employee. The primary work obligation of a full-time employee (faculty member, administrator or classified employee) is to the institution by which he or she is employed.

(b) A full-time employee of a public institution of higher education or the Department may engage in outside employment only if the outside employment does not:

1. Constitute a conflict of interest;
2. Occur at a time when the employee is expected to perform his or her assigned duties;
3. Diminish the employee's efficiency in performing his or her primary work obligation at the institution or the Department.

(c) All regular or continuing outside employment of a full-time employee of a public institution of higher education or the Department during the regular work year should ordinarily have the prior and continuing written approval of the chief executive officer of the institution or his designee or of the Chancellor for Departmental personnel.

(d) No full-time employee at a public institution of higher education or the Department may perform part-time work of any kind for another public institution or agency unless such part-time work conforms in all respects with subsections (a), (b) and (c) above and, in addition, has the approval of the chief executive officer of the public institution or agency for which it is to be performed. If such part-time work exceeds in any respect the limitations established in subsections (a), (b) and (c) above, then the full-time and part-time employers should agree upon the share of the employee's full-time salary that each will pay. The part-time employer should reimburse the full-time employer by means of a certificate of debit and credit if both are State agencies, or otherwise by check.

(e) No full-time employee at a public institution of higher education or the Department may receive compensation from or through that institution in excess of his or her regular full-time salary, except as follows:

1. Faculty members may receive payment for overload teaching and other professional services to the extent permitted by contract or institutional regulations.
2. Faculty members may receive released time for the administration of grants or special projects that benefit the institution. The institution should recover the cost of such released time from the monies received for such grants or projects.
3. Administrators may receive payment for teaching one course per semester. Such payment should be made at the institution's overload teaching rate.
4. Classified employees who perform overtime work should be compensated in accordance with established regulations.

(f) These guidelines shall not apply to outside employment undertaken by a full-time employee during his or her annual leave or vacation periods, except that no such employee may engage at any time in outside employment that constitutes a conflict of interest.

(g) These guidelines shall not apply to outside employment as defined in Sections 18A:6-8.1 and 18A:6-8.2 of the New Jersey Statutes. Such outside employment, however, should be reported to the institution's chief executive officer or the Chancellor as a matter of record.

Note: The intention of subsection (c) of this Section is to differentiate between outside employment which may be regular or continuing and which therefore requires the written approval of the chief executive officer or his designee or the Chancellor for Departmental personnel, and out-

side employment which may be irregular or infrequent and which therefore does not require such approval. Regardless of whether a specific instance of outside employment need be approved under these guidelines, it must in each instance meet the three requirements of Section 2.

It is difficult to clearly define "regular or continuing", as opposed to "irregular or infrequent" outside employment. Each employee is therefore responsible for making this judgment in a reasonable manner which is consistent with the spirit of these guidelines. The following examples of outside employment activities which may be classified as "regular or continuing" are given in order to illustrate the intent of the guidelines and are not meant to be an exhaustive listing:

1. Any teaching assignment at another educational institution except for a single or limited number of guest lectures.
2. A clinical or professional practice for example, in clinical psychology or law.
3. Appointment as a consultant to a school district, corporation or other public or private enterprise for an indeterminate period even if actual time demands are intermittent.
4. Operation, management of or employment in any enterprise related or unrelated to a faculty member's professional interest.

9:2-10.3 Procedures for reporting outside employment status

(a) Any employee who intends to undertake regular or continuing outside employment shall report in advance and in writing his or her intention to the Chancellor in the case of Department personnel or to the chief executive officer or his designee. Where prior approval is not feasible, all regular and continuing outside employment should be reported promptly. For all outside employment for which approval is necessary, the employee shall file a status report with the approval officer at the beginning of each succeeding fiscal year during which he or she intends to continue the outside employment.

(b) Each institution of higher education shall devise its own form for the reporting of outside employment status and shall file a sample copy thereof with the Chancellor by May 1, 1973. The form should contain enough specific information to allow the approval officer to determine whether or not the employee intends to engage in regular or continuing outside employment, and to insure that the outside employment, if permitted, will not:

1. Constitute a conflict of interest;
2. Occur at a time when the employee is expected to perform his or her assigned duties;
3. Diminish the employee's efficiency in performing his or her primary work obligation at the institution.

(c) The reporting form should contain the following as a minimum:

1. Name of full-time employee;
2. Whether or not regular or continuing outside employment is planned;
3. Name of part-time employer;
4. Type of work performed;
5. Hours and dates of work; and
6. Licenses or special requirements necessary to perform the duties involved.

An order adopting these rules was filed and effective July 12, 1973, as R.1973 d.189.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Readoption of Emergency Rules On Tenure Policies for State Colleges

On July 24, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning tenure policies for New Jersey State colleges, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 144(a) and which were originally adopted as emergency rules on November 29, 1973, as R.1972 d.239 (see: 5 N.J.R. 8(e)).

Such rules may be cited as N.J.A.C. 9:2-9.1 et seq.

An order adopting these rules was filed and effective July 27, 1973, as R.1973 d.208.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Readoption of Emergency Rules On Tenure Policies for Community Colleges

On July 24, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning tenure policies for New Jersey community colleges, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 143(d) and which were originally adopted as emergency rules on November 29, 1972, as R.1972 d.240 (see: 5 N.J.R. 9(a)).

Such rules may be cited as N.J.A.C. 9:4-6.1 et seq.

An order adopting these rules was filed and effective July 27, 1973, as R.1973 d.209.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Code of Ethics for the Department of Higher Education

On July 11, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of N.J.S.A. 52:13D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a code of ethics for the Department of Higher Education.

Full text of the code of ethics follows:

SUBCHAPTER 10. GUIDELINES ON OUTSIDE EMPLOYMENT FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND THE DEPARTMENT OF HIGHER EDUCATION; AND DEPARTMENTAL CODE OF ETHICS

9:2-10.1 Code of ethics; Department of Higher Education

(a) In recognition that it is essential that the conduct of public officials and employees shall hold the respect and confidence of the people, Chapter 182, Public Laws 1971 (N.J.S.A. 52:13D-1 et seq.) was enacted by the New Jersey State Legislature and signed by the Governor on June 2, 1971. That statute provides that within the guidelines contained therein, the head of each State agency shall promulgate a code of ethics to govern and guide the conduct of State officers and employees in his agency.

(b) The following code of ethics is applicable to employees paid from Federal, State or county funds and who are employed in the New Jersey Department of Higher Education, colleges (including county community colleges) and universities under its jurisdiction, and institutions, commissions and other agencies organized within the Department:

1. No officer or employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest.

2. No officer or employee should engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without promptly filing notice of such activity with the Executive Commission on Ethical Standards.

3. No officer or employee should use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

4. No officer or employee should act in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment.

5. No officer or employee should undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties.

6. No officer or employee should accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing him in the discharge of his official duties.

7. No officer or employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he may be engaged in conduct violative of his trust as a State officer or employee.

An order adopting this code of ethics was filed and effective July 12, 1973, as R.1973 d.190 (Exempt, Internal Rule).
Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revised Manual for Pharmaceutical Services

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a revised manual of rules and regulations governing pharmaceutical provider participation in the New Jersey Health Services Program.

The revised manual, if adopted, will be included in Chapter 51 of Title 10 of the New Jersey Administrative Code.

Copies of the manual may be obtained from:

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

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before August 29, 1973, to the Division of Medical Assistance and Health Services, at the above address.

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions in Pharmacy Manual

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise portions of the Pharmacy Manual concerning legend drugs and compound drugs.

Such revisions, if adopted, will be included in Chapter 51 of Title 10 in the New Jersey Administrative Code.

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

208.1 Legend drugs

1. Payment for those drugs which under Federal or State laws may be dispensed only upon the prescription of a licensed practitioner will be based on invoice cost plus a "dispensing fee".

2. The maximum charge to the New Jersey Health Services program may not exceed the total of the invoice cost plus the "dispensing fee".

3. The "dispensing fee" for legend drugs [provided under the New Jersey Health Services program as outlined in this manual will be \$1.85 commencing on January 1, 1970, and continuing until such time as written notice of change is forwarded by the New Jersey Division of Medical Assistance and Health Services to all providers of pharmaceutical services.] for retail pharmacies and institutional pharmacies is described below:

a. Pharmacies with retail permits

The "dispensing fee" for legend drugs provided under the New Jersey Health Services program as outlined in this manual is \$1.85 and will remain at that level until such time as written notice of change is forwarded by the New Jersey Division of Medical Assistance and Health Services to all providers of pharmaceutical services.

b. Pharmacies with institutional permits

The "dispensing fee" for legend drugs provided under the New Jersey Health Services program as outlined in this manual will be \$1.00 commencing on October 1, 1973, and continuing until such time as written notice of change is forwarded by the New Jersey Division of Medical Assistance and Health Services to all providers of pharmaceutical services.

208.2 Compound drugs

Any prescription containing two or more ingredients in usually accepted therapeutic dosage and mixed by the pharmacist at the time of dispensing is a compounded prescription.

1. The invoice cost of any compounded prescription shall be the sum of the invoice cost of the therapeutic ingredients (a minimum charge of ten cents per therapeutic ingredient is allowable).

2. The maximum charge for any compounded drug may not exceed the total of the invoice cost (1. above) plus the dispensing fee as set forth in Section [201.1 (pg. 9)] 208.1a (retail pharmacies) or Section 208.1b (institutional pharmacies) of this manual.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973 to:

Administrative Analyst
324 East State Street
Trenton, New Jersey 08625

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Dental Manual

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise a portion of the Dental Manual concerning clinical examination by dental consultant and patient records.

Such revisions, if adopted, will be included in Chapter 56 of Title 10 of the New Jersey Administrative Code.

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

221.6 Clinical examination by dental consultant

A. A clinical examination will be routinely made on a sampling of all cases for utilization study and quality control.

B. An examination may be made prior to or upon completion of authorized treatment.

C. Additional aids may be requested to evaluate the case, as required.

[D. Adequate records shall be maintained by the dentist providing treatment and shall be available for inspection.]

221.7 Patient records

Dentists are required to maintain individual patient records which fully disclose the type and extent of services provided to a New Jersey Health Services Program recipient. These records must be maintained for a minimum of three years following the last date of service rendered. Such information must be readily available to representatives of the New Jersey Division of Medical Assistance and Health Services or its agents as required.

The record shall consist of the following:

A. Pertinent dental and medical history;
B. Detailed clinical examination data to include where applicable:

- 1. Patient's chief complaint;
- 2. Diagnosis;
- 3. Cavities;
- 4. Abnormalities.

C. Pre and post-operative radiographs (retained for a minimum of three years).

1. Number and type of radiographs should be entered on patient's record.

D. Treatment plan with description of treatment rendered to include where appropriate:

- 1. Tooth number;
- 2. Surfaces involved;
- 3. Site and size of treatment area (lesion, laceration, fracture, and the like);
- 4. Materials used;
- 5. Date(s) of service(s).

E. Medications:

- 1. Ordered by prescription or OTC.
- 2. Used in office treatment.

F. Diagnostic laboratory and/or radiographic procedure(s) ordered including result.

G. Copy of the dental prosthetic work authorization(s) prescription(s) and dental prosthetic laboratory receipt(s).

H. Explanation for any duplication of services within one year.

I. Reasons for discontinuation of services (including attempts to complete treatment).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973 to:

Administrative Analyst
324 East State Street
Trenton, New Jersey 08625

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Hospital And Special Hospital Manuals

Robert L. Clifford, Commissioner of Institutions and

Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise rules concerning recertification time periods and billing cycles for hospital and special hospital providers.

Such revisions, if adopted, will be included in Chapter 52 and 53 of Title 10 in the New Jersey Administrative Code.

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

207. Special provisions related to payment

[There is no limitation on the duration or number of visits available to an eligible patient in the outpatient department. However, services which involve an extended course of treatment such as rehabilitation services, require that certification for continued need be submitted to the Contractor every 21 days. Certification and/or subsequent recertification shall consist of a typewritten report from the prescribing physician stating the medical necessity for continued therapy; the objective of therapy, and the estimated number of treatments to achieve the objective. Therapy prescriptions must be definitive as to type and scope of procedures to be rendered. Prescriptions such as, "Physical therapy 3 x a week", will not be accepted.]

There is no limitation on the duration or number of visits available to an eligible patient in the outpatient department. However, for the following rehabilitation services, physical therapy, speech therapy, and occupational therapy, a plan of treatment is to be kept on file and should be completed during the patient's initial evaluation visit. These services which involve an extended course of treatment require that certification for continued need be submitted to the contractor every 30 days. The certification and/or recertification shall consist of a typewritten statement signed by the prescribing physician which should indicate the type and scope of the procedures to be rendered. The prescription must relate the type, amount, frequency and duration of the therapy services that are to be furnished and must include the diagnosis and anticipated goals. It should be noted that an order for "therapy as needed" will not be accepted. The certification must be completed on a timely basis and the dates on the report must be applicable to the billing dates on the claim submitted.

310. Billing procedures for outpatient services—general

Form MC-4, Outpatient Hospital Billings, will be used by a hospital to report outpatient services.

Under the New Jersey Health Services program, the hospital [should] must submit this form on a monthly billing cycle. However, separate claim forms will be required for services rendered in different calendar quarters.

Medicare/Medicaid Coverage. When the patient is covered under both programs only a Medicare form (SSA 1483) should be completed, with Item 11 showing the Health Services program case and person number on that Medicare form.

Where prior authorization is required for program purposes, it must be obtained and submitted with the Medicare billing form.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973 to:

Administrative Analyst
324 East State Street
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may

thereafter adopt these revisions substantially as proposed without further notice.

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Income and Obligatory Support

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Sections 323., Income Which Is Not Earned Income, and 354., Legally Responsible Relative's Obligatory Support to the Eligible Unit, of the Financial Assistance Manual.

Such revisions, if adopted, will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

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

323. Income which is not earned income

323.1 Contributions of support

Obligatory contributions to the support of one or more members of the eligible unit are an available resource and shall be recognized as unearned income, regardless of whether such contributions are in cash or in kind. (See Section 354.-a., LRR's obligatory support.)

a. When shelter is being provided by a legally responsible relative, the actual cash value shall whenever possible be determined and recognized as unearned income to the eligible unit. Where the actual value cannot be established, monthly monetary values in Schedule VI, Section 354.-c., shall be used.

Non-obligatory contributions, other than those identified in Section 311.8 (occasional gifts), shall be recognized as unearned income only when made in cash to one or more members of the eligible unit. (See also Section 232., individuals in spousal relationship). This does not apply to LRRs who have an evaluated capacity to support.

354. Legally responsible relative's obligatory support to the eligible unit

a. The LRR may fulfill his obligation for the support of the person or persons for whom he is responsible by contributing one or more of the following:

- 1) Cash;
- 2) Shelter and household needs;
- 3) Any other item determined to be mutually satisfactory between the LRR and county welfare board, for which equitable monetary value can be clearly established.

b. Such contribution must be substantial, regular, and reliable.

1) Contribution other than cash must be acceptable to the eligible unit, unless otherwise ordered by the courts.

2) The monetary value shall be deducted from the monthly amount of the LRR's capacity to support.

[3] When the LRR's contribution is shelter and household needs, the following monthly monetary values shall be used:]

c. When a LRR who has a capacity to support is providing shelter and household needs, whether in his own home or elsewhere, and payment for such arrangement is neither made directly to the client nor stipulated by court order to

be made in an identifiable cash amount to a third party, the monthly monetary values shall be recognized according to Schedule VI.

Schedule VI Shelter and Household Needs	
Number in Eligible Unit for Whom LRR Is Responsible	Monthly Monetary Value
1	\$50.00
2	55.00
3	60.00
4	65.00
5	70.00
6	75.00
7 or more	80.00

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning AFWP Program

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Sections 123, AFWP Program, and 203.c., AFWP Companion Cases, of the Financial Assistance Manual.

Such revisions, if adopted, will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

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

123. AFWP program

a. In AFWP, the household necessarily consists of at least three persons, a child under 18 years of age and both natural or adoptive parents, [married to each other,] neither of whom is incapacitated.

b. The eligible unit shall include the natural or adoptive parents and all eligible children of either or both parents, except that if one of such parents has children of his or her own living in the home, this parent, this parent's spouse, and this parent's child(ren) may be eligible for the ADC program. The remaining members of the unit eligible for AFWP shall then be treated as an AFWP companion case, in accordance with Section 203.-c. (The same potential for eligibility under the ADC program may apply to both parents, in which event only their joint children shall constitute the eligible unit for purposes of the AFWP program.)

203. c. AFWP companion cases

An eligible family unit may include members eligible for AFWP and others eligible for one or more other categorical

programs. [In all such situations, the AFWP unit will be limited to children only.]

In such companion cases, two (or more) PA-3A forms shall be prepared as follows, each showing a common case member with appropriate program designation.

- 1) The household size shall be identical on each PA-3A form.
- 2) The number in each eligible unit as entered on the PA-3A form shall be that number of members eligible for the appropriate program i.e. AFWP [(children only) ,] ADC, or OAA.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES DIVISION OF PUBLIC WELFARE

Proposed Deletion of Rule Concerning Conservation of Income in ADC for Future Education of a Child

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to delete in its entirety Section 335.3, Conservation of Income in ADC for Future Education of a Child, in the Financial Assistance Manual.

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

[335.3 Conservation of income in ADC for future education of a child

a. In ADC, all or any reasonable portion of the income of an eligible unit may be conserved for the current or future identifiable education of a child under 21 so as to defray the expenses necessary to complete high school at a free educational facility, or for special training for employment, higher education or vocational education.

b. The plan for such conservation, as required on Form PA-3M, shall be submitted to the State office for approval and, each 6 months thereafter, for review of its continued applicability.

c. The monthly amount actually being conserved for the approved educational plan shall be deducted in determining the eligible unit's calculated earned income.

- 1) Any withdrawals made from the account which are contrary to the plan shall be considered as income to the eligible unit for the month or months following the receipt of knowledge of such actions.

d. If the child is unable to use the funds as planned, and there is no other child in the eligible unit who qualifies for the plan, the conserved income shall be considered as available income to the eligible unit, in accordance with Section 322.]

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before August 29, 1973, to:

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

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter delete this rule as proposed without further notice.

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning ADC Program

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Section 122., ADC Program, of the Financial Assistance Manual.

Such revisions, if adopted, will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

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

122. ADC program

b. The eligible unit shall include the following members of the household when such persons are determined to be [in need] **needy persons** and assistance is being requested:

- 1) The eligible child(ren);
- 2) The natural or adoptive parent(s) of any one or more of the eligible children;
- 3) The step-parent (the spouse of any natural or adoptive parent) [;], when the natural or adoptive parent elects that such person shall be included, according to Section 231.
- 4) Any relative of the child(ren) and his (her) spouse, eligible to serve as parent-person(s), if such relative claims to be needy.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Assistance for the Working Poor Companion Case Budgeting Procedures

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Sections 201. and 203.c.(5)(b) of

the Financial Assistance Manual to clarify the Assistance for the Working Poor companion case budgeting procedures.

Such revisions, if adopted, will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

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

201. Form PA-3A

Part II—The monthly grant

d. In OAA, DA, AB and ADC companion cases and in AFWP companion cases where there is earned or unearned income, the amount of the monthly grant to be entered on each PA-3A shall be the per capita share of the adjusted allowance attributable to the person(s) in one case only. The sum of the amounts so entered shall equal the total adjusted allowance, rounded to the nearest dollar. In AFWP companion cases in which there is no income, the allowance amounts as entered in key number (6) shall represent the monthly grants for each of the units.

203.-c.-5)

(b) [Total gross earnings of the combined family unit shall be used to compute the calculated earned income according to the procedure in Section 220.1. The amount of such calculated earned income shall be entered on each PA-3A form.]

Compute calculated earned income according to the procedures in Section 220.1 and/or 220.2. When parents are not married to each other and both are employed, both methods with appropriate disregards shall be used. The total amount of calculated earned income(s) shall be entered on each PA-3A form.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Stepparents

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise the Financial Assistance Manual by deleting in its entirety the current Section 231, stepparents, and adopting in place thereof a new Section 231.

Such revisions, if adopted, will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

Full text of the proposed new rule follows:

231. Stepparents

a. When a stepparent of eligible ADC children is in fact a member of the household, the natural or adoptive parent who is applying for or receiving assistance shall be afforded the following elective options:

1) The stepparent may be included as a member of the eligible unit, with all needs and income recognized as needs and income of the eligible unit; or

2) The stepparent may not be included in the eligible unit, in which case the stepparent is responsible only for the needs of his spouse.

3) The natural or adoptive parent may, at his or her request, be included in the grant of assistance, even if the stepparent is excluded, when the stepparent has insufficient income to meet the needs of the natural or adoptive parent.

b. All options and all consequences thereof, including financial and medical needs, shall be fully discussed with the applicant/recipient before the decision is made. The decision as to whether the stepparent shall be included (assuming the stepparent is so willing) or excluded shall be made by natural or adoptive parent applicant/recipient.

231.1 When the choice is to include the stepparent in the eligible unit, the stepparent's needs and income shall be considered in accordance with all regulations in this manual.

231.2 When the stepparent is not included in the eligible unit in the normal case, the natural or adoptive parent is likewise excluded; the eligible unit includes only the eligible children.

a. In determining the amount of the grant, only that part of the stepparent's income which is established to be actually available for current use on a regular basis by the eligible unit shall be recognized. When the stepparent pays for the total cost of shelter for the eligible unit, the value of such shelter shall be determined according to Schedule VI (Section 354.).

b. The parent of the eligible children shall sign the application for assistance and shall be required to provide full information about the amount, if any, of the stepparent's actual contribution on a regular basis towards the needs of the eligible unit. Any other income of the stepparent is not to be considered.

231.3 When in an exceptional case the stepparent is not included in the eligible unit and the stepparent does not have sufficient income to cover the needs of the natural or adoptive parent as well as his or her own needs, the natural or adoptive parent shall at his or her option be included in the eligible unit with the eligible children. In such a situation the natural or adoptive parent shall sign the application for assistance and shall be required to provide full information about the amount, if any, of the stepparent's income. The determination of whether the natural or adoptive parent may be included in the eligible unit shall be based upon the following computation: If the stepparent's adjusted net income does not equal the dollar amount established in Schedule I of the FAM as the standard of need for an eligible unit of two in the appropriate household size, as determined by considering the two parents as an eligible unit of two in the household, then the natural or adoptive parent shall be eligible for inclusion in the unit.

231.4 When the natural or adoptive parent is not included in the eligible unit and has earned or unearned income of his or her own, all such income shall be applied to the needs of the eligible child(ren). Where such income is earned, the net amount shall be considered available; disregards and expenses of employment are not applicable, but all reasonable payroll deductions shall be recognized, including Federal, State, and city withholding taxes, Social Security, unemployment compensation taxes, insurance, union dues, pension contributions and garnishments.

231.5 When an eligible child is receiving legally designated income, his share of his parent's needs shall be accounted in accordance with Section 233.-a.-1) only if the parent is in fact a member of the eligible unit.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Changes in Need While Assistance Is Being Received

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Section 252, Changes in Need While Assistance is Being Received, of the Financial Assistance Manual.

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

252. Change in need while assistance is being received

b. Under certain situations which, in the judgment of the County Welfare Board, would otherwise result in undue hardship to the eligible unit, an additional payment(s) supplementing the last regular payment may be issued during the current payment period for any of the following reasons only:

- 1) Administrative error;
- 2) Emergency Assistance (See Section 430.);
- 3) Immediate and unanticipated reduction of income [resulting from unanticipated loss or reduction of employment of a member of the eligible unit;] (e.g.—loss of employment, contributions from legally responsible relatives, Social Security or other benefits);
- 4) Immediate and unanticipated loss of contributions from legally responsible relatives, whether or not due to a court order; and]

[5] 4) A new member added to the eligible unit; or

5) Decrease in household size.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(Continued on Page 25)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly index is a special service for subscribers to the New Jersey Administrative Code, providing an up-to-date check-list of new rules adopted by the various State Departments.

The index is current, being adjusted each month following the mailing to Code subscribers of update pages for all Titles.

First publication and update services have been distributed for 17 of the 19 Departmental Titles, excepting only Title 10—Institutions and Agencies and Title 12—Labor and Industry.

Since the most recent update, these 17 Departments have adopted the following additional rules, which are not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Notice of Adoption N.J.R. Citation</u>
AGRICULTURE — TITLE 2			
2:1-2.3(a)1.i.	Functions of Departmental units	R.1972 d.260	5 N.J.R. 31(a)
2:2-2.13	Conditions for quarantine release	R.1972 d.251	5 N.J.R. 3(d)
2:2-2.15(b)	Indemnification for brucellosis	R.1973 d.64	5 N.J.R. 102(b)
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16:64-1.1 et seq.	Reserved for rules of aeronautics	R.1973 d.28	5 N.J.R. 57(c)
16:62-1.1 et seq.	Special aircraft operating restrictions	R.1973 d.29	5 N.J.R. 58(a)

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17:1-2.13 et seq.	Alternate benefit program	R.1973 d.171	5 N.J.R. 294(a)
17:2-1.1 et seq.	Public employees retirement system	R.1972 d.257	5 N.J.R. 23(a)
17:2-1.4	Election of member-trustees	R.1973 d.118	5 N.J.R. 204(a)
17:3-1.1 et seq.	Revisions to Teachers' Pension and Annuity Fund	R.1973 d.49	5 N.J.R. 95(b)
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17:4-1.1 et seq.	Revisions to Police and Firemen's Retirement System	R.1973 d.26	5 N.J.R. 60(b)
17:5-1.1 et seq.	Revisions to State Police Retirement System	R.1973 d.26	5 N.J.R. 60(b)
17:6-1.1 et seq.	Revisions to Consolidated Police and Firemen's Pension Fund	R.1973 d.26	5 N.J.R. 60(b)
17:7-1.1 et seq.	Revisions to Prison Officers' Pension Fund	R.1973 d.45	5 N.J.R. 95(a)
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17:16-20.5(a)6.	Qualifications of commercial banks	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.1(a)1.iii.	Permissible investments (Pension and annuity groups)	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.2(c)	Limitations (Three party agreements; corporate)	R.1972 d.182	4 N.J.R. 249(b)
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17:16-28.4(a)	Legal papers (Title II FHA insured mortgages)	R.1972 d.182	4 N.J.R. 249(b)
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17:16-32.12	Limitations (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-33.7	Amend rule on county college capital projects	R.1973 d.9	5 N.J.R. 59(c)
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17:16-36.2(f)	Permissible investments (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.8(a)1.iii.	Valuation of units (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.12	Limitations (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:19A-1.1 et seq.	Facilities for physically handicapped in public buildings	R.1972 d.218	4 N.J.R. 310(e)
17:20-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)
17:20-5.10	Agent's compensation	R.1973 d.179	5 N.J.R. 294(c)
17:20-10.1	Consignment or sale of lottery tickets to agent	R.1973 d.178	5 N.J.R. 294(b)
17:20-5.10	Agent's compensation	R.1973 d.80	5 N.J.R. 124(a)
17:21-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)
17:21-10.1 et seq.	Clover Club reservation plan	R.1972 d.94	4 N.J.R. 142(b)

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18:5-2.3	Computation of tax	R.1972 d.258	5 N.J.R. 23(b)
18:5-3.2	Types of stamps available	R.1973 d.54	5 N.J.R. 96(a)
18:5-3.4	Purchase of stamps	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.7	Wholesale dealer's license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.10	Retail dealer's vending machine license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.17	Duplicate and amended license	R.1973 d.54	5 N.J.R. 96(a)
18:12-5.1 et seq.	Property tax appeals time extension	R.1973 d.144	5 N.J.R. 247(a)
18:16-4.7	Calculation of fee where transfer is subject to construction mortgage	R.1973 d.54	5 N.J.R. 96(a)
18:17-1.5	Review of examination procedures	R.1973 d.109	5 N.J.R. 171(a)
18:24-4.4	Repeal of rule on purchase of machinery	R.1973 d.139	5 N.J.R. 246(b)
18:24-21.1 et seq.	Accounting procedures	R.1973 d.60	5 N.J.R. 126(a)

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(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Classification and Compensation Plan

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Ruling 11, Part I, Classification and Compensation Plan.

Such revisions, if adopted, will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

The proposed revisions concern standards and guidelines for classification and compensation plan of county welfare boards, titles and compensation tables.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to the Division of Public Welfare at the above address.

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions for Child Care

Robert L. Clifford, Commissioner of Institutions and

Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Sections 411, Child Care, 411.10 Child in Temporary Foster Care Arrangement, which will be deleted in its entirety, and adopt a new Section 430.3e, Temporary Care Arrangement for ADC Children, in the Financial Assistance Manual.

Such revisions, if adopted, will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

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

[411.10 Child in temporary foster care arrangement

When, in accordance with Manual of Administration, Section 2285., the county welfare board deems it necessary to place a child in a temporary foster care arrangement, such as when the mother is hospitalized, the rate for this placement shall not exceed that established by the Bureau of Children's Services for foster care. Such temporary care shall not continue for more than two calendar months following the placement. Payment shall be made as a vendor payment from the assistance account.]

411. Child care

411.4 b. When the approved arrangements for child care service are for "In-Home Care" and are such that there is no identified agency, facility or vendor-person to which payment can be made, payment may be claimed by and paid to the client who has been authorized to purchase such services herself, and such payment shall also be made as an administrative/service expense. Such payment shall not be authorized for services provided by a legally responsible relative[s] who resides in the same home as the child.

430.3

e. Temporary care arrangement for ADC children

In an emergency situation such as a mother's being hospitalized or otherwise suddenly removed from the home, the county welfare board may deem it necessary to provide a temporary care arrangement for the child(ren) in accordance with Manual of Administration, Section 2285. Payment shall be authorized according to the conditions stated in Section 430.1 for a period not to exceed two calendar months following the month in which the placement is made, as follows:

OTHER AGENCIES — TITLE 19

19:1-1.8	Application of loan proceeds, Mortgage Finance Agency	R.1973 d.36	5 N.J.R. 60(c)
19:1-1.13	Purchase of Agency bonds	R.1973 d.36	5 N.J.R. 60(c)
19:2-1.1 et seq.	Rules of Atlantic City Expressway	R.1973 d.42	5 N.J.R. 96(b)
19:4-1.1 et seq.	District zoning regulations, Hackensack Meadowlands	R.1972 d.221	4 N.J.R. 311(c)
19:8-1.9	Amend limitations on use of Parkway	R.1973 d.140	5 N.J.R. 247(e)
19:9-1.9(a)23.	Amend limitations on use of Turnpike	R.1973 d.145	5 N.J.R. 247(d)
19:9-2.1 et seq.	Procedures for prequalification and award on construction contracts	R.1973 d.173	5 N.J.R. 295(b)
19:11-1.10	Posting of notice of PERC petitions	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.13	Intervention, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.15	Timeliness of petitions, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:20-1.1 et seq.	Sports and Exposition Authority	R.1972 d.212	4 N.J.R. 284(c)

IN ADDITION —

First publication—but no update service as yet—has been completed for the two final Titles in the Code, namely, 10—Institutions and Agencies and 12—Labor and Industry.

Rules since adopted by these two Departments are not included in this index; they will be added following initial updating of each of these respective Titles.

a. When the child is placed in a temporary home or shelter, the rate shall not exceed the rate for foster care established by the Division of Youth and Family Services; or

b. When arrangement is made for temporary care in the child's own home, payment to the individual, providing such care shall be at the most reasonable rate available but shall in no event exceed the rate for foster care established by the Division of Youth and Family Services.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions for Adults in Boarding Homes And Intermediate Care Facilities and Expenses Incident to Homemaker Services

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Sections 131, Adults in Boarding Homes and Intermediate Care Facilities, and 412, Expenses Incident to Homemaker Services, in the Financial Assistance Manual.

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

131. Adults in boarding homes and intermediate care facilities
- 131.1 When it is determined that an eligible adult is in need of extensive personal services on a regular and continuing basis, a room and board living arrangement may be purchased in an Approved Boarding Home for Sheltered Care or in a private family home [other than that of a relative] in which this individual is the only guest requiring such care. **Purchase of this arrangement shall not be authorized when such care is provided by the spouse.**
412. Expenses Incident to Homemaker Service
- 412.1 When homemaker service is not available through staff service of the county welfare board and is not otherwise available to the eligible unit without cost, homemaker service may be purchased for the eligible unit by direct contractual arrangement and payment (as an administrative/service expense) between the county welfare board and the community agency furnishing approved homemaker service or an individual, **other than the spouse**, who is mutually acceptable to the eligible unit and the county welfare board. Such purchase may be made for a person or persons for whom illness, death or other disruption in normal family living has created problems and

for that reason homemaker service (other than "home health aide" service provided under the Medicaid program) is essential.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Amendment to Financial Assistance Manual

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend Sections 111.b, Household, 317.7i, Subsidization of Adoption and 335, Disregard of Income in ADC of the Financial Assistance Manual.

Such amendments, if adopted, will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

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

111. b. Household
- The persons living together as a family unit without regard to relationship by blood or marriage. **Such persons shall be recognized as a household when they comprise a unit which shares cooking facilities and for which food is customarily purchased in common.**
310. Exempt resources
- 311.7 Resources designated for special purposes as follows:
- i. **Subsidization of adoption**
- Any income received through the Subsidized Adoption Program of the Division of Youth and Family Services pursuant to N.J.S.A. 30:4C—45 thru 49 (P.L. 1973 C.81).**
335. Disregard of income in ADC
- 335.1
- c. **The above disregard shall not be applied to income earned through public service employment as provided by the State Department of Labor.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Revisions to Staff Development Section Of State Plan for Services to Families and Children

Frederick A. Schenck, Director of the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:14-1 et seq., proposes to delete in its entirety the current Section 2.9, Staff Development of the State Plan for Services to Families and Children, and adopt in place thereof a new Section 2.9.

Such revisions, if adopted, will be included in Subtitle M of Title 10 of the New Jersey Administrative Code.

Full text of the proposed new rules follows:

2.9 STAFF DEVELOPMENT

(A) Staff development will be provided on a continuing, progressive and comprehensive basis for all staff responsible for the development and provision of services.

The aim of the staff development program is to improve agency service delivery by improving staff performance. Staff competence and skill are not static. As varying areas of human need are identified and the necessity of raising standards of service is recognized, the emphasis in staff development will shift. Depending on the services to be rendered, the agency may employ staff members of varying levels of formal education for whom the staff development program will provide both in-service training and the opportunity to enhance abilities through formal education. In the final analysis, the staff's need for knowledge and skill in carrying responsibilities for which they are not adequately prepared sets the dimensions of the staff development program.

As an essential component of its administrative support function, the State agency carries responsibility for making available a continuous program of staff development that will affect the performance of social service workers in all operating units throughout the State. This will involve all personnel in different degrees and in different ways.

The overall purpose of staff development, therefore, is to increase the competence of staff in order to assure the highest quality of service delivery. This purpose is a continuing one.

(B) Improvement of staff performance is most effectively accomplished by:

1. Providing in-service training for all classes and levels of State and county welfare board staff as well as staff employed by public and private vendors from whom the State agency has purchased service.
2. Providing State and county welfare board employees with opportunities for continued education.

IN-SERVICE TRAINING

In-service training is that part of the staff development program that is agency-based and job-focused, relating specifically to the purpose and function of the overall agency program. It provides learning opportunities for all staff (State and county) and encompasses different types of activities appropriate to various phases of work experience. Both orientation and continuing training programs will be offered by training units within the State agency, one located in the Division of Public Welfare, a similar unit located in the Division of Youth and Family Services. Programs will be conducted by staff within those units

or by outside experts employed to conduct special programs. These State training units are directing their efforts toward assisting and supporting local staff. Local agencies delivering services under the auspices of the State agency (i.e. the district offices within the Bureau of Family Services in the Division of Youth and Family Services and the county welfare boards under the direction of the Bureau of Social Services in the Department of Public Welfare) will have access to the resources and programs of the training units within the State agency.

To maintain a measure of agency control over training programs implemented in the county welfare boards, the State Division of Public Welfare has made it mandatory that each county welfare board have one training supervisor for the first 50 line workers in each county. An additional trainer must be hired for every 100 employees over that number. The training unit within the Division of Public Welfare provides consultation, instruction and supervision to the training personnel, sets standards, develops programs and monitors the training in the county welfare boards.

The training units in the Division of Public Welfare and the Division of Youth and Family Services work closely together under the directorship of the State agency to assure program and policy similarity.

Orientation will be provided for all State social service personnel, all county welfare board personnel, and volunteer workers at the time of entrance into agency service, and for personnel undertaking new assignments which represent a significant change in responsibility. Orientation may be provided by approved local agencies (both county welfare boards under the direction of the Bureau of Social Services in the Division of Public Welfare and the district offices within the Bureau of Family Services in the Division of Youth and Family Services) having their own training supervisor, or at a centralized location under the supervision of the staff development unit in the Division of Public Welfare or the staff development and training unit in the Division of Youth and Family Services, as appropriate.

Orientation will also be available to staff employed by public and private vendors from whom the State agency has purchased services.

Beginning workers (State employees, county welfare board workers, volunteers)

Orientation for beginning workers will consist of all or a portion of the following programs.

1. A centralized induction period with focus on the background of public welfare, agency philosophy, organization for the administration of human service delivery and the role of the worker:
2. An introductory work experience at the employing agency, with focus on basic documentary and manual materials particularly as they relate to the nature and scope of worker responsibilities; and
3. A period of centralized study with focus on the major areas of practice, on the use of regulations and procedures as instruments for providing services and on the techniques and skills required for acceptable performance.

The centralized elements of orientation will be scheduled as required by employment practices of the agency.

Employees Assuming New Responsibilities

Orientation will be provided for employees at times of significant change in job responsibilities, whether this be effected through line promotion or through specialized assignment. The plan for orientation will include material relevant to the nature of the new responsibilities, and the knowledge, attitudes and skills required for acceptable performance.

Staff Employed By Service Vendors

In order to assure effective service delivery from a service vendor, orientation consisting of but not limited to the following will be provided to the vendor agency's staff:

1. A description of quality of service expected;
2. An introduction to the use of regulations and procedures as instruments for providing services;
3. A period of study with focus on techniques and skills required for acceptable performance.

Prospective Employees or Volunteer Workers

A general orientation describing job responsibilities and techniques and skills necessary for effective performance will be provided to groups of prospective employees or prospective volunteers when this seems necessary or beneficial. This is often an effective device in screening applicants for both interest and aptitude.

Continuing training programs will be provided at suitable intervals to reinforce basic knowledge and develop required skills in performance of specified job functions, and/or to acquire pertinent new knowledge or learn new methods of dealing with common problems experienced by groups of staff. The agency will accomplish these goals by providing any or all of the following:

1. On-the-job training which involves the supervisor and the persons supervised in a continuing teacher-learner relationship. This includes individualized training through regularly scheduled conferences with the supervisor around actual case situations, and group training through participation in conferences and staff meetings of the supervisory unit. In both these processes, the purpose of supervision is to enable the employee to increase his knowledge and skills, to learn how to relate himself helpfully to others, to develop his capacity to render effective service in accordance with need and eventually to become a self-directing worker.

2. Developing a specialized in-service training staff, with the capacity for leading self-development and group sessions, utilizing role playing, simulated sessions and group criticism of taped sessions.

3. Having service training staff make use of special courses and training institutes, and seminars on group work, casework, supervisory and administrative techniques while at the same time emphasizing basic technical behaviors in terms of organizational requirements, reporting and policy, appreciation of the types of problems of people served and human relationship skills in all areas of responsibility.

EDUCATION

Educational opportunities are available on a selective basis to employees at both State and local levels or to persons preparing for employment. Educational programs for State employees within the Division of Youth and Family Services (both central office workers and district office workers) and those within the Division of Public Welfare are administered by the staff development and training units within each Division. Educational programs are also available to county welfare board workers. They are administered by training personnel in each county welfare board under the supervision of the State agency. The purpose of the educational program is to improve the value of the employee to his agency in the performance of his current or anticipated duties. Opportunities for further education are not restricted to social service workers but opportunities for advance study and training in other disciplines related to agency functions such as psychology, counselling, early childhood development, public administration, are also available. It is the goal of the State agency to create a full range of educational programs in cooperation with the various academic institutions. These will include:

1. Programs requiring full-time educational leave. Sub-professional, technical and professional employees may be granted educational leave by the employing agency for study in an accredited school as a candidate for an associate degree, baccalareate degree and for graduate professional educations on a masters or doctoral level.

Educational leave may be granted with grants-in-aid related to the costs of education (to the extent that funds are available). The nature and extent of grants-in-aid which may be made by the employing agency for employees approved for educational leave are subject to the approval of the appropriate educational leave committee if such a committee has been established.

Educational leave may also be provided to employees in worker-in-training classifications. The tenure of these employees is limited to the period of education. Upon successful completion of the educational program, these persons will be promoted to an appropriate regular classification.

The number of educational leaves for professional training of State staff and county welfare board staff shall be increased each year to assure an adequate number of professional staff for the services programs. No limitation, except as dictated by available appropriations, has been imposed on the number of educational leaves for professional training that may be granted each year by either State or local agency staff. The number of such leaves is increasing each year.

2. Work study programs. Arrangements will be made first with nearby schools of social work and later on other relevant disciplines to enroll students in work study programs. Work study will give less affluent workers (sub-professional, technical and professional employees) opportunities to enter professional development programs as the employing agency will maintain them on a salary while they are enrolled in degree programs on a part-time basis.

3. Extension and other courses. Arrangements will be made with educational institutions to develop courses and to utilize those courses previously established in significant areas of social service or related disciplines. These courses are not degree-oriented but are geared toward enhancing basic knowledge and sharpening skills for dealing with problems.

Courses may include but will not be limited to: Instruction in particular methodologies, field work placements, broad surveys of human service techniques, traditional course offerings at the college facility, courses involving workers in intensive study of service relevant to their functional position, courses organized around research issues (that is a study of the differential impact of certain types of foster care parent education).

4. Training Leave. Excused absence from normal duties for short periods of time without discontinuance of salary will be granted to all levels of employees for participation in short-term courses, seminars, institutes, workshops and similar programs which have particular educational value. Training leave may be supplemented by training leave expenses, and maintenance when a particular activity is organized on a residential basis.

For all types of educational programs, criteria are established for selection of participants. Procedures for processing applications for approval by the Department are also established.

(C) The State agency and county welfare board under the direction of the State agency will cooperate with educational institutions whenever possible in order to facilitate both in-service training and educational programs. The State agency will especially support educational institutions whose programs emphasize recruitment and train-

ing of minority group students for employment by human service agencies.

Grants will be made to educational institutions and associations for:

1. Curriculum development;
2. Stipends for students preparing for employment;
3. Materials development for in-service training.
Curriculum Development

Grants will be made to expand and enrich existing educational programs necessary to prepare persons for administration of the agency's program and to initiate new programs.

Student Stipends

Institutional administration of student support programs will be consistent with SRS policies. Criteria are established for selection of participants, and procedures for processing the applicants are also established. Stipends will be directed to students with inherent and career interest objectives to seek employment in SRS-related services. Funds may be available for tuition and educational fees, basic living allowance, student field travel allowance, and dependency allowance.

Materials Development

Grants will be made for purchase and development of useful instructional materials.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to:

Division of Youth and Family Services
Department of Institutions and Agencies
1 South Montgomery Street
Trenton, New Jersey 08625

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

Frederick A. Schenck
Director, Division of Youth and Family Services
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions to Rules on Assistance To Families of the Working Poor

On June 28, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Sections 3010 and 3110 of the Manual of Administration concerning assistance to families of the working poor, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 189(b).

Such revisions will be included in Subtitle L of Title 10 in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective June 28, 1973, as R.1973 d.172.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Rules for Optical Services and Appliances

On July 23, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning optical services and appliances under the New Jersey Health Services Program, substantially as proposed in the Notice published February 8, 1973, at 5 N.J.R. 44(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

Such revisions will be included in Subtitle I of Title 10 in the New Jersey Administrative Code.

An order adopting these revisions was filed July 25, 1973, as R.1973 d.197 to become effective September 1, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions On Payment of Funeral or Burial Expenses

On July 25, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Section 2580. of the Manual of Administration, substantially as proposed in the Notice published July 5, 1973, at 5 N.J.R. 227(a), but with only inconsequential structural or language changes, in the opinion of the Department of Institutions and Agencies.

Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective July 27, 1973, as R.1973 d.212.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

INSURANCE

THE COMMISSIONER

Advisory Opinion On Insurers' Subrogation And New Jersey No-Fault Automobile Law

Take notice that, Richard C. McDonough has issued the following advisory opinion concerning insurers' subrogation under the New Jersey no-fault automobile insurance law:

Pursuant to various questions posed to the Department of Insurance concerning what effect, if any, the subrogation provisions contained in the "New Jersey Automobile

Reparation Reform Act" (L.1972, c.70) may have on the liability limits of an insured's policy of automobile insurance, the New Jersey Commissioner of Insurance, Richard C. McDonough, on July 17, 1973, issued the following advisory opinion:

No insurer paying amounts under the subrogation provisions contained in Section 9 of the "New Jersey Automobile Reparation Reform Act" (L.1972, c.70 as amended by L.1972, c.203 Sec. 7) to another insurer to compensate such insurer for personal injury protection benefits paid to a person or persons injured in an automobile accident pursuant to Sections 4 and 10 of the New Jersey Automobile Reparation Reform Act shall reduce the liability limits of its insured available for general damages arising out of such accident.

This Notice is printed as a matter of public information.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Notice of Withdrawal of Previous Proposal On Cancellation of Fire and Casualty Insurance Policies

Take notice that Richard C. McDonough, Commissioner of Insurance, hereby withdraws the proposed rule concerning cancellation of fire and casualty insurance policies which was published July 5, 1973, at 5 N.J.R. 228(e) and which was tentatively cited as N.J.A.C. 11:1-3.2.

This Notice is published as a matter of public information

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Rule On Rating Information Regarding Automobile Insurance On Private Passenger Cars

On July 25, 1973, Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning rating information regarding automobile insurance on private passenger cars, substantially as proposed in the Notice published May 10, 1973, at 5 N.J.R. 150(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

Full text of the adopted rule follows:

11:3-9.1 Rating information; private passenger cars;
automobile insurance

(a) Every automobile insurance policy subject to New Jersey rates and providing coverage for an individually

owned (or jointly owned by husband and wife or two or more relatives resident of the household) private passenger automobile and/or any motor vehicle rated as a private passenger automobile shall be accompanied by rating information applicable to the premium determination. Such information must include the criteria pertaining to any individual driver classification plan used by the company and shall recite any rules that apply to the chargeability of accidents and convictions.

(b) Information submitted in compliance with the New Jersey Automobile Insurance Plan on cars insured through that plan shall constitute compliance with this rule.

(c) If the declaration page or extension certificate or similar documents to the insured identifies the insured's car by a code, or other abbreviation, the rating information may be supplied by a rating information form that interprets the code number or abbreviation.

(d) Every company shall develop a rating information format adapted to the classification system approved for and used by the company in this State. Such format shall be submitted to the Commissioner of Insurance for approval initially within 30 days of the effective date of this rule, and subsequently, within 15 days of any revision of the classification system approved for the company. Filings of the rating information format by a rating organization shall be applicable to members and subscribers of such organization unless such companies deviate from the rating organization's classification system.

(e) This rule shall be effective August 31, 1973. Use of approved forms will be required on all new and renewal business with effective dates January 1, 1974, and thereafter.

An order adopting this rule was filed July 27, 1973, as R.1973 d.206 to become effective August 31, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

INSURANCE

THE COMMISSIONER

Organizational Changes in Department of Insurance

On July 22, 1973, Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted organizational changes within the Department of Insurance.

Such revisions concerning (1) the redefining of the Division of Actuarial Services by adding life, accident and health insurance therein; (2) establishing a Division of Actuarial Services—Property Liability Insurance; and (3) eliminating the Rating Division. Such revisions will be included in N.J.A.C. 11:1-1.1.

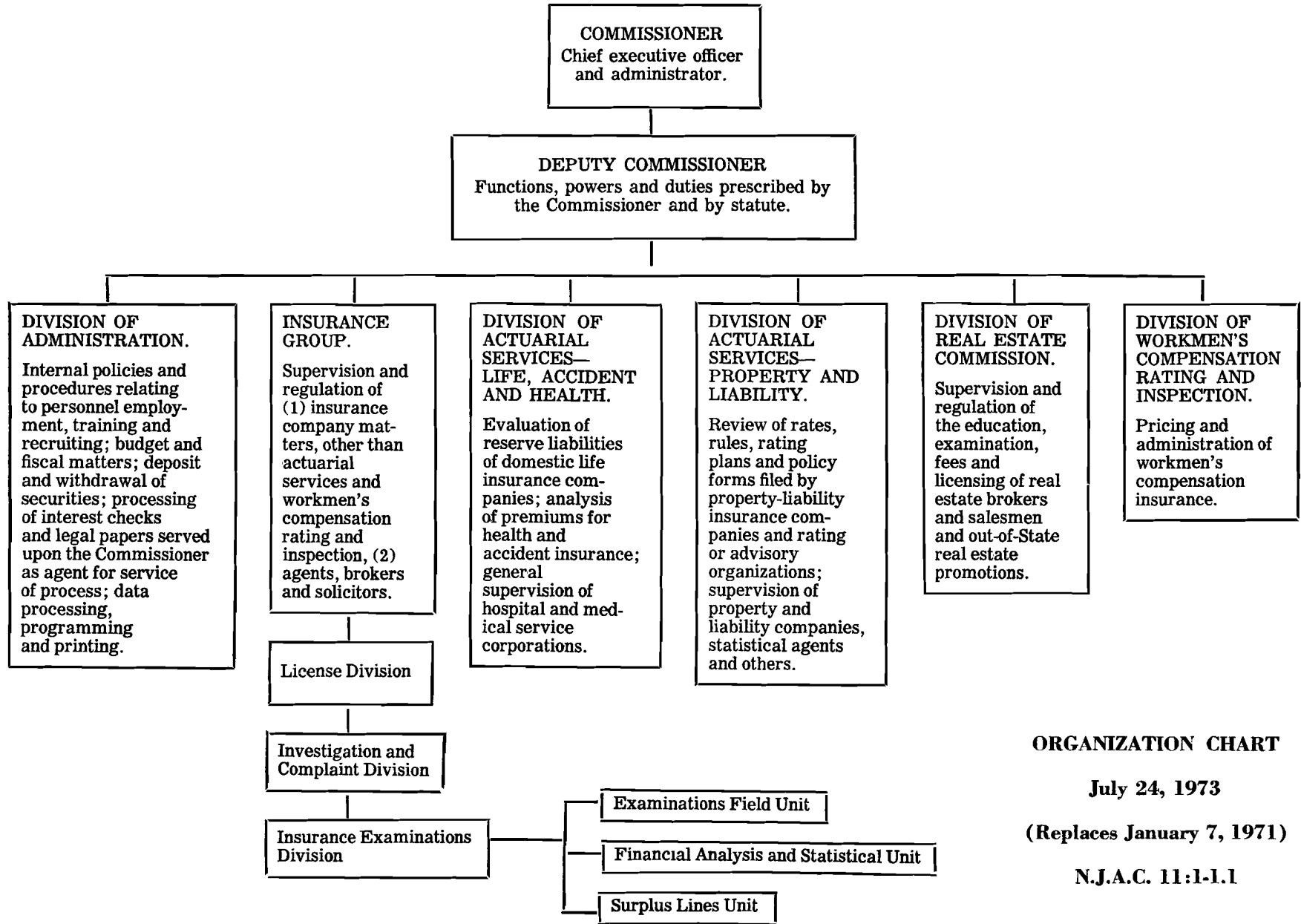
11:1-1.1 Organization of the Department

(a) The organizational chart of the Department of Insurance follows: (See opposite page.)

An order adopting this revised organizational chart was filed and effective July 24, 1973, as R.1973 d.195 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

DEPARTMENT OF INSURANCE



ORGANIZATION CHART

July 24, 1973

(Replaces January 7, 1971)

N.J.A.C. 11:1-1.1

(a)

LAW AND PUBLIC SAFETY

GOVERNOR'S ADVISORY COUNCIL FOR EMERGENCY SERVICES

Rules Implementing Emergency Services Act of 1972

On July 23, 1973, George F. Kugler Jr., Presiding Officer of the Governor's Advisory Council for Emergency Services, pursuant to authority of Chapter 133 of the Laws of 1972 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedural rules implementing the Emergency Services Act of 1972.

Full text of the adopted rules follows:

CHAPTER 1B RULES IMPLEMENTING THE EMERGENCY SERVICES ACT OF 1972

SUBCHAPTER 1. GENERAL PROVISION

FOREWORD

The Emergency Services Act of 1972, C. 133, P.L. 1972, created an emergency services fund and included an appropriation to that fund. The law designated the Governor's Advisory Council for emergency services as the agency responsible for authorizing payments to any municipality from the fund.

Any municipality within the State of New Jersey, which experienced an emergency as defined in the Act and regulations promulgated pursuant thereto, may apply for relief or reimbursement for damages or excessive costs sustained as a result of an emergency.

An "emergency" is defined in the Emergency Services Act to be "any flood, hurricane, storm, tornado, high water, wind driven water, tidal wave, drought, fire, explosion, civil disorder or other catastrophe which is or threatens to be of sufficient severity and magnitude to substantially endanger the health, safety and property of the citizens of the State and which occurred on or after August 17, 1972.

The Governor's Advisory Council for Emergency Services has designated a secretary who shall be responsible for receiving and reviewing applications for relief or reimbursement prior to authorization of payment by the Council. All inquiries concerning the Act and filing required by the Act or regulations should be directed to: Secretary, Governor's Advisory Council for Emergency Services, Division of Law, State House Annex, Trenton, New Jersey 08625.

13:1B-1.1 General regulations

(a) Chapter 133, Laws of 1972, the Emergency Services Act, creates an emergency services fund which shall consist of sums as the Legislature may appropriate and such additional sums as may be granted or donated to the fund from any public or private source. The Emergency Services Act appropriates the unexpended portion of the local emergency aid fund to the emergency services fund.

(b) The Governor's Advisory Council for Emergency Services may authorize payment to any municipality out of the fund for reimbursement to such municipality:

1. In an amount equal to the actual expenditures made by a municipality, pursuant to emergency appropriations adopted in dealing with an emergency within its border; or

2. In an amount equal to the expenditures incurred by a sending municipality and provided for by an emergency appropriation, in instances where said municipality is asked to provide and render assistance to a neighboring

municipality in an emergency, and does provide such assistance;

3. In the event that the total of eligible requests for reimbursement exceeds the total amount of the fund, the Council may prorate and distribute the fund on the basis of the total of all eligible requests received.

(c) "Emergency" as used herein shall mean any flood, hurricane, storm, tornado, high water, wind driven water, tidal wave, drought, fire, explosion, civil disorder or other catastrophe which is or threatens to be of sufficient severity and magnitude to substantially endanger the health, safety and property of the citizens of the State.

(d) The Council shall review every application and may cause further investigation or inquiry to be made to verify the accuracy of statements made therein and to establish the eligibility of the applicant to receive payment pursuant to the provisions of the Emergency Services Act.

(e) Payments will be authorized out of the emergency services fund to units of local government to pay for the repair of public property or for the costs of employees and services resulting from emergency situations. No payments will be authorized in reimbursement of expenses covered by any plan of insurance nor will subrogation of claims be permitted.

(f) The Council has designated a secretary to the Governor's Advisory Council for Emergency Services, as the person responsible for receiving and reviewing applications for reimbursement from the fund prior to authorization of payment by the Council. All requests for information, application forms and copies of the regulations, and all completed applications shall be filed with the secretary to the Governor's Advisory Council for Emergency Services, Division of Law, State House Annex, Trenton, New Jersey 08625.

(g) Payments to any applicant out of the emergency services fund shall be made by the State Treasurer to said applicant upon certification by the Council, approval of the Governor and warrant of the Director of the Division of Budget and Accounting.

13:1B-1.2 Fiscal and budgetary regulations

(a) Every application for reimbursement pursuant to Chapter 133, Laws of 1972 shall include the following information:

1. A signed statement from the mayor or other chief executive officer of the municipality containing a narrative description of the causes or chain of events which led to the determination of an emergency, the dates and duration of the emergency, and a description in summary form of the events which transpired during the course of the emergency;

2. A detailed statement enumerating the number and titles of public employees utilized to meet the emergency and specific data setting forth the number of hours of overtime for each group of employees;

3. A copy of any emergency appropriations passed by the governing body of the municipality to finance extraordinary expenditures incurred during the time of emergency;

4. A specific description of any outside services contracted for and a copy of each contract or agreement;

5. A certified itemized listing from the chief fiscal officer of the municipality of the cost, if any, for rental or purchase of additional equipment necessary to meet the specific emergency for which reimbursement is requested;

6. The total amount of money expended by the municipality to meet each emergency, separately itemized for each emergency appropriation;

7. A statement setting forth the steps which have been taken to alleviate the causes of the emergency for which reimbursement is requested.

(b) Where an applicant requests reimbursement for expenditures incurred in dealing with more than one emergency situation, the applicant shall assemble and collate the narrative and fiscal material relating to each emergency separately.

(c) Pursuant to its administration of this Act, the Council may request such additional information from applicant as it deems necessary.

(d) When payment has been approved by the Council, the secretary will inform the applicant and request that a Form 100, certified by the registered municipal accountant be submitted for referral to the Governor and the Bureau of Budget and Accounting.

An order adopting these rules was filed and effective July 26, 1973, as R.1973 d.203 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules On Deceptive Automotive Repair Work and Advertising Practices

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt new rules concerning deceptive practices in the repair of motor vehicles and the advertising of automotive repair services.

Full text of the proposed rules follows:

SUBCHAPTER 7.

DECEPTIVE PRACTICES CONCERNING AUTOMOTIVE REPAIRS AND ADVERTISING

13:45A-7.1 Definitions

"Automotive repair dealer" means any person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles.

"Director" means the Director of the Division of Consumer Affairs.

"Motor vehicle" means a passenger vehicle required to be registered with the Division of Motor Vehicles, and all motorcycles, whether or not registered by the Division of Motor Vehicles.

"Repair of motor vehicles" means all maintenance and repairs of motor vehicles performed by an automotive repair dealer, but excluding repairing tires, changing tires, lubricating vehicles, changing oil, installing light bulbs, batteries, windshield wiper blades and other minor accessories, cleaning, adjusting and replacing spark plugs, replacing fan belts, air filters and other minor accessories and services. No service or accessory to be installed shall be designated as minor, for purposes of this rule, if the Director determines that performance of the service or the installation of an accessory requires mechanical expertise, has given rise to a high incidence of fraud or deceptive practices, or involves a part of the vehicle essential to its safe operation.

13:45A-7.2 Deceptive practices; automotive repairs

Without limiting the prosecution of any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., the following acts or omissions

shall be deceptive practices in the conduct of the business of an automotive repair dealer, whether such act or omission is done by the automotive repair dealer or by any mechanic, employee, partner, officer or member of the automotive repair dealer:

1. Making or authorizing in any manner or by any means whatever any statement, written or oral, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

2. Commencing work for compensation without a specific authorization in the form of a work order signed by the customer.

3. Causing or allowing a customer to sign any work order which does not state the repairs requested by the customer and the motor vehicle's odometer reading at the time of repair.

4. Failure to provide a customer with a copy of the work order and any receipt or document requiring his signature, as soon as the customer signs such work order, receipt or document.

5. Making false promises of a character likely to influence, persuade or induce a customer to authorize the repair, service or maintenance of a motor vehicle.

6. Having repair work done by someone other than the automotive repair dealer or his employees without the consent of the customer, unless the automotive repair dealer can demonstrate that the customer could not reasonably have been notified.

7. Failure to provide each customer with a written estimated price for labor and parts necessary for a specific job.

8. Charging the customer for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer, which shall be obtained after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. If such consent is oral, the dealer shall make a notation on the work order and on the invoice of the date, time, name of person authorizing the additional repairs and the telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost. The dealer shall obtain the customer's consent before any additional work not estimated is done or parts not estimated are supplied. Nothing in this Section shall be construed as requiring an automotive repair dealer to provide a written estimate if the dealer does not agree to perform the requested repair.

9. Failure to return replaced parts to the customer at the time of completion of the work provided that the customer, at the time the work order is taken, requests such return, and provided that the parts by virtue of their size, weight or other similar factors are not impractical to return. Those parts and components that are replaced and that are sold on an exchange basis, and those parts that are required to be returned by the automotive repair dealer to the manufacturer or distributor, are exempt from the provisions of this Section, provided that the customer is advised said parts are not returnable by written record on the estimate and/or invoice. When a request is made prior to commencement of the work, the dealer shall provide a reasonable opportunity to inspect the part that is to be repaired or replaced.

10. Any other unconscionable commercial practice prohibited pursuant to N.J.S.A. 56:8-1 et seq.

13:45A-7.3 Unlawful advertising practices; automotive repairs

(a) Without limiting the prosecution of any other practices which may be unlawful under the Consumer Fraud

Act, N.J.S.A. 56:8-1 et seq., the following automotive repair service advertising practices shall be unlawful thereunder:

1. Publishing, uttering, or making, or causing to be published, uttered, or made, any false or misleading statement or advertisement by an automotive repair dealer, which is known to be false or misleading, or which by the exercise of reasonable care should be known to be false or misleading.

2. The advertising, representing or in any manner implying that a used, rebuilt or reconditioned part or component is new unless such part and all of the parts of any component are in fact new. All repair work performed by an automotive repair dealer shall be recorded on an invoice and a legible copy shall be given to the customer. The invoice shall clearly state whether any new, rebuilt, reconditioned or used parts have been supplied.

3. The false or misleading representation concerning the nature, extent, duration, terms or cost of a guarantee of a motor vehicle part or component or repair service subject to the provisions of these regulations. For the purpose of these regulations the terms "guarantee" and "warranty" have like meanings.

4. The failure to deliver to the customer, with the invoice, a legible written copy of all guarantees, itemizing the parts, components and labor represented to be covered by such guarantee. A guarantee shall be deemed false and misleading unless it conspicuously and clearly discloses in writing the following:

i. The nature and extent of the guarantee including a description of all parts, characteristics or properties covered by or excluded from the guarantee, the duration of the guarantee and what must be done by a claimant before the guarantor will fulfill his obligation (such as returning the product and paying service or labor charges).

ii. The manner in which the guarantor will perform. The guarantor shall state all conditions and limitations and exactly what the guarantor will do under the guarantee, such as repair, replacement or refund. If the guarantor or recipient has an option as to what may satisfy the guarantee, this must be clearly stated.

iii. The guarantor's identity and address shall be clearly revealed in any documents evidencing the guarantee.

5. Failure to clearly and conspicuously disclose the fact that a guarantee provides for adjustment on a prorata basis, and the basis on which the guarantee will be prorated; that is, the time or mileage the part, component or item repaired has been used and in what manner the guarantor will perform. If adjustments are based on a price other than that paid by the customer, clear disclosure must be made of the amount. However, a fictitious price must not be used even where the sum is adequately disclosed.

6. Failure to post, in a conspicuous place, a sign informing the customer that the automotive repair dealer is obliged to provide a written estimate, a copy of the signed work order, a detailed invoice, a written copy of any guarantee and the return of replaced parts. The sign is to read as follows:

In accordance with regulations of the
New Jersey Division of Consumer Affairs
A CUSTOMER OF THIS ESTABLISHMENT IS
ENTITLED TO:

1. A written estimated price for labor and parts necessary to make the repair the customer requested.
2. A work order which states the repairs the customer requested and the odometer reading of his vehicle. This establishment may not start work on a vehicle until the customer signs the work order.

3. A detailed invoice which states whether any new, rebuilt, reconditioned or used parts have been supplied.
4. The replaced parts, if requested at the time the work order is taken. If their size, weight or similar factors make return of the replaced parts impractical, this establishment must allow the customer to inspect the part repaired or replaced at the time of the completion of the work.
5. A written copy of any guarantee.

13:45A-7.4 Maintenance of records

(a) Each automotive repair dealer shall maintain legible copies of the following records, all of which shall be open for reasonable inspection by the Division of Consumer Affairs, for not less than two years:

1. All invoices relating to automotive repair, including invoices received from other sources for parts and/or labor;
2. All written estimates pertaining to work performed;
3. All work orders and/or contracts for repairs, parts and labor.

13:45A-7.5 Violation; sanctions

Without limiting the prosecution of any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any violations of the provisions of this rule shall be subject to sanctions contained in said Consumer Fraud Act.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before August 29, 1973, to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey.

The Attorney General of New Jersey, upon his own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

George F. Kugler Jr.
Attorney General
State of New Jersey

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rule On Refunds for Deposits

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt a new rule concerning refunds for deposits.

Full text of the proposed rule follows:

SUBCHAPTER 6. REFUNDS FOR DEPOSITS

13:45A-6.1 Definitions

a) The term "consumer product" shall refer to any article, or component thereof, produced or distributed 1. for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation or otherwise, or 2. for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

b) The term "sale" shall include any sale, rental, or distribution, offer for sale, rental, or distribution or attempt, directly or indirectly, to sell, rent or distribute.

c) The term "consumer" shall refer to any natural person who enters into the contract outside his normal

course of business, and who does not engage in the selling for profit of said product or service or derivatives therefrom on a regular basis or in the normal course of business.

d) The term "merchant" shall refer to any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, or any agent, employee, or otherwise who engages in the selling of consumer products or services in the normal course of business.

13:45A-6.2 Unlawful or unconscionable practice

(a) It shall be declared an unlawful or unconscionable practice for a merchant to refuse to return to a consumer a deposit or part payment where the receipt of said deposit or part payment is the sole memorandum of the sale of consumer products or services, regardless of the monetary amount stipulated in the agreement, to the said consumer, unless the receipt has clearly stated, in bold type:

THIS DEPOSIT IS NOT RETURNABLE

(b) The consumer shall likewise be required to return to the merchant any products the said consumer has taken possession or partial possession of as a result of the transaction made evident by the said receipt.

(c) The merchant, upon repossession of said product as a result of the transaction described in (b), which repossession shall include the merchant picking up any products the consumer is returning as a result of said refund on his deposit, shall be allowed to deduct reasonable charges for any expenses incurred by the merchant as a direct result of his picking up of said product or as a direct result of the consumer's possession of said product.

(d) The merchant shall deliver to the said consumer any product retained by the merchant for the purposes of a trade-in allowance, less reasonable costs incurred by the merchant with regard to the said product while the said product was in his possession.

(e) This rule shall apply only to agreements whereby the merchant is selling consumer products or services to a consumer in the normal course of business.

13:45A-6.3 Violation; sanctions

Without limiting the prosecution of any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any violation of the provisions of this rule shall be subject to the sanctions contained in said Consumer Fraud Act.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 29, 1973, to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

The Attorney General of New Jersey, upon his own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

George F. Kugler Jr.
Attorney General
State of New Jersey

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Rules Concerning Prevention Of Deceptive Practices in Delivery Of Household Furniture and Furnishings

George F. Kugler Jr., Attorney General of the State of

New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt new rules concerning the prevention of deceptive practices in the delivery of household furniture and furnishings sold to New Jersey consumers.

Full text of the proposed rules follows:

SUBCHAPTER 5. DELIVERY OF HOUSEHOLD FURNITURE AND FURNISHINGS

13:45A-5.1 Deceptive practices, generally

(a) It shall be a deceptive practice in connection with the sale of household furniture, for which contracts of sale or sales orders are used for merchandise ordered for future delivery, to consumers resident in New Jersey and by persons engaged in business in New Jersey, unless, when the promised delivery date has been reached, the person (including any business entity) who is the seller either:

1. Delivers the promised merchandise; or

2. Notifies the consumer of the impossibility of meeting the promised delivery date by written notice, mailed on or prior to the delivery date, offering the consumer the option to cancel with a prompt, full refund of any payments already received; or

3. Notifies the consumer of the impossibility of meeting the promised delivery date by written notice, mailed on or prior to the delivery date, offering the consumer the option of accepting delivery at a specified later time, with interest on all payments received theretofore from the consumer to be paid at the rate of six per cent per year by seller to consumer, calculated from the time of the promised delivery date to time of actual delivery.

(b) For purposes of this rule, "household furniture" includes but is not limited to furniture, major electrical or gas appliances, and such items as carpets and draperies.

13:45A-5.2 Contract forms; date of order

(a) The contract forms or sales documents used by the seller shall show the date of the order placed by buyer and shall contain the following sentence in ten-point bold face type:

The merchandise you have ordered is promised for delivery to you on or before (insert date or length of time agreed upon).

(b) The blank delivery date shall be filled in by the seller either as a specific day of a specific month or as a length of time agreed upon by the buyer and seller (for example, "six weeks from date of order").

13:45A-5.3 Contract form; delayed delivery

The contract forms or sales documents used by the seller shall conspicuously disclose the seller's obligations in the case of delayed delivery in compliance with Section 1 of this Subchapter and shall contain the following notice in ten-point bold face type:

If the merchandise ordered by you is not delivered by the promised delivery date, (insert name of seller) must offer you the choice of (1) cancelling your order with a prompt, full refund of any payments you have made, or (2) accepting delivery at a specific later date with interest to be paid to you at the rate of six per cent per year by (insert name of seller) on any payments you have already made, calculated from the time of the promised delivery date to the time you receive your merchandise.

13:45A-5.4 Applicability

Sections 2 and 3 of this Subchapter do not apply to contract forms or sales documents ordered to be printed or set in type before the effective date of this rule unless such forms or documents are used after January 1, 1974.

13:45A-5.5 Violations; sanctions

Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any violations of the provisions of this rule shall be subject to the sanctions contained in said Consumer Fraud Act.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before August 29, 1973, to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07105.

The Attorney General of New Jersey, upon his own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

George F. Kugler Jr.
Attorney General
State of New Jersey

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BUREAU OF SECURITIES

**Proposed Rules On Notice Filing
And Distribution of Preliminary Prospectuses**

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, the Uniform Securities Law of 1967, proposes to adopt two new rules.

The first new rule entitled "Notice Filing" will implement the suggestion of the court in *Data Access Systems, Inc. v. State*, 63 N.J. 158 (1973). It will require that certain documents used in connection with offerings exempt pursuant to N.J.S.A. 49:3-60(b) and (c) be filed with the Bureau and persons responsible for such offerings notify the Bureau of certain changes and occurrences.

The objective of this rule is to give the Bureau the opportunity to review offerings for possible fraudulent or misleading statements.

Full text of the proposed new rules follows:

Note: Although the rules of the Bureau of Securities are currently cited as being in Chapter 13 of Title 13 of the New Jersey Administrative Code, they will be transferred in the future and be cited as Chapter 47A in Title 13.

13:13-10.3 Notice filing

(a) Offerings of securities which are or will be filed with the Securities and Exchange Commission (SEC) pursuant to the provisions of the Securities Act of 1933 and the rules and regulations thereunder, or which are not subject to or exempt from the registration requirements of the Securities Act of 1933 and the rules and regulations thereunder, other than by reason of Section 3(a) of such Act and the rules and regulations under Section 3(a), need not be registered but must be filed with the Bureau of Securities (Bureau) within two business days after filing with the SEC (or use of the offering circular) and prior to any offer or sale from or within New Jersey. The filing shall consist of:

1. A written notice stating:
 - i. The name of the issuer;
 - ii. The name and address of the registered broker-dealer who is to effect offers and/or sales on behalf of the issuer within or from New Jersey.
 - iii. The date the registration statement was (or will be) filed with the SEC and the proposed date of effectiveness (or the date of first use of the preliminary circular and the proposed date of the offering and the basis for being exempt from registration with the SEC).
2. A completed Form U-1 may be submitted in place of the notice required by paragraph 1.
3. The following documents:
 - i. A copy of the registration statement (or preliminary offering circular) and each amendment with all changes red-lined; and
 - ii. A copy of the underwriting or similar agreement.
4. A filing fee of \$0.25 for each page of the sales literature filed pursuant to this regulation for each offering which shall or will be filed with SEC pursuant to the provisions of the Securities Act of 1933 and the rules and regulations thereunder. The fee shall not exceed \$25.00 and shall be paid by check or money order payable to the State of New Jersey, Bureau of Securities. For purposes of computing the fee, each amended prospectus shall be considered to be a continuation of the preliminary prospectus.

(b) Each person making such filing must notify the Bureau within two business days:

1. Upon the receipt of any stop order, denial, order to show cause, suspension or revocation order, injunction or restraining order, or similar order entered or issued by any state or other regulatory authority or by any court, concerning the securities covered by any filing made pursuant to this regulation or other securities of the issuer currently being offered to the public; and
2. Upon the receipt of any notice of effectiveness of the registration by the SEC.

The second new rule entitled "Distribution of Preliminary Prospectuses" requires that preliminary prospectuses and all amendments be filed with the Bureau before such prospectuses are distributed to the public in New Jersey.

The objective of this rule is to allow the distribution of preliminary prospectuses under certain conditions to New Jersey residents so that a broker-dealer may obtain "indications of interest" and the potential investor may review preliminary information about a specific company as soon as it is available.

13:13-10.4 Distribution of preliminary prospectuses

(a) Preliminary prospectuses may be distributed to the public in and from the State of New Jersey provided:

1. The purpose of the distribution is to obtain indications of interest;
2. The distribution is made by registered broker-dealers;
3. The filing has been made with the Bureau pursuant to N.J.A.C. 13:13-10.3 and with the Securities and Exchange Commission pursuant to the provisions of the Securities Act of 1933;
4. A statement of material changes, if any, accompanies each amended prospectus or preliminary prospectus:
 - i. Filed with the Bureau; and
 - ii. Distributed to each public investor.

Interested persons may present statements or arguments, in writing, relevant to the proposed rules on or before September 4, 1973, to:

James McLelland Smith
Chief, Bureau of Securities
1100 Raymond Boulevard
Newark, New Jersey 07102

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

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Revisions In Fees for Overdimensional or Overweight Vehicles

Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-8, 39:3-84 and 39:4-26, proposes to revise subsection (c) of N.J.A.C. 13:18-1.5 (Fees) concerning overdimensional or overweight vehicles.

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

13:18-1.5(c) there shall be an additional fee of \$5.00 for each 2,000 pounds or fraction thereof that the weight of the vehicle, including load, exceeds either the axle or gross weight limits — whichever is greater — set forth in Title 39 of the Revised Statutes.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 31, 1973, to: Ray J. Marini, Director, Division of Motor Vehicles, Department of Law and Public Safety, 25 South Montgomery Street, Trenton, New Jersey 08666.

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

Ray J. Marini
Director, Division of Motor Vehicles
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Rule Governing Pre-Race Blood Testing

John J. Reilly, Secretary of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-30, proposes to adopt a new harness racing rule governing pre-race blood testing.

Full text of the proposed rule follows:

13:71-20.14 Pre-race blood testing commencing in 1973

All harness track permit holders shall be required to adopt a pre-race blood testing program wherein all horses entered to race in a day or night program at their harness tracks in this State shall be required to be blood tested.

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

Interested persons may present statements for or against in writing relevant to the proposed action on or before August 31, 1973 to: John J. Reilly, Secretary, New Jersey Racing Commission, 28 West State Street, Room 1108, Trenton, N.J. 08625.

A hearing will be held at 10 A.M. August 31, 1973 in the Racing Commission Office at the above address pertaining to the foregoing proposed rule.

The New Jersey Racing Commission, upon its own motion or in the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

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

(c)

LAW AND PUBLIC SAFETY

UNSATISFIED CLAIM AND JUDGMENT FUND BOARD

Proposed Rule On Uninsureds Current Financial Status

The Unsatisfied Claim and Judgment Fund Board, pursuant to the authority of N.J.S.A. 39:6-64.1, proposes to adopt a rule concerning the filing of a current statement of uninsured's present financial status.

Finding it does not have sufficient information of uninsured's present financial status in many cases, and is therefore unable to make a determination as to whether or not the amount presently being paid in installments by the uninsured on the outstanding debt is reasonable, it is proposed that the uninsured be required to file a statement of current financial status with the Unsatisfied Claim and Judgment Fund, and if the uninsured does not furnish the statement, a request for suspension of driver's license and registration will be made to the Director of Motor Vehicles.

Full text of the proposed rule follows:

13:18-2.1 Uninsured's current financial status

(a) Upon review of a case by the Unsatisfied Claim and Judgment Fund Board, if the Board does not have sufficient current information to determine whether or not the uninsured's installment payment is reasonable, a request will be addressed to the uninsured asking for a statement of current financial status.

(b) If the uninsured fails to furnish a completed statement of current financial status within a time period to be established by the manager, the Unsatisfied Claim and Judgment Fund Board will request the Director of Motor Vehicles to suspend the license and all registrations of the uninsured, pursuant to N.J.S.A. 39:5-30 and 39:6-87, for failure to furnish this information.

Interested persons may present statements or arguments in writing relevant to the proposed action on or

before August 31, 1973 to: Sal E. Capozzi, Manager, Unsatisfied Claim and Judgment Fund Board, 137 East State Street, Trenton, New Jersey 08666.

The Unsatisfied Claim and Judgment Fund Board, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Sal E. Capozzi, Manager
Unsatisfied Claim and Judgment
Fund Board
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Rules on Deceptive Mail Order Practices

On June 26, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules of the Division of Consumer Affairs in the Department of Law and Public Safety on deceptive mail order practices, substantially as proposed in the Notice published May 10, 1973, at 5 N.J.R. 151(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

The substantive changes concern the addition of N.J.A.C. 13:45A-1.1(b)4.iii. in order to allow mail order firms to forego enclosing a postcard to all consumers giving such consumers an opportunity to get their money back, if such firms include express language in their catalogues informing consumers of this right.

Such rules may be cited as N.J.A.C. 13:45A-1.1 et seq.

An order adopting these rules was filed July 2, 1973, as R.1973 d.176 to become effective August 1, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF NURSING

Revisions in Education Requirements For Practical Nursing

On June 19, 1973, Richard David, Executive Director of the State Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:37-9.2(c) concerning education requirements for practical nursing, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 165(a).

An order adopting these revisions was filed and effective July 2, 1973, as R.1973 d.177.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MORTUARY SCIENCE

Revisions Concerning Trainees and Mortuaries

On April 12, 1973, Maurice McQuade, Executive Secretary of the State Board of Mortuary Science in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions concerning trainees and mortuaries, substantially as proposed in the Notice published February 8, 1973, at 5 N.J.R. 52(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

The adopted revisions delete N.J.A.C. 13:36-2.1 in its entirety as proposed but the proposed revisions concerning N.J.A.C. 13:36-5.4 have not been adopted and the current text therein remains in force.

The substantive changes to N.J.A.C. 13:36-5.5 include the deletion in subsection (a) of the proposed sentence "This rule shall have no effect on a funeral establishment licensed prior to the effective date of this regulation" as well as the deletion of the existing paragraph 1. under subsection (a) therein.

An order adopting these revisions was filed and effective July 3, 1973, as R.1973 d.181.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Rules for Motor Vehicle Advertising Practices

On July 5, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for motor vehicle advertising practices, substantially as proposed in the Notice published June 7, 1973, at 5 N.J.R. 191(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

Such rules may be cited as N.J.A.C. 13:45A-2.1 et seq.

An order adopting these rules was filed July 6, 1973, as R.1973 d.183 to become effective July 15, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rules Concerning Bus Excise Tax

On July 11, 1973, Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 48:4-24 and in accordance with applicable provisions of the Administra-

tive Procedure Act of 1968, adopted rules concerning the bus excise tax, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 193(a).

Such rules may be cited as N.J.A.C. 13:18-7.1 et seq.

An order adopting these rules was filed and effective July 11, 1973, as R.1973 d.188.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Repeal of Certain Rules

On July 16, 1973, I. Edward Ornaf, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed all of the rules of the Board except those enumerated in the Notice published June 7, 1973, at 5 N.J.R. 190(c).

These deletions will be reflected in Chapter 35 of Title 13 in the New Jersey Administrative Code.

An order repealing these rules was filed and effective July 19, 1973, as R.1973 d.192.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF DENTISTRY

Revisions In Examinations for Licensure to Practice Dental Hygiene

On June 11, 1973, J. L. Konzelman, Secretary of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-37 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning examinations for licensure to practice dental hygiene, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 160(a).

Such revisions will be included in Subchapter 2 of Chapter 30 of Title 13 in the New Jersey Administrative Code.

An order adopting these revisions was filed July 19, 1973, as R.1973 d.193 to become effective December 11, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF DENTISTRY

Revisions in Examinations for Licensure

On June 11, 1973, J. L. Konzelman, Secretary of the State

Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning examinations for licensure, as proposed in the Notice published May 10, 1973, at 5 N.J.R. 154(c).

Such revisions will be included in Subchapter 1 of Chapter 30 of Title 13 in the New Jersey Administrative Code.

An order adopting these revisions was filed July 19, 1973, as R.1973 d.194 to become effective December 11, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Revisions Concerning Hearing Procedures

On July 20, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to certain rules of the Division of Consumer Affairs concerning its hearing procedures.

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

13:45-4.3 (b) The Director in his discretion or upon application made at least [three] five days prior to the date of the hearing on behalf of any party may adjourn any hearing.

13:45-5.1 (b) In any contested case, the respondent may, not later than ten days following the final day of hearing, submit proposed findings of fact and conclusions of law to the hearing examiner, provided notice of intention to submit such findings is given to the hearing examiner prior to the close of the hearing. In the event that a respondent elects to file proposed findings of fact and conclusions of law, a copy of the same shall be served upon the attorney for the Division who may within ten days after service thereof file a response thereto.

An order adopting these revisions was filed and effective July 27, 1973, as R.1973 d.207 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Rules on Reimbursement of Student Fares to Autobus Operators

On May 31, 1973, Ralph C. Caprio, Secretary of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-12, 48:3-39 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on reimbursement of student fares to autobus operators, substantially as proposed in the

Notice published March 8, 1973, at 5 N.J.R. 91(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Public Utilities.

The substantive changes concern the scope, submission of bills, forms, procedure as to correspondence, remittances of money due to the State accounting for student fares and statement required.

These rules may be cited as N.J.A.C. 14:4-6.1 et seq.

An order adopting these rules was filed and effective July 11, 1973, as R.1973 d.185.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Rule on Public Movers Certificates

On December 7, 1972, Ralph C. Caprio, Secretary of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:22-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule on public movers certificates, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 140(a).

Such rule may be cited as N.J.A.C. 14:2-2.2.

An order adopting this rule was filed and effective July 11, 1973, as R.1973 d.186.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Rule on Emergency Telephone Numbers

On February 8, 1973, Ralph C. Caprio, Secretary of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13, 48:2-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rule on emergency telephone numbers, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 196(e).

Such rule may be cited as N.J.A.C. 14:3-5.3.

An order adopting this rule was filed and effective July 11, 1973, as R.1973 d.187.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Rules Establishing Utility Accommodation Policy

On July 26, 1973, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1-5, 27:1A-6, 27:7-13, 27:7-19, 27:7A-7, 40:62-35, 40:62-65, 40:62-134, 40:178-40, 48:7-1, 48:7-2, 48:9-17, 48:9-25.4, 48:13-10, 48:13-11, 48:17-

8, 48:17-10, 48:17-16 and 48:19-17 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules establishing the Department's utility accommodation policy as proposed in the Notice published February 8, 1973, at 5 N.J.R. 57(b).

Such rules will constitute a new Chapter 25 in Title 16 of the New Jersey Administrative Code.

An order adopting these rules was filed July 26, 1973, as R.1973 d.205 to become effective July 27, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF PENSIONS

Proposed Revisions for Judicial Retirement System

Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and on behalf of the Division of Pensions in the Department of the Treasury, proposes to revise the rules concerning the Judicial Retirement System.

The proposed revisions concern portions of the Foreword to Chapter 1 in Title 17 of the New Jersey Administrative Code, as well as the deletion in its entirety of Subchapter 6 in Chapter 1 of Title 17 in the New Jersey Administrative Code concerning the Judicial Pension Fund and reserving that Subchapter for future use. The latter rules are to be replaced by new rules pertaining to the Judicial Retirement System which were proposed in the July 5, 1973, issue of the New Jersey Register and, if adopted, will be cited as N.J.A.C. 17:10-1.1 et seq.

Full text of the proposed revisions to the Foreword in Chapter 1 follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

CHAPTER 1

GENERAL ADMINISTRATION FOREWORD

The Division of Pensions is the successor to the former Bureau of Public Employees' Pensions created in June, 1952. To this Bureau were then assigned all administrative functions of the various State pension funds and retirement systems. Prior to this date, these retirement systems had been administered independently, having been located within one central area only since 1951.

Under the General Reorganization Acts of 1948, the pension funds were originally located within the State Division of Budget and Accounting. Later they were transferred to the Division of Investment under the 1950 statute creating that Division. The Bureau of Public Employees' Pension was, therefore, located within the Division of Investment. In 1954, as a result of the enactment of NJSA 43:15A-1 et seq., Chapter 84, P.L. 1954, an expansion in staff was required in the State Employees' Retirement System. Separate offices were found for this agency, which remained apart from the other pension fund staffs until September, 1956. In July, 1955, the Division of Pensions was created by virtue of NJSA 52:18A-95 through 104, Chapter 70, P.L. 1955. To this Division were assigned all administrative functions of the various State pension funds, except for investment records and proceedings retained by the Division of Investment. In September, 1956, there

was a consolidation of the staff at central quarters in Trenton.

In addition to State pension plans, the Division of Pensions has been responsible for the operation of the State Agency for Social Security since its inception in 1951, the Pension Increase Program beginning in 1958, the Supplemental Variable Annuity System first established in 1963, the State Health Benefits Program with its extension to include local government employers for the first time in 1964, the State Police Retirement System as established in 1965, and the Alternate Benefit Programs for State and County Colleges as authorized in 1968, and was expanded to include the group life and long-term disability benefits for all public institutions of higher education in New Jersey as a result of legislation enacted in 1969, and Unemployment Compensation for certain State employees in 1972.

The Division of Pensions administers the laws governing the Public Employees' Retirement System, the Teachers' Pension and Annuity Fund, the Consolidated Police and Firemen's Pension Fund, the Police and Firemen's Retirement System, the Prison Officers' Pension Fund, the State Police Retirement System, Central Pension Fund, Judicial [Pension Fund] Retirement System, Alternate Benefit Programs of public institutions of higher education, the Supplemental Variable Annuity System, the [Public and School Employees] State Health Benefits Plan, the State Agency for Social Security and the Pension Increase Program, subject to rules, regulations and decisions of the respective boards of trustees and commissions of these systems as such may be altered from time to time by legislation, court decisions and opinions of the Attorney General.

In the regulations governing the general administration of the Division of Pensions there are those which are common to all employee benefit programs administered by the Division as well as those which are unique to specific systems, such as the Alternate Benefit Programs of State and County Colleges, the Central Pension Fund, Judicial [Pension Fund] Retirement System, Pension Increase Program, the State Agency for Social Security and the Office of the Hearing Officer.

The Alternate Benefit Program for State Colleges was authorized by NJSA 18A:66-142 through 152, Chapter 281, P.L. 1967 while the comparable program for the County Colleges was established by NJSA 18A:66-154 through 165, Chapter 181, P.L. 1968. These programs provide full-time faculty members with annuities purchased by employer and employee contributions and group life insurance comparable to that provided by the State retirement systems. These benefits can be vested immediately and thereby provide the mobility of pension credit which is necessary for this group of public employees. The benefits are coordinated with Social Security.

The Central Pension Fund consists of the administration of a series of non-contributory pension acts. No reserves are established for the payment of these pensions. These benefits are administered by the Division of Pensions in accordance with the governing statute and the rules and regulations of the State House Commission, where applicable. The scope of the fund extends to: (1) Heath Act pensioners, in accordance with NJSA 43:5-1 to 5-4, consisting of persons employed by the State as of January, 1921; (2) Veterans Act pensioners, in accordance with NJSA 43:4-1 to 4-6; (3) Annuity for Widows of Governors, in accordance with NJSA 43:8-2; and (4) Special pensioners, in accordance with various laws of the State authorizing payments to designated individuals.

All controversies which may arise from decisions of any board or commission are subject to appeal action upon the request of the member or his attorney as filed with the respective board or commission. If the request is filed on a timely basis and the member or his attorney raises a question of fact or of law, the board may authorize a hearing. If so, the matter is referred to the hearing officer of the Division of Pensions who arranges for all hearings on behalf of members of the State-administered retirement programs. Following the hearing, the hearing officer makes his recommendations to the respective board or commission and transmits a transcript of the hearing along with any statement of exceptions prepared by the Attorney General or the member's legal representative. Thereby a record has been established upon which the board can review its original decision and which also serves as a record which can provide the petitioner with a basis for an appeal to the Appellate Division of the Superior Court.

[The Judicial Pension Fund consists of the administration of several non-contributory pension acts providing benefits to members of the State judiciary. No reserves are established for the payment of these pensions. These benefits are administered by the Division of Pensions in accordance with the governing statute and the rules and regulations of the State House Commission, where applicable.]

The Pension Increase Program was established pursuant to NJSA 43:3B-1 through 6, Chapter 143, P.L. 1958, and it covers all eligible pensioners of the State-administered retirement programs.

The State Agency for Social Security was initially established by NJSA 43:22-1 et seq., Chapter 253, P.L. 1951, and became effective with the execution of a Federal-State compact on Social Security coverage in December, 1952. Pursuant to NJSA 43:15A-1 et seq., Article 1 of Chapter 84, P.L. 1954, all eligible public employees in New Jersey were required to be covered by Social Security pursuant to the terms of the Federal-State agreement effective January 1, 1955. Under terms of the State statute the State Treasurer is the State agency and his responsibility is delegated to the Director of the Division of Pensions.

Unemployment compensation for certain public employees was made possible for the first time under the provisions of Chapter 346, P.L. 1971, effective January 1, 1972. Coverage was extended to employees of the State or any of its instrumentalities employed in a hospital or institution of higher education. The Division of Pensions was requested by the Treasury Department to coordinate the administration of the program and specifically the receipt and transmittal of payroll deductions for State employees to the Division of Unemployment Compensation. Aside from this accounting function, the Division will monitor and audit the claims paid by unemployment compensation in order to verify the State's experience under the program.

Interested persons may present statements or arguments relevant to the proposed action on or before August 29, 1973, to:

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

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

Norman E. Hardy
Deputy State Treasurer
Department of the Treasury

(a)

PY

DIVISION OF PENSIONS

Rules for Alternate Benefit Program

On June 27, 1973, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for the alternate benefit program, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 203(b).

Such rules may be cited as N.J.A.C. 17:1-2.13 and 17:1-2.16.

An order adopting these rules was filed and effective June 28, 1973, as R.1973 d.171.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE LOTTERY COMMISSION

Revisions Concerning Consignment Or Sale of Lottery Tickets to Agents

On July 2, 1973, Ralph F. Batch, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions concerning the consignment or sale of lottery tickets to agents.

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

17:20-10.1 Consignment or sale of lottery tickets to agents

(a) Regarding the weekly and millionaire lottery, banks shall consign lottery tickets to agents and shall collect tickets which agents have not sold. In the case of weekly lotteries, a bank shall not distribute tickets to an agent who has failed to clear his account with respect to ticket deliveries of the preceding week.

(b) Regarding the daily lottery, ["lottery bank" shall sell lottery tickets to manual agents on a deferred payment play and on a no-return basis. The lottery bank will purchase tickets for resale from a computer-linked bulk sales machine. The lottery bank will purchase these tickets on a no-return basis.] banks shall consign lottery ticket-packs to agents and shall collect unopened ticket-packs which the agents have not sold. A bank shall not accept from an agent a ticket-pack which has been opened or otherwise tampered with. Machine-vended tickets are purchased by the agent on a no-return basis.

An order adopting these revisions was filed and effective July 2, 1973, as R.1973 d.178 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TREASURY

STATE LOTTERY COMMISSION

Revisions Concerning Agent's Commission

On July 2, 1973, Ralph F. Batch, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions concerning agent's commission.

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

17:20-5.10 Agent's compensation

(a) All licensed agents shall be entitled to a commission for the sale of lottery tickets in accordance with the following schedule:

	Per Cent
1. Compensation for tickets manually vended	5.00
2. Compensation for tickets machine vended	2.50
[3. Compensation for lottery banks for all tickets bulk vended (an override)]	[1.00]

(b) All licensed agents, whether they be vending machine agents or manual agents, shall be entitled to a bonus as follows:

- Five hundred dollars to an agent who sells a \$50,000 winning ticket, [a] the weekly lottery first place prize;
- One hundred dollars to an agent who sells a \$4,000 winning ticket, the weekly lottery second prize; and
- Fifty dollars to an agent who sells a \$2,500 winning ticket, the daily lottery first-place prize.

(c) All claim centers shall be entitled to compensation for validation and redemption in the amount of \$0.50 per winning daily lottery ticket entitled to prizes to \$25.00 and \$225.00. All claim centers shall be entitled to compensation in the amount of \$0.50 per completed claim form, with winning ticket attached, which is filed with the Lottery Commission; provided, however, that a claim center shall not be entitled to compensation for claim forms completed in connection with \$2.50 winning tickets, except if the purported winning ticket is mutilated, altered, illegible or misprinted.

[c] (d) The Director may establish such sales incentive programs as he deems necessary or desirable for the operation of the State Lottery. The number, duration and form of such programs shall be at the discretion of the Director.

An order adopting these revisions was filed and effective July 2, 1973, as R.1973 d.179 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF PENSIONS

Revisions to Rules on Election of Member-Trustees

On July 23, 1973, John A. McGarrity, Acting Secretary of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant

to authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:3-1.4(b) concerning the election of member-trustees, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 203(c).

An order adopting these revisions was filed and effective July 24, 1973, as R.1973 d.196.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions of Map of Public Areas and Air Terminal Highways at LaGuardia Airport

On June 7, 1973, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions of the map of public areas and air terminal highways at LaGuardia Airport.

Full text of the adopted revisions follows:

Resolved, that the resolution of this Committee, adopted on July 12, 1951 (appearing at pages 41 and 42 of the committee minutes of that date), defining the public areas and air terminal highways at LaGuardia Airport and approving the map thereof, as subsequently amended, be and the same is hereby amended, effective June 8, 1973, by deleting the first paragraph thereof and substituting in lieu thereof, the following:

Resolved, that the Port Authority of New York and New Jersey hereby designates as the public landing areas, public passenger ramp and apron area, public aircraft parking and storage areas, public vehicular parking areas, and air terminal highways delineated as such upon the map entitled "The Port Authority of New York and New Jersey - LaGuardia Airport - Map of Public Areas and Air Terminal Highways", dated June 8, 1973, which map shall be filed with the secretary; the said resolution in all other respects to continue in full force and effect.

Be it further resolved, that the Committee hereby establishes a speed limit of 30 miles per hour on the newly designated air terminal highways.

An order adopting these revisions was filed July 5, 1973, as R.1973 d.182 (Exempt, Exempt Agency).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

NEW JERSEY TURNPIKE AUTHORITY

Procedures for Prequalification and Award on Construction Contracts

On June 27, 1973, the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the procedures for prequalification and award on construc-

tion contracts, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 205(b).

Such rules may be cited as N.J.A.C. 19:9-2.1 et seq.

An order adopting these rules was filed and effective June 29, 1973, as R.1973 d.173.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

50,000 SMALL FIRMS MAY GET BREAK ON CORPORATE TAX FILINGS

Small corporations get a break this year from the State Division of Taxation in filing their corporate tax returns.

Sidney Glaser, Division Director, announced that a new short form of two pages keeps to a minimum the amount of information required, consistent with the need of the Division to maintain a sound audit program.

Glaser said that as many as 50,000 corporations may be eligible to use the simplified form instead of the regular eight-page return. Corporations qualifying must have assets of less than \$150,000 and net income under \$20,000.

The short form cannot be used by certain kinds of companies, including investment firms, real estate investment trusts, autobus companies, domestic international sales corporations and parent companies desiring to take subsidiary capital deductions.

Both the new and regular forms will be distributed in early September, Glaser said.

THREE PUBLIC HEARINGS SET FOR \$47 MILLION BUS-AID PROGRAM

The Department of Transportation will conduct three public hearings during August to explain their project for the purchase of 1,235 buses to maintain and improve bus service throughout the State.

It includes the purchase or rehabilitation of 565 transit-type buses not over eight years old and the purchase of 670 new buses, all to be leased to bus companies at a nominal sum.

The program has an estimated cost of \$47,293,750, of which two-thirds would be paid by the U.S. Department of Transportation with the other \$10,514,584 coming equally from State transportation bond issue funds and \$5,250,000 from private sources, with the bus companies participating, according to the hearing notice.

"The project is planned to preserve bus service for 1,200,000 daily bus riders in the State, thus enabling them to get to work and accomplish their travel for shopping and pleasure," the notice states.

No families or businesses will be displaced, no land use

Noted NO 8/9 file

