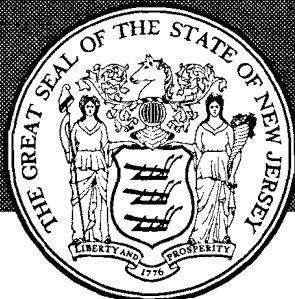


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

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(a)

CHIEF EXECUTIVE

THE GOVERNOR

Executive Order on Reorganization Plan for Board of Public Utilities In the Department of Energy and The Commuter Operating Agency In the Department of Transportation

On September 18, 1978, Governor Brendan T. Byrne, pursuant to authority of N.J.S.A. 52:14C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, issued an Executive Order concerning the reorganization plan for the Board of Public Utilities in the Department of Energy and the Commuter Operating Agency in the Department of Transportation.

Full text of the reorganization plan follows:

REORGANIZATION PLAN FOR THE BOARD OF PUBLIC UTILITIES AND THE DEPARTMENT OF TRANSPORTATION

The functions, powers, and duties including, but not limited to, investigatory and punitive powers heretofore exercised and performed by the Board of Public Utilities pursuant to the provisions of Chapters 4, 12, and 15 inclusive of Title 48 of the Revised Statutes, as amended and supplemented, and the provisions of Chapters 2 and 3 of Title 48 of the Revised Statutes, as amended and supplemented as they apply to autobuses, charter and special bus operations, railroads, street railways, traction railways and subways (except that no function, power or duty set forth in P.L. 1968, c. 173, (C. 48:2-59 to 48:2-72) is hereby transferred) and R.S. 39:3-4.1, R.S. 39:3-19, R.S. 39:3-61(m), R.S. 39:3-64(b), R.S. 39:4 128(d), R.S. 39:8-1, R.S. 40:55-50, R.S. 40:62-1, R.S. 40:62-2(c), R.S. 40:121-1, R.S. 40:121-5, R.S. 40:121-12, R.S. 40:121-13, R.S. 40:183-55, R.S. 40:183-61 to 40:183-65, R.S. 40:183-69, R.S. 40:183-71 to 40:183-74 are hereby transferred to and shall be exercised and performed by the Department of Transportation effective January 1, 1979.

All appropriations, grants, and other monies available to and to become available to the Board of Public Utilities attributable to and derived from the functions, powers,

and duties which have been transferred by this plan to the Department of Transportation are hereby transferred to the Department of Transportation and shall be available for the objects and purposes for which appropriated or otherwise made available subject to any terms, restrictions, limitations or other requirements imposed by the State or Federal law.

Such employees of the Board of Public Utilities engaged in the functions, powers, and duties which have been transferred by this reorganization plan are hereby transferred to the Department of Transportation.

With respect to the functions, powers and duties hereby transferred to the Department of Transportation, whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Board of Public Utilities, the same shall mean and refer to the Department of Transportation.

This reorganization plan shall not affect the tariffs, orders, agreements, rules and regulations heretofore made or promulgated by the Board of Public Utilities relating to the functions, powers and duties which have been transferred to the Department of Transportation but such tariffs, orders, agreements, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law and shall be administered by the department.

This reorganization plan shall not affect actions or proceedings, civil or criminal, brought by or against the Board of Public Utilities relating to the functions, powers, and duties which have been herein transferred by this plan, and which are pending on the effective date of this plan, but such actions or proceedings may be prosecuted and defended in the same manner and to the same effect by the Department of Transportation as if the foregoing provisions had not taken effect; nor shall this reorganization plan affect any order or recommendation made by, or other matters or proceedings before, the Board of Public Utilities relating to the functions, powers, and duties which have been herein transferred, and all such matters or proceedings pending before such Board of Public Utilities on the effective date of this reorganization plan shall be continued by the Department of Transportation, provided that any hearings commenced by the Board of Public Utilities, prior to the effective date of this reorganization plan shall continue before the hearing officer of that board under the applicable rules of the Board of Public Utilities. However, upon completion of

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the hearings and proceedings before the hearing officer and unless waived by the parties or certified to the Department of Transportation by its own action, the hearing officer shall make his report and recommendations to the Department, serving copy of said report and recommendations upon all parties, who have participated in the hearings as provided in the Rules of Practice. With respect to such hearings, whenever reference is made to the Board of Public Utilities it shall mean and refer to the Department of Transportation.

Unless specifically otherwise provided in this reorganization plan or by an operative law, whenever, pursuant to existing law, consents, approvals, reports, certifications, petitions, applications, or requests are required from or permitted to be made to the Board of Public Utilities relating to those functions, powers, and duties which are transferred by this reorganization plan, such consents, approvals, reports and certifications shall hereafter be required to be filed with, and such petitions, applications or requests shall hereafter be made to the Department of Transportation to which such transfer has been made under this reorganization plan.

The transfer directed by this reorganization plan with respect to the Board of Public Utilities shall be made pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

If any provisions of this reorganization plan or the application thereof to any person, or circumstances, or the exercise of any power, or authority thereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the reorganization plan which can be given effect without the invalid provisions or applications or affect other exercises of power of authority under said provisions not contrary to law, and to this end, the provisions of this reorganization plan are declared to be severable.

This reorganization plan is intended to protect and promote the public health, safety and welfare, and shall be liberally construed to obtain the objectives and effect the purposes thereof.

All Acts and parts of Acts inconsistent with any of the provisions of this reorganization plan are superseded to the extent of such inconsistencies. Any provisions of this plan which conflict with Federal law are null and void.

In accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-2), I find and declare that this transfer and reorganization is necessary:

1. To promote the better execution of the laws and the more efficient management of the Executive Branch and of its agencies and functions;
2. To increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
3. To group, coordinate and consolidate agencies and functions of the Executive Branch as nearly as practicable according to major purposes; and
4. To eliminate overlapping and duplication of effort.

All Acts and parts of Acts inconsistent with any of the provisions of this reorganization plan are superseded to the extent of such inconsistencies. All transfers directed by this reorganization plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

A copy of this Executive Order proposing this reorganiza-

tion was filed on October 5, 1978, with the Secretary of State and is published herein pursuant to N.J.S.A. 52:14C-4(c), to become effective on December 4, 1978, unless disapproved by the Legislature.

Take notice that, this Executive Order, if not disapproved, has the force of law and will be printed and published in the annual edition of the public laws by the Secretary of State but the text of this Executive Order will not be codified in Title I of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Amendment on Biological Product Use

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-109, proposes to amend N.J.A.C. 2:6-1.9, concerning biological product use.

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

2:6-1.9 Reports of biological product use

(a) All sales, donations, distributions, infections or tests employing biological products listed in Section [1.4] 4 of this subchapter (Biologics requiring license; term) [of this chapter] , except for tuberculin, shall be reported in writing to the Director of the Division of Animal Health at his office, Room 201, Health and Agriculture Building, John Fitch Plaza, South Warren Street, P.O. Box 1888, Trenton, N.J. 08625, within [seven] 30 days thereafter. Such report shall be signed by the person making the same and shall give the name and address of the purchaser or [re-ceiver] receiver of said biological product, the amount and the date of sale, donation or distribution.

(b) All sales, donations, distributions, infections or tests employing tuberculin shall be reported in writing to the Director of the Division of Animal Health at his office, Room 201, Health and Agriculture Building, John Fitch Plaza, South Warren Street, P.O. Box 1888, Trenton, N.J. 08625, within seven days thereafttr. Such report shall be signed by the person making the same and shall give the name and address of the purchaser or receiver of said biological product, the amount and the date of sale, donation or distribution.

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

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

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

Phillip Alampi
Secretary
Department of Agriculture

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amendments to Order on Milk Handling In Various Marketing Areas in New Jersey

On September 13, 1978, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments which replace the current text of N.J.A.C. 2:54-3.7, concerning the handling of milk in various New Jersey milk marketing areas and the suspension of portions of Federal Order Number 4.

Full text of the new rule follows:

2:54-3.7 Handling of milk in various New Jersey milk marketing areas; concurrent suspension to Federal Order No. 4

(a) In conformance with a memorandum of agreement with the United States Department of Agriculture and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the Director, Division of Dairy Industry, has considered a request for the suspension of certain provisions of the joint Federal-State milk marketing order, commonly designated as Federal Order No. 4. Notice of intent and opportunity to submit written data, views, and oral arguments was distributed to all licensees affected thereby and published in the Federal Register at page 36106 of volume 43, dated August 15, 1978.

(b) The Director, Division of Dairy Industry concurs with the findings and determinations of the United States Department of Agriculture as contained at pages 39745 ff. of Volume 43 of the Federal Register for September 7, 1978. Also, pursuant to the provisions of N.J.A.C. 15:15-5.3, the Director hereby adopts by reference the aforesaid findings and determinations insofar as such findings pertain to the marketing of milk in the State of New Jersey under 7 CFR 1004, the same being commonly referred to as Federal Order No. 4.

(c) Now therefore, it is hereby ordered that:

1. For the month of September, in section 1004.7(a) the words "not less than 50 percent" are suspended.

2. For the month of October, in section 1004.7(a) the words "not less than 50 percent in the months of September through February, and 40 percent in the months of March through August" are suspended.

An order adopting these amendments was filed and became effective on September 21, 1978, as R.1978 d.343 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amendments to Federal Order Number 4 Regulating Handling of Milk in New Jersey Areas

On September 13, 1978, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Federal Order Number 4 regulating the handling of milk in New Jersey milk marketing areas.

Full text of the adoption follows:

2:54-2.6 Amendment to Federal order number 4
(October 1, 1978)

(a) In conformance with the memorandum of agreement with the United States Department of Agriculture, and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the Director, Division of Dairy Industry, New Jersey Department of Agriculture, participated with the United States Department of Agriculture in a joint hearing held in Philadelphia, Pennsylvania beginning October 4, 1977. Notice of the hearing was issued by the United States Department of Agriculture on September 1, 1977, and published in the Federal Register on September 8, 1977 (42 FR 45001), and by the Director, Division of Dairy Industry on September 15, 1977, and published in three newspapers within the State and in the New Jersey Register as required by law.

(b) The Director, Division of Dairy Industry has considered all the evidence adduced at the hearing and is in agreement with the findings and determinations made by the United States Department of Agriculture as contained in the Final Decision issued by the United States Department of Agriculture on August 9, 1978, and published August 14, 1978 (43 FR 35926 ff.). Therefore, pursuant to N.J.A.C. 15:15-5.3, the Director hereby finds and determines that such findings and conclusions should be adopted, by reference, insofar as such findings and conclusions pertain to the marketing of milk in the State of New Jersey under 7 CFR 1004 the same being commonly referred to as Federal Order Number 4.

(c) The Director further finds that the terms of the "Order Amending Order" adopted by the United States Department of Agriculture (43 FR 39744 ff.) to be effective October 1, 1978, should also be adopted, by reference, insofar as such order applies to the marketing of milk in the State of New Jersey under terms of the aforesaid joint and concurrent Order No. 4 and that the adoption of the said order will tend to effectuate the declared policy of the statute in N.J.S.A. 4:12A-1 et seq.

(d) It is therefore ordered that on and after the effective date of October 1, 1978, there is hereby adopted by reference the aforesaid amendment to the order regulating the handling of milk in the Middle Atlantic Marketing Area insofar as said order applies to the marketing of milk in the State of New Jersey.

An order adopting these amendments was filed on September 21, 1978, as R.1978 d.344 (Exempt, Procedure Rule) to become effective on October 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amended Minimum Milk Prices

On October 13, 1978, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments concerning minimum milk prices which replace the current text of N.J.A.C. 2:53-1.1(b).

Full text of the adoption follows:

2:53-1.1(b) Effective November 1, 1978, minimum milk prices under 69-1 will be \$.42½ per quart, \$.80 per half gallon, and \$1.54 per gallon. This amendment shall be effective from and after November 1, 1978.

An order adopting these amendments was filed on October 16, 1978, as R.1978 d.367 (Exempt, Procedure Rule) to become effective on November 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Repeal of Rule on Notice Of Maturity on Business Suspensions

On October 12, 1978, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311 and in accordance with applicable provisions of the Administrative Procedure Act, repealed in its entirety the current text of N.J.A.C. 3:6-3.1, concerning notice of maturity on business suspensions, as proposed in the Notice published September 7, 1978, at 10 N.J.R. 370(a).

An order repealing these rules was filed and became effective on October 18, 1978, as R.1978 d.370.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments on Awarding of Counsel Fees

On August 17, 1978, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 4:1-5.16, concerning the awarding of counsel fees, substantially as proposed in the Notice published July 6, 1978, at 10 N.J.R. 272(a), with only inconsequential structural or language changes, in the opinion of the Department of Civil Service.

An order adopting these amendments was filed and became effective on September 25, 1978, as R.1978 d.345.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments Concerning Action Against Prospective Employees

On October 4, 1978, the Department of Civil Service, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 4:1-8.14 concerning actions against prospective employees, as proposed in the Notice published September 7, 1978, at 10 N.J.R. 371(a).

An order adopting these amendments was filed and became effective on October 4, 1978, as R.1978 d.358.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

COMMUNITY AFFAIRS

THE COMMISSIONER

Amendments on Tax Abatement On Added Assessments

On September 19, 1978, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 104, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 4:22-1.1 et seq., concerning tax abatements on added assessments, as proposed in the Notice published July 6, 1978, at 10 N.J.R. 273(b).

An order adopting these amendments was filed on September 19, 1978, as R.1978 d.342 to become effective on October 5, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(f)

COMMUNITY AFFAIRS

THE COMMISSIONER

Amendments to Uniform Construction Code

On September 29, 1978, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, as amended, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Chapter 23 in Title 5 of the New Jersey Administrative Code concerning new editions of the Building, Plumbing, Electrical and Fire Protection

Subcodes of the State Uniform Construction Code, substantially as proposed in the Notice published September 7, 1978, at 10 N.J.R. 378(a), with only inconsequential structural or language changes, in the opinion of the Department of Community Affairs.

An order adopting these amendments was filed on September 29, 1978, as R.1978 d.350 to become effective on October 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Deletion of Certain Rules of Department of Community Affairs

On October 6, 1978, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, Executive Order 66 of 1978 and in accordance with applicable provisions of the Administrative Procedure Act, deleted N.J.A.C. 5:3-1.1 et seq., 5:14-1.1 et seq., 5:16-1.1 et seq., 5:20-1.1 et seq., 5:40-1.1 et seq., 5:43-1.1 et seq., 5:44-1.1 et seq., 5:61-1.1 et seq. and 5:70-1.1 et seq., as proposed in the Notice published September 7, 1978, at 10 N.J.R. 377(a).

An order deleting these rules was filed and became effective on October 6, 1978, as R.1978 d.360.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

DIVISION OF LOCAL GOVERNMENT SERVICES

Emergency Amendments for Handicapped Persons Recreational Opportunities Act

On October 16, 1978, John F. Laezza, Director of the Division of Local Government Services in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-170 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to the rules concerning the Handicapped Persons' Recreational Opportunities Act.

These amendments rescind the rules currently cited as N.J.A.C. 5:62-1.1 et seq. (See: R.1978 d.143 at 10 N.J.R. 224(a)) and adopt new, interim rules on this subject, to be cited as N.J.A.C. 5:36-1.1 et seq.

Full text of the adopted rules follows:

CHAPTER 36. MANAGEMENT ASSISTANCE PROGRAMS

SUBCHAPTER 1. HANDICAPPED PERSONS' RECREATIONAL OPPORTUNITIES ACT

5:36-1.1 Introduction and general provisions

(a) The Handicapped Persons' Recreational Opportunities Act of 1977 encourages and supports the promotion, planning, development, implementation and maintenance of comprehensive recreation and leisure services to handi-

capped persons by municipal and county governments as a public policy of the State of New Jersey.

(b) The Handicapped Persons' Recreational Opportunities Act of 1977 is administered by the Division of Local Government Services in the Department of Community Affairs through the Bureau of Local Management Services. All correspondence and inquiries should be addressed to the Administrative Assistance Unit, Bureau of Local Management Services, Division of Local Government Services, Department of Community Affairs, 363 West State Street, Trenton, New Jersey 08625.

(c) The general purposes of the Handicapped Persons' Recreational Opportunities Act are:

1. To reinforce the status of handicapped persons as members of a total society;
2. To promote the least restrictive environment in providing recreation and leisure services for handicapped persons;
3. To assist local governments in the commencement or expansion of recreation and leisure services for handicapped persons.

5:36-1.2 Definitions

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

"Bureau" means the Bureau of Local Management Services within the Division of Local Government Services.

"Certificate of Appropriated Funds" means a written statement submitted under the signature of the chief financial officer of a local government certifying the availability of local appropriated funds to meet the cash match required under the grant formula.

"Chief Executive Officer" means the mayor of a municipality, director of a board of chosen freeholders, or such other official designated as the chief executive officer of the local government by the provisions of the Optional Municipal Charter Law or Optional County Charter Law.

"Chief Financial Officer" means the treasurer of a local government, or such other official designated by the local government.

"Comprehensive Recreation Services" means a continuous integrated or specialized recreation and leisure service program for the handicapped which promotes and provides the least restrictive environment for a handicapped person as an integral and on-going aspect of a local government's recreation and leisure service program.

"Department" means the New Jersey Department of Community Affairs.

"Director" means the Director of the Division of Local Government Services.

"Division" means the Division of Local Government Services within the New Jersey Department of Community Affairs.

"Handicapped Persons" means persons who are mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted, multiply handicapped or developmentally disabled.

"Local Contracts Law" means the Local Public Contracts Law as amended N.J.S.A. 40A:11-1 et seq.

"Local Government" means a county or municipality of the State of New Jersey.

"Local Resolution" means a resolution adopted by the governing body of the local government, certified by the seal of the respective local government.

"Non-Profit Agency" means a private non-profit agency serving handicapped persons.

"Non-Profit Agency Resolution" means a formal written resolution signed by the chairman of the board of directors of said private non-profit agency certifying their intent to enter into an agreement with a local government to service the recreation and leisure needs of handicapped persons.

"Special Event" means a relatively short-term special activity or program that fulfills particular and specific objectives for those handicapped persons participating.

5:36-1.3 Eligible applicants

(a) Local governments are eligible applicants for participation in the program. Applicants may perform the services directly or through contractual arrangements with non-profit agencies, which agreements shall be in the form required by the Division and which shall comply with the Local Public Contracts Law.

(b) The following activities for the handicapped will be accepted as eligible activities for participation in the program:

1. Special events;
2. Comprehensive recreation services.

(c) Grants to be awarded for Special Events or Comprehensive Recreation Services will be subject to the following limitations:

1. Limitations necessitated by the State budget, and the availability of appropriated funds. For the fiscal year ending June 30, 1979, a total of \$150,000 has been appropriated for the Handicapped Persons' Recreational Opportunities Act.

2. For the fiscal year ending June 30, 1979, Special Events grants may not exceed \$25,000 of the \$150,000 appropriated. No more than \$1,000 may be awarded to any one municipality, nor more than \$2,500 to any one county for a Special Events grant.

3. Grants to be awarded for Special Events or Comprehensive Recreation Services to local governments will be made in the amount of \$5.00 for each \$1.00 appropriated by local government. The \$1.00 match requirement of a local government must be a cash match contribution under the provisions of the grant formula. In-kind services or costs of other on-going services will not be allowed as a substitute for the \$1.00 cash match requirement.

4. Limitations for periods after fiscal year 1979 shall be as provided in the appropriations or as determined by the Director in light of needs and experience.

5:36-1.4 Application procedure

(a) The Act requires that application for funding has to be made through a local government. The principals of the contract for funding through this Act will be the Department of Community Affairs and the approved local government.

(b) A local government that desires to participate in the program will be required to file a resolution from the governing body expressing its intent to enter into a formal agreement with the Department for funding assistance under this Act. A certified copy of the resolution must be included as an attachment to the application.

(c) A local government that desires to participate in the program will be required to submit a formal application to the Department. Formal application forms are available upon request. The Division will, from time to time issue standard application forms together with appropriate instructions and guidelines. Time deadlines will be established annually or otherwise as may be appropriate for receipt of applications.

(d) A local government will be required to designate whether the application is for Special Events grant, or

Comprehensive Recreation Services grant. If a local government is applying for both types of grants, an application must be filed for each of the grant requests.

(e) The application must include a certificate of appropriated funds certifying the availability of the \$1 cash match responsibility of the local government.

(f) A non-profit agency serving handicapped persons will be eligible to participate in the program through a formal agreement with a local government. The acceptance of a third party to the implementation of a funding project must be acknowledged by a resolution from the local government and a resolution from the non-profit agency serving handicapped persons. These resolutions must be included as attachments to the application.

(g) The Chief Executive of the local government must affix his signature to the formal application.

(h) The proposed third party agreement between the local government and the non-profit agency serving handicapped persons must be completed in compliance with the Local Public Contracts Law as determined by the Division.

(i) The Department reserves the right to require the non-profit agency to sign any contract offered to the local government, and/or to specify the manner of contractual relationship between the two parties.

5:36-1.5 Application processing and review procedure

(a) Professional staff of the Bureau of Local Management Services will register and review the application for conformity with application procedures and regulations established by the Department.

(b) Upon the review of the Director applications will be processed in accordance with standard departmental procedures.

(c) A contract will be offered by the Department to the approved local government for the review and signature of the local chief executive.

5:36-1.6 Additional determinations

The Director will, as may be required, make such additional determinations as shall be necessary to determine eligible activities or other matters pertaining to the most effective conduct of this program.

5:36-1.7 Termination of regulations

These provisions of this subchapter shall expire five years from their effective date.

An order adopting these amendments was filed and became effective on October 16, 1978, as R.1978 d.365 (Exempt, Emergency Rule). Take notice that, the Department of Community Affairs proposes to review and ratify these amended rules on a permanent basis on or after November 30, 1978, in the same form as these interim rules or with such changes as may be necessary in the public interest.

Interested persons may submit written comments relevant to these amended rules on or before November 29, 1978, to:

Director, Division of Local Government Services
Department of Community Affairs
363 West State Street
Trenton, N.J. 08625

The Department of Community Affairs may thereafter ratify or further amend these rules without further notice.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Amendments on Continuation Of Rental Assistance Payments

On October 6, 1978, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1971, c. 362, as amended, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 5:11-9.7 concerning the continuation of rental assistance payments, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 221(b).

An order adopting these amendments was filed and became effective on October 17, 1978, as R.1978 d.369.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments on Physical Education Procedures

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:35-6, 18A:35-7 and 18A:35-8, proposes to revise N.J.A.C. 6:29-6.2(b), concerning rules on Physical Education Procedures.

These revisions would permit a local board of education the discretionary authority to adopt a policy in order to allow members of interscholastic athletic teams or squads to be excused from physical education requirements, excluding health education, during the appropriate athletic season(s).

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

6:29-6.2(b) A board of education may [give approval for] adopt a formal policy in order to permit members of [an] interscholastic athletic teams or squads of a school to be excused [from physical activity in their physical education class on the days that a regular interscholastic game is scheduled. This approval applies only to those members listed for participation in the game.] from physical education requirements, excluding health education, during the appropriate athletic season(s). No temporary exclusion(s) from physical education may be permitted without the adoption of such a policy. The time devoted to such athletic activities shall be counted toward the required two and one-half hours in each school week as prescribed by N.J.S.A. 18A:35-8.

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

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

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

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

(c)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments on Appeals to State Board of Education

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-1 et seq., 18A:6-27, 18A:6-28, 18A:6-29 and 18A:7A-25, proposes to revise N.J.A.C. 6:2-1.2 et seq., concerning rules for appeals to the State Board.

This proposal revises the calculation of time to file appeals with the State Board. Confusion or misunderstanding has occurred because appellants have generally calculated the 30-day period from receipt of a Commissioner's decision, rather than when it was filed.

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

6:2-1.2 Filing of decisions of Commissioner

The decision of the Commissioner of Education shall be deemed filed by him/her on the date such decision is mailed to the parties.

6:2-1.3 Appeals filed

Appeals shall be considered filed upon receipt by the State Board if hand delivered or upon mailing if mailed as provided in N.J.A.C. 6:2-1.4.

6:2-1.4 Filing and proof of mailing of appeals

(a) Filing by mail of appeals covered by this subchapter shall be complete upon mailing. For purposes of computing timeliness of the filing of an appeal proof of mailing is required.

(b) Proof of mailing of appeal may be shown by one of the following:

1. An affidavit of the person mailing the appeal; or
2. A certificate of mailing signed by the attorney for the party filing the appeal.

(c) Such proof of mailing shall be appended to and accompany the appeal.

(d) Where there is no appended and accompanying affidavit or certificate of mailing, the appeal shall be deemed to have been mailed three days before receipt of the appeal by the State Board, unless the letter accompanying the appeal shows a date indicating mailing less than three days before receipt of the appeal by the State Board, in which case the date of the letter shall be deemed the date of mailing.

6:2-1.5 Computation of time

In computing any period of time fixed by this subchapter the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday.

6:2-1.6 Proof of service

(a) Proof of service of appeals may be made by one of the following:

1. An acknowledgment of service signed by the attorney for a party or signed and acknowledged by the party; or
2. An affidavit of the person making service; or
3. A certificate of service appended to the paper to be filed and signed by the attorney for the party making service.

(b) Proof of service shall be filed with the State Board promptly and in any event before action is to be taken on the matter by the State Board. Failure to make proof of service does not affect the validity of the service, and the State Board at any time may allow the proof of service to be amended or supplied unless an injustice would result.

Editor's Note: The current text of N.J.A.C. 6:2-1.2 through 6:2-1.7 is now proposed to be cited as N.J.A.C. 6:2-1.7 through 6:2-1.12.

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

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

**Notice of Incorrect Deletion of Certain Text
In Update of Title 6 on Adult Education**

Take notice that, in the May 22, 1978, update of Title 6, Education, in the New Jersey Administrative Code, which is now being distributed to Code subscribers, certain text appearing in N.J.A.C. 6:44-3.1(a) concerning standards for reimbursement regarding adult education were incorrectly deleted in that update. This deletion will be corrected in the next update for Title 6, which is tentatively scheduled to include rules adopted on or before November 20, 1978.

The following is the text that was incorrectly deleted and which will be included after page 28, serial number 42033, in the next update of Title 6:

6:44-3.1(a)6. Be consistent with the traditional policy of public education in the State and operated on a nonprofit basis;

7. Be administered and supervised by a person holding a valid supervisor's or administrator's certificate issued by the New Jersey State Department of Education.

i. All persons now employed and charged with the responsibility of administering and supervising the local program of adult education should be deemed to be eligible to continue in this capacity under this Act.

ii. School districts with a total population of 50,000 or more persons, according to the latest census figures, should assign a person for full-time administration and supervision of the adult education program.

iii. No school district should assign a person to spend less than half of his working time in the administration and supervision of the adult education program.

iv. It should be the responsibility of the supervisor of adult education to establish a close relationship between his office and the total school system, other agencies and organizations engaged in adult education in the community and related Federal programs of adult education.

v. It should be the responsibility of the supervisor of adult education to submit to the Commissioner of Education whatever reports are deemed necessary by the Commissioner to indicate that such program has been operated in accordance with the law and regulations governing the administration of adult education programs under the public schools of the State.

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

**Amendments on Withdrawal from
Limited-Purpose Regional School Districts**

On October 4, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:13-51 to 18A:13-65, as amended by Chapter 279, Laws of 1977, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:3-3.1 et seq., concerning the withdrawal from limited purpose regional school districts, as proposed in the Notice published September 7, 1978, at 10 N.J.R. 378(c).

An order adopting these amendments was filed and became effective on October 4, 1978, as R.1978 d.355.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Amendments on Energy Conservation

On October 4, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:18A-16 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:22-9.1 et seq., 6:22-10.1 et seq. and 6:22-11.1 et seq. concerning energy conservation, substantially as proposed in the Notice published September 7, 1978, at 10 N.J.R. 379(a), with only inconsequential structural or language changes, in the opinion of the Department of Education.

An order adopting these amendments was filed and became effective on October 4, 1978, as R.1978 d.356.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Amendments to Rules on Fire Alarms And Automatic Fire Detection

On October 4, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:18A-16 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:22-13.3 concerning fire alarms and automatic fire detection, as proposed in the Notice published September 7, 1978, at 10 N.J.R. 382(a).

An order adopting these amendments was filed and became effective on October 4, 1978, as R.1978 d.357.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments to CAFRA Rules

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-9 and N.J.S.A. 13:19-17, proposes to amend certain existing rules concerning procedures under the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq. The proposed amendments to these rules are known within the Department of Environmental Protection as Docket No. DEP 047-78-10. The existing rules are cited as N.J.A.C. 7:7D-2.1 et seq.

The proposed amendments revise present procedures of the Office of Coastal Zone Management, Division of Marine Services, under the Coastal Area Facility Review Act. These amendments concern pre-application conferences, general information requirements for environmental impact statements, information requirements for environmental impact statements for housing projects, and exemptions and exemption requests.

Copies of the seven pages of full text may be obtained by contacting the person indicated below.

Public hearings on the proposed rules will be held with a review and comment period at the following locations:

Tuesday, Cape May County Court House
December 12, 1978 Cape May, New Jersey
7:30 P.M.

Thursday, Ocean County Administration Bldg.
December 14, 1978 Freeholder's Meeting Room
7:30 P.M. Hooper Avenue & Washington St.
Toms River, New Jersey

Interested persons may present statements or arguments relevant to the proposed rules at the hearings and/or in writing on or before December 31, 1978, to:

David N. Kinsey, Chief
Office of Coastal Zone Management
Division of Marine Services
Department of Environmental Protection
P.O. Box 1889
Trenton, N.J. 08625

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

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments Concerning Sea Clams

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of P.L. 1975, c. 398, N.J.S.A. 50:1-5, 50:2-6.1 et seq., 13:1B-42 and 13:1D-9, proposes to adopt rules for the 1978-79 sea clam season. It is intended that such rules, if adopted, become effective on December 1, 1978. Such proposal would replace the current text of N.J.A.C. 7:25-12.1.

The regulations are proposed with consideration of the need to retain and protect an adequate density of sea clams in New Jersey waters to foster the resource and to preserve the industry dependent on the harvest of these clams.

The proposal represents a change in existing policy in that the waters open for the inshore fishery comprise all New Jersey waters approved for the harvest of shellfish with the exception of an area from the beach to the nautical miles seaward between Little Egg Inlet and Great Egg Harbor Inlet and the sea clam sanctuary off Hereford Inlet.

Copies of the full text of the proposed regulations may be obtained from:

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

A public hearing on the proposal will be held on November 16, 1978 at 8:00 P.M. in the lecture hall of Stockton State College, Pomona, New Jersey.

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

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

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

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on Watercraft Noise Control

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 12:7-34.49, proposes to adopt amendments concerning watercraft noise control. The proposed amendments concern the deletion of the current text of N.J.A.C. 7:29-2.1 et seq. and the adoption of new text on the same subject.

This proposal is known within the Department of Environmental Protection as Docket No. DEP 048-78-10.

Full text of the proposed new rules follows:

SUBCHAPTER 6. WATERCRAFT NOISE CONTROL

7:6-6.1 Scope

The following rules shall govern the emission of noise from vessels and watercraft operating on the waters of New Jersey.

7:6-6.2 Definitions

"Department" means the Department of Environmental Protection.

"Person" means any corporation, company, association, society, firm, partnership and joint stock company, as well as individuals, and shall include the State and all its political subdivisions and any agencies and instrumentalities thereof.

"Vessel" means a boat or watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

7:6-6.3 Noise limitation provisions

(a) No vessel or watercraft capable of emitting noise totaling in excess of 86 dba measured at a distance of 50 feet from the vessel shall be operated upon the waters of this State. For vessels with engines manufactured on or after January 1, 1979 and before January 1, 1982, the noise level shall not exceed 84 dba measured at a distance of 50 feet from the vessel. For vessels with engines manufactured on or after January 1, 1982, the noise level shall not exceed 82 dba measured at a distance of 50 feet from the vessel.

(b) Measurements shall be made by a sound level meter which satisfies ANSI-S 1.4, type 2, or equivalent, and is certified by the Department of Environmental Protection, Office of Noise Control, with reference, as applicable, to standards of the New Jersey Office of Weights and Measures or the National Bureau of Standards or both.

(c) Measurements shall be made with the sound level meter at a distance of not less than 50 feet from the closest point of the boat's hull amidships. Any Marine Policeman or other law enforcement officer certified by the Office of Noise Control with a reason to suspect that a boat is exceeding the noise limitation may require the vessel operator to traverse a noise emission test course as set forth herein.

(d) Any person who fails to comply with the directive to traverse the test course shall be subject to prosecution or, at the discretion of the law enforcement officer, such

vessel or engine shall be ordered to immediately return to its mooring and cease operations.

(e) The noise emission test course shall consist of a straight course of approximately 100 yards long through which the vessel shall be operated at full throttle. The sound level meter shall be located at a perpendicular distance of not less than the specified 50 feet from the approximate midpoint of the course. The ambient noise level shall be a factor in positioning the test course.

1. Any person operating any vessel or other watercraft found in violation of the established noise levels may be subject to prosecution by the Department.

(f) The noise limitation provisions of this section shall not apply to vessels registered and actually participating in racing events, or tune-up periods for such racing events, when authorized by the Department or by any other public authority with the Department's approval. Tune-up periods approved pursuant to this section shall be limited as follows:

1. Before any race boat is tested, the driver shall secure a Race Test Permit from the New Jersey Marine Police.

2. Before the permit is issued, the Marine Police shall obtain a statement from the applicant which shall include the following:

- i. Name and address of the driver;
- ii. Type and description of the boat;
- iii. The area of the test;
- iv. The name and address of the boat's owner;
- v. The date and location of the next race in which the operator will compete, and;
- vi. Any other information deemed necessary by the Marine Police Station Commander.

3. From May 15 through October 1 there shall be no race tests permitted on any Saturday, Sunday or holiday.

4. All race tests, with the exception of those held on the Navesink and Shrewsbury Rivers in Monmouth County, shall be conducted between the hours of 10:00 A.M. and 6:00 P.M., local time. Tests may be conducted on the Navesink and Shrewsbury Rivers between the hours of 10:00 A.M. and 8:00 P.M.

5. All race tests shall be limited to a total test period of 20 minutes on the water.

6. There shall be a maximum of five race tests permitted on any one day.

7. No driver shall be permitted more than five race tests in any seven day period.

8. No boat shall be tested more than five times in any seven day period.

9. The provisions of paragraphs 3, 6, 7, and 8, of this subsection shall not apply on a body of water in the three-day period immediately preceding a race on that body of water. Subject to such restrictions as may be imposed by the U.S. Coast Guard or the Marine Police, testing on days of sanctioned races may begin two hours before the start of the first race.

10. The Station Commander, Marine Police, is authorized to deny or cancel any permit for the reasons of boat traffic, poor weather, confined area, or other valid reason.

7:6-6.4 Test course

No person shall fail to traverse a noise emission test course when so ordered by a duly authorized law enforcement officer.

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

Donald T. Graham
Director
Division of Marine Services
Department of Environmental Protection
P.O. Box 1889
Trenton, N.J. 08625

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

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments to Central Pine Barrens Water Quality Standards and Designation as a Critical Area

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq., and 58:11-43 through 48, proposes to amend the description of the Central Pine Barrens, adopt an Official Map of the area, and to adopt Interim Guidelines as an Appendix to the Critical Area regulations (N.J.A.C. 7:9-10.1 et seq.) regarding the installation of individual subsurface disposal systems. These amendments are intended to serve three major purposes:

- (1) Clarify the boundary of the Central Pine Barrens Areas;
- (2) Adopt certain Interim Guidelines on the Review of Individual Sewage Disposal Systems;
- (3) Provide an exemption process for individuals who own single lots and who are unable to purchase adjacent property sufficient in size to obtain critical area approval because the lot is landlocked by adjoining lots with existing dwellings.

HISTORY:

On January 23, 1978 the Department of Environmental Protection adopted surface and ground water standards and designated as a critical area 760 square miles of the Central Pine Barrens located within Atlantic, Burlington, Camden, and Ocean Counties. In addition, the Department held various public meetings prior to the adoption of the water quality standards and the critical area designation. Furthermore, this rulemaking was the subject of a public hearing held by the Senate Committee on Energy and the Environment on January 5, 1977. The water quality standards regulations set antidegradation water quality standards while the critical areas regulations set out procedures and considerations to be taken into account in the Department's review of individual sewage disposal systems within the 760 square-mile-area.

DISCUSSION:

The purposes of the proposed amendments are:

- (1) Clarification of the Description of the Central Pine Barrens Area.

In accordance with the Department's previous statements about future attempts to clarify certain questions about the Central Pine Barrens Area boundary, the Department is proposing to amend the language contained in the original rulemaking on Water Quality Standards and Critical Area designation. This clarification does not

include any expansion of the area into privately-owned lands not previously described. The amended Central Pine Barrens boundary does include, for the first time, certain State and Federal Parks, Forests, and Fish and Wildlife areas which the Department believes should have been included in the original Central Pine Barrens Area.

As a means of further clarification of the Central Pine Barrens boundary, the Department has delineated and proposes to adopt an Official Map. This map will be published and made available on U.S. Geological Survey Quadrangle Maps. This map shall be used as a supplement to that description contained in the Water Quality Standards and Critical Area rules. Copies of relevant sections of the Official Map will be provided to each affected municipality, the county planning board and the county board of health. Additional copies of the Official Map will be available from:

Bureau of Water Quality Planning and Management
Division of Water Resources
P.O. Box CN-029
Trenton, N.J. 08625

- (2) Adoption of Interim Guidelines.

The Department had previously announced the availability of "Interim Guidelines for Reviewing New Subsurface Sewage Disposal Systems in the Central Pine Barrens Critical Area." The Interim Guidelines inform the applicant requesting critical area review of an individual subsurface disposal system(s) of the procedures and data required for such a review. The Interim Guidelines will be subject to further refinement pending research undertaken under contract by Rutgers University and new technical data available to the Department to develop a revised methodology for reviewing applications for individual disposal systems. Copies of the Interim Guidelines are also available from the Bureau of Water Quality Planning and Management.

- (3) Adoption of Exemption for Certain Individual Lot Owners.

In recognition of the fact that prior to the effective date of the Central Pine Barrens Critical Area regulations (January 23, 1978), certain individuals had purchased a single lot, or adjacent lots that in combination do not satisfy the requirements of the Critical Area regulations, the Department is proposing an equitable exemption from the Critical Area regulations for those property owners who are unable to obtain additional lots sufficient in area to obtain Critical Area approval. This exemption will only be considered for individual lot owners for whom it is physically impossible to purchase additional adjacent land and who had purchased the lot in question for the purpose of constructing one single-family dwelling.

The above amendments were designed to provide the public with further notice of the Department's administration and implementation of the Central Pine Barrens Water Quality Standards and Critical Area designation.

A public hearing respecting the proposed action will be held on November 30, 1978 at 7:00 P.M. at the Chatsworth Elementary School, Chatsworth, New Jersey. Interested persons may present oral statements at that hearing.

Interested persons may also present statements or arguments in writing on or before January 30, 1979, to:

Donald A. Brown, Assistant Director
Division of Water Resources
Office of Regulatory Affairs
P.O. Box CN-029
Trenton, N.J. 08625

The Department of Environmental Protection, upon its own motion or at the instance of any interested party,

may thereafter adopt these revisions substantially as proposed without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Designation and Administration Of Wild Scenic, Recreational And Developed Recreational Rivers

Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:8-45 et seq., proposes to adopt new rules concerning the designation and administration of wild, scenic, recreational and developed recreational rivers. Such rules, if adopted, will be cited as N.J.A.C. 7:38-1.1 et seq.

The proposed rules establish standards for evaluating lands and waters for classification for inclusion in the Wild and Scenic Rivers System; establish guidelines for studies proposing designation of rivers and adjacent areas of land for inclusion in the system; and establish minimum standards for the regulation of designated river areas and classifications.

The proposed rules apply to lands of the State and other public governing bodies and privately-owned properties which may lie within a designated river area. Designated lands and waters may include lands immediately adjacent to rivers which have been delineated by the Department of Environmental Protection as a floodway, flood fringe or flood hazard area, as well as any additional lands in which the Department of Environmental Protection has or acquires a fee simple interest or scenic easement.

Copies of the 25 pages of full text of this proposal may be obtained from or made available for review by contacting:

Curt J. Hubert, Administrator
Green Acres Program
Department of Environmental Protection
P.O. Box 1390
Trenton, N.J. 08625
Telephone: (609) 292-2455

Public hearings respecting this proposal will be held November 29, 1978, at 7:00 P.M. in the A-Wing Lecture Hall, Stockton State College, Pomona, New Jersey, and on November 30, 1978, at 7:00 P.M. in the Auditorium of Parsippany High School, Vale and Baldwin Roads, Parsippany, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 11, 1978, to the Green Acres Program at the above address.

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

Betty Wilson
Deputy Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Proposed Amendments on Control and Prohibition Of Air Pollution by Volatile Organic Substances

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 26:2C-1 et seq., proposes to adopt amendments known within the Department of Environmental Protection as Docket No. DEP 046-78-10, concerning the control and prohibition of air pollution by volatile organic substances.

This proposal amends N.J.A.C. 7:27-16.1 et seq. and concern definitions, storage, transfer operations, open top tanks, source operations, discharge of toxic volatile organic substances, operating procedures, emission information and tests, variances, permit to construct and certificate to operate and applicability.

Copies of the 21 pages of full text of this proposal may be obtained from and written comments regarding this proposal may be submitted on or before December 28, 1978, to:

Herbert Wortreich
Bureau of Air Pollution Control
Department of Environmental Protection
CN 027
Trenton, N.J. 08625

A public hearing regarding this proposal will be held on December 15, 1978, from 9:00 A.M. to 5:00 P.M. at the State Museum Auditorium, State Cultural Center, West State Street, Trenton, New Jersey.

The Department is inviting persons interested in submitting comments on the proposed regulation to do so in advance of the public hearing. Persons wishing to testify at the December 14 or 15 public hearings should register in advance by calling Mrs. Anne Hutchinson or Ms. Nancy Goldenbaum at 609-292-6705.

Copies of this notice, of the proposed regulations, and the basis and background document are being deposited and will be available for inspection during normal office hours from at least 30 days prior to the hearing through the closing of the hearing record at:

Atlantic County Health Department
1200 Harding Highway
Mays Landing, N.J. 08330

Bureau of Air Pollution Control
Room 1110, Labor & Industry Building
John Fitch Plaza
Trenton, N.J. 08625

Bureau of Air Pollution Control
Metropolitan Field Office
1259 Route 46
Parsippany-Troy Hills, N.J.

Bureau of Air Pollution Control
Southern Field Office
100 Larwin Road
Cherry Hill, N.J.

Warren County Health Department
151 Washington Avenue
Washington, N.J. 07882

These hearings are being held in accordance with the provisions of the Air Pollution Control Act (1954), as amended (N.J.S.A. 26:2C-1 et seq.), and under Title 40, Section 51.4, of the Code of Federal Regulations as a proposed amendment to the New Jersey State Implementation Plan to meet National Ambient Air Quality Standards.

The Department, upon its own motion, may, as provided by law, adopt these rules substantially as proposed without further notice after the close of the hearing record.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Notice of Public Hearings on State Implementation Plan on National Ambient Air Quality Standards

Take notice that, the Department of Environmental Protection, Daniel J. O'Hern, Commissioner, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and N.J.S.A. 26:2C-1 et seq., will hold public hearings on the proposed major revisions to the State Implementation Plan for the attainment and maintenance of National Ambient Air Quality Standards. These hearings will be held in accordance with the provisions of the Federal Clean Air Act (42 U.S.C. 7401 et seq.).

This proposal is known within the Department as Docket No. DEP-045-78-10.

Written and/or oral testimony concerning the proposed plan will be received at public hearings to be held on:

December 18, 1978, at:

Department of Energy
Board of Public Utilities
Hearing room, Second Floor
Room 212
1100 Raymond Boulevard
Newark, New Jersey
from 10:00 A.M. to 5:00 P.M.; and

December 19, 1978, at:

Atlantic City, City Hall
Council Chambers, Second Floor
Tennessee Ave. and Bacharach Blvd.
Atlantic City, New Jersey
from 10:30 A.M. to 5:00 P.M.

Full text of these State Implementation Plan revisions may be obtained from, and written testimony relating thereto will be accepted prior to December 29, 1978, by:

Herbert Wortreich
Bureau of Air Pollution Control
Department of Environmental Protection
CN 027
Trenton, N.J. 08625

The Department is inviting persons interested in submitting comments on the proposal to do so in advance of the public hearing. Persons wishing to testify at the December 18, 19 or 20 public hearings should register in advance by calling Ms. Helen Benedetti or Ms. Denise Frascella at 609-292-6710.

Copies of this notice and of the State Implementation Plan are being deposited and will be available for inspection during normal office hours from at least 30 days prior to the hearing through the closing of the hearing record at:

Atlantic County Health Department
1200 Harding Highway
Mays Landing, N.J. 08330

Bureau of Air Pollution Control
Room 1100, Labor and Industry Building
John Fitch Plaza
Trenton, N.J. 08625

Bureau of Air Pollution Control
Metropolitan Field Office
1259 Route 46
Parsippany-Troy Hills, N.J.

Bureau of Air Pollution Control
Southern Field Office
100 Larwin Road
Cherry Hill, N.J.

Warren County Health Department
151 Washington Avenue
Washington, N.J. 07882

Atlantic County Library
Mays Landing, N.J.

Hackensack Public Library
Hackensack, N.J.

Burlington County Free Library
Mount Holly, N.J.

Camden County Free Library
Voorhees, N.J.

Cape May County Library
Cape May Court House, N.J.

Cumberland County Library
Bridgeton, N.J.

Newark Public Library
Newark, N.J.

Gloucester County Library
Woodbury, N.J.

Jersey City Public Library
Jersey City, N.J.

Hunterdon County Library
Flemington, N.J.

Mercer County Library
Trenton, N.J.

Woodbridge Public Library
Woodbridge, N.J.

Monmouth County Library
Freehold, N.J.

Morris County Free Library
Whippany, N.J.

Ocean County Library
Toms River, N.J.

Paterson Public Library
Paterson, N.J.

Somerset County Library
Somerville, N.J.

Sussex County Library
Newton, N.J.

Elizabeth Public Library
Elizabeth, N.J.

Phillipsburg Public Library
Phillipsburg, N.J.

This hearing is being held in accordance with the provisions of the Air Pollution Control Act (1954), as amended (N.J.S.A. 26:2C-1 et seq.), and under Title 40, Section 51.4, of the Code of Federal Regulations.

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

(a)

ENVIRONMENTAL PROTECTION

PINELANDS ENVIRONMENTAL COUNCIL

Proposed Rules on Project Review Guide

The Pinelands Environmental Council in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:18-13, proposes to adopt a project review guide.

Copies of the proposed project review guide are on file in the offices of the Pinelands Environmental Council, the Ocean County Clerk and Planning Board, the Burlington County Clerk and Planning Board and the Department of Environmental Protection in Trenton.

Copies of the proposal are also available from:

Pinelands Environmental Council
R.D. 2
Box 2857
Browns Mills, N.J. 08015

A public hearing regarding this proposal will be held on Wednesday, December 13, 1978, at 8:00 P.M. at the offices of the Pinelands Environmental Council, Mount Misery Methodist Conference Center, Browns Mills, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 3, 1978, to the Pinelands Environmental Council, at the above address.

The Pinelands Environmental Council may thereafter adopt rules concerning this subject without further notice.

Frank H. Berry Jr.
Solicitor, Pinelands Environmental Council
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Adopt 1979 Fish Code

On September 12, 1978, Harry McGarrigel, Acting Chairman of the Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-

30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted the 1979 Fish Code, substantially as proposed in the Notice published August 10, 1978, at 10 N.J.R. 324(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

This adoption is known within the Department of Environmental Protection as Docket No. DEP 029-78-07.

An order adopting this Code was filed on October 2, 1978, as R.1978 d.351 to become effective on January 1, 1979. Take notice that, the 1979 Fish Code is a temporary rule, not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Amend Effective Date on Rules Concerning Sulfur in Fuels

On October 10, 1978, Betty Wilson, Deputy Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency amendment, known within the Department of Environmental Protection as Docket No. 042-78-10, which changed the effective date of the amended rules in N.J.A.C. 7:27-9.1 et seq. concerning sulfur in fuels from October 12, 1978, to December 31, 1978, or such earlier date as formal Federal approval is granted.

Take notice that, these amended rules on sulfur in fuels were filed on August 10, 1978, as R.1978 d.276 (See: 10 N.J.R. 234(a) and 10 N.J.R. 383(c).)

Full text of the order adopting this amendment follows:

Whereas, on August 10, 1978, Commissioner Daniel J. O'Hern promulgated amendments to N.J.A.C. 7:27-9.1 et seq., Sulfur in Fuels (hereinafter referred to as subchapter 9), to become effective on October 12, 1978; and

Whereas, subchapter 9 was duly submitted to the Administrator of the United States Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards in accordance with the Federal Clean Air Act (42 U.S.C. 7401 et seq.); and

Whereas, EPA review of this new regulation has been delayed substantially so that subchapter 9 will not receive formal Federal review and approval prior to October 12, 1978; and

Whereas, inconsistencies between state rules governing air pollution and the applicable SIP can, under certain circumstances, create difficulties for affected sources of air pollution.

Now, therefore, I, Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, in accordance with the powers conferred upon me by the New

Jersey Administrative Procedure Act (N.J.S.A. 52:14B-4 (c)) and the New Jersey Air Pollution Control Act (N.J. S.A. 26:2C-1 et seq.) do hereby adopt a revised effective date for subchapter 9 so that said subchapter shall become effective on December 31, 1978, or such earlier date as formal Federal approval is granted.

An order adopting this amendment was filed on October 10, 1978, as R.1978 d.361 (Exempt, Emergency Rule), to become effective on December 31, 1978, or such earlier date as formal Federal approval is granted.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Boating, Diving and Swimming

On October 16, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 12:7-34.49 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:6-1.34(c) and 7:6-1.42(d), concerning boating, diving and swimming, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 143(a).

An order adopting these amendments was filed on October 16, 1978, as R.1978 d.368, to become effective January 1, 1979.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Amendments Concerning Smoking in Certain Public Places

The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7, proposes to amend its rules concerning smoking in certain places. The proposed amendments concern the deletion of the current rules cited as N.J.A.C. 8:15-1.1 et seq. and the adoption of new rules therein.

Full text of the proposed new rules follows:

CHAPTER 15. SMOKING IN CERTAIN PUBLIC PLACES

SUBCHAPTER 1. GENERAL PROVISIONS

PREFACE

This Chapter is promulgated pursuant to the authority granted to the Public Health Council in N.J.S.A. 26:1A-7, in the interest of protecting and preserving the public health.

In view of the fact that the Surgeon General of the United States has determined that the smoking of tobacco can constitute a hazard to health, and that smoke may produce irritation, discomfort, or harm to health of non-smokers, the Public Health Council recognizes the right

of individuals using or visiting public places to an environment reasonably free of such agents as may produce those results while at the same time recognizing the right of individuals to elect to smoke.

Nothing in this Chapter shall be construed in any way to detract from smoking restrictions or prohibitions imposed by other governmental authorities by law, ordinance or regulation.

8:15-1.1 Definitions

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

"Establishment" means any public place affected by this chapter;

"Public place" means any enclosed indoor area used by the general public and to which it is invited where smoking is either prohibited or permitted, in accordance with subsequent provisions of this chapter;

"Restaurant" means any establishment where food is served for consumption on the premises;

"Retail food store" means any establishment where food is sold primarily for off-premises consumption;

"Smoking" includes carrying or having in one's possession a lighted cigar, cigarette, pipe or any other lighted smoking equipment;

"Ventilation", for the purposes of understanding the content of this chapter, means the process of supplying outdoor air to and removing interior air from an enclosed space;

"Ventilation rate" means the volume of air moved during a period of time and measured in cubic feet per minute (CFM).

8:15-1.2 Affected public places

(a) Those public places wherein smoking shall be prohibited entirely, or permitted in specially designated areas, shall include but not be limited to the following:

1. Restaurants except that:

i. A restaurant shall be exempt from this chapter if the total seating capacity does not exceed 50 persons at any one time;

ii. A bar or tavern, whether a separate establishment or part of an establishment where food is served for consumption on the premises shall be exempt from these regulations unless the facilities for serving food at tables in the bar or tavern area accommodate 50 or more persons at any one time.

2. Retail food stores except that any such store in which the selling area open to the public does not exceed 2,500 square feet shall be exempt from this chapter;

3. Museum, libraries and certified historical buildings;

4. Pharmacies and areas where prescription drugs are sold;

5. Health care facilities as defined by N.J.S.A. 26:2H-1 et seq.;

6. Meeting places and places of recreation, including but not limited to theaters, auditoriums, schools and other institutions providing education or training, and places of assembly used for religious, recreational, political, educational, social or any other public purpose except that casinos, race tracks, bowling alleys, ice skating rinks, dance halls, and other establishments of ambulatory recreation shall be exempt from the provisions of this chapter;

7. And any other places, having public access areas, which may desire to establish non-smoking sections of such areas, whether in their entirety or in part.

8:15-1.3 Designation of "Smoking Permitted" areas

(a) Smoking shall be prohibited in all sections of public places except in areas designated as "Smoking Permitted" in accordance with this subsection. Unless otherwise specifically provided in this subsection, no public place may be designated a "Smoking Permitted" area in its entirety. Areas in which smoking is not permitted shall be no less attractive or convenient than areas in which smoking is permitted.

1. Where a separate room or an establishment in its entirety is rented for a private function that is not open to the public and is under the exclusive control of the sponsor, it may be designated as a "Smoking Permitted" or "No Smoking" area by the sponsor.

2. Any affected restaurant may designate "Smoking Permitted" areas in its establishment, the size and location of which areas may be determined by the owner or manager or person in charge in accordance with patron needs, providing the entire establishment is not designated "Smoking Permitted." Where feasible, the section designated "Smoking Permitted" should be one contiguous area. Each restaurant designated a "Smoking Permitted" area shall post a conspicuous and clearly legible sign indicating the approximate percentage of seats in the non-smoking section of the dining area. Any such sign may indicate that the percentage of no smoking seats is approximate, subject to change if the restaurant owner or manager determine patron needs so require.

3. No retail food store in which the selling area open to the public exceeds 2,500 square feet shall designate any portion of its public access area as a "Smoking Permitted" area.

4. Museums, libraries, and certified historical buildings may designate "Smoking Permitted" sections only in the entrance and lounge areas.

5. No pharmacy or area where prescription drugs are sold shall designate any portion of its public access area as a "Smoking Permitted" area.

6. Health care facilities may designate "Smoking Permitted" areas only in lobbies, waiting rooms, lounges, cafeterias, and dining areas and such areas shall not be designated as smoking permitted in their entirety. Smoking shall not be permitted in any patient room unless all patients placed therein have requested a room in which smoking is permitted.

7. No school shall designate any portion of its auditoriums or classrooms as "Smoking Permitted" areas.

8. No entry or exit area, ticket area, registration area, common traffic area or similar section of any affected public place shall be designated in its entirety as a "Smoking Permitted" area if non-smokers would be required to use the area to participate in activities for which the public place is intended. This condition shall not be construed to prevent designation of a "Smoking Permitted" area in a portion of an establishment which non-smokers must briefly cross to reach the intended activity. Hotel and motel lobbies shall be exempt from this section of the regulations.

9. In all public places, including those constructed prior to the adoption of the New Jersey Uniform Construction Code (N.J.A.C. 5:23-1.1 et seq.), where "Smoking Permitted" areas are designated in accordance with this subsection, adequate ventilation shall be provided by mechanical means to diminish and disperse the concentrations of the products of combustion related to smoking. Ventilation rates for those public places where "Smoking Permitted" areas are designated shall be whatever rates are now or shall in the future be required by the Building Subcode (N.J.A.C. 5:23-3.4) of the New Jersey State Uni-

form Construction Code for new construction or alteration of buildings of the same type and purpose. Copies of the Building Subcode and the Basic Mechanical Code which it incorporates by reference may be inspected at:

Department of Health
Health and Agriculture Building
Room 805, John Fitch Plaza
Trenton, New Jersey 08625

i. Copies may be obtained from:

BOCA
1313 East 60th Street
Chicago, Illinois 60637

8:15-1.4 Notice requirement

All public places affected by this chapter shall identify all "No Smoking" and all "Smoking Permitted" areas by posting in conspicuous places a sufficient number of "No Smoking" and "Smoking Permitted" signs with letters at least 1½ inches high.

8:15-1.5 Responsibilities of establishments and individual smokers

(a) Any establishment affected by this chapter shall be responsible for complying with the physical requirements and conditions set forth in subsections 8:15-1.3 and 8:15-1.4 of this chapter. Any establishment designating a "Smoking Permitted" area shall be required to obtain a certificate of continued occupancy issued by the appropriate construction official in accordance with the Uniform Construction Code (N.J.A.C. 5:23-2.7(3)). In addition, the proprietor or other person in charge of the establishment shall make reasonable efforts to prevent individuals from smoking in areas where smoking is not permitted, including but not limited to the following:

1. Posting signs as required by N.J.A.C. 8:15-1.3 and 8:15-1.4;

2. Arranging seating to provide a smoke-free area and requesting that smokers sit in the designated "Smoking Permitted" area;

3. Asking smokers in the designated "No Smoking" area to refrain from smoking upon request of a patron or employee objecting to or suffering discomfort from the smoke.

(b) Violation of any provision of this chapter shall constitute a separate offense and shall subject an establishment to a penalty of not less than \$25.00 nor more than \$100.

(c) Any person who smokes in violation of the provisions of this chapter may be subject to a petty disorderly persons offense and the penalties provided by N.J.S.A. 2C:33-13b, effective September 1, 1979.

A public hearing respecting this proposal will be held on December 11, 1978, at 9:30 A.M. in the Veterans' Room of the War Memorial Building in Trenton, New Jersey.

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

Jule M. Erdee
Executive Secretary
Public Health Council
Department of Health
P.O. Box 1540
Trenton, N.J. 08625

The Public Health Council may thereafter adopt rules concerning this subject without further notice.

Jane B. Robinson
Chairperson, Public Health Council
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Rules on Standards for Cardiac Diagnostic Facilities and Surgical Centers

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to add new rules to the Manual of Standards for Hospital Facilities concerning standards for cardiac diagnostic facilities and cardiac surgical centers. Such rules, if adopted, will be cited as N.J.A.C. 8:43B-17.1 et seq.

The proposed rules concern cardiac diagnostic and surgical services, governing authority, emergency services, medical records, staffing patterns, cardiac diagnostic facilities, cardiovascular surgical services, pediatric cardiac diagnostic facility and surgical center, glossary of terms and cardiac care construction standards.

Copies of the 40 pages of full text of the proposed rules may be obtained from or made available for review by contacting:

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

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

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendments Concerning Difenoxin in Combination With Atropine Sulfate Into Schedules IV and V

David A. Wagner, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-8 and 24:21-8.1, proposes to place preparations containing difenoxin in combination with atropine sulfate into Schedules IV and V in N.J.A.C. 10:65-10.1(a)4. and 5.

Full text of the proposal follows:

The Commissioner of Health raises no objection to the placing of:

DIFENOXIN 1mg. in combination with 0.025mg. atropine sulfate in Schedule IV of the Federal Controlled Substance Act of 1970, and,

DIFENOXIN 0.5mg. in combination with 0.025mg. atropine sulfate in Schedule V of the Federal Controlled Substance Act of 1970.

Said Order was published in the Federal Register, Volume 43, No. 167 dated August 28, 1978.

Now, therefore, the Commissioner of Health orders that: DIFENOXIN 1mg. in combination with 0.025mg. atropine sulfate

DIFENOXIN 0.5mg. in combination with 0.025mg. atropine sulfate

be placed in Schedule IV and Schedule V respectively, and be made subject to the provisions of N.J.S.A. 24:21 et seq. Said Order to be effective September 27, 1978, the date of the Order as published in the Federal Register.

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

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

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

David A. Wagner
Deputy Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Rule on Uniform Construction Code Plan Review Fee

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt a new rule concerning the Uniform Construction Code plan review fee.

Full text of the proposal follows:

8:43D-2.1 Architectural and mechanical plan review fee

(a) The Department of Health will utilize 20 per cent of the local municipality schedule in computing the plan review fee for health care facilities. The municipality will charge the balance of 80 per cent for the other aspects of construction, i.e., inspections, permits and the like.

(b) In order to provide for the training and certification and technical support programs required by the act, the enforcing agency, including the department when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the municipality. Said fee shall be accounted for and forwarded to the Bureau of Housing Inspection in the DCA manner herein provided:

1. Amount: This fee will be in the amount of 0.0006 dollars per cubic foot volume of new construction. Volume shall be computed in accordance with N.J.A.C. 5:23-2.8(d).

(c) The sponsor will submit to the Department of Health a copy of the local ordinance establishing the fee schedule in order for the Department to make the necessary computations.

(d) If a municipality has not passed an ordinance establishing fees, the Department of Health will utilize the fee schedule outlined in N.J.A.C. 5:23-4.8, subsection (d) of the Uniform Construction Code. (See Attachment "A".)

(e) All fees paid to the Department of Health shall be

non-refundable. All fees shall be paid by check or money order, payable to the "Treasurer, State of New Jersey".

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

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

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Amendments On HMO Certificate of Need

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2J-1 et seq., proposes to amend a portion of the rules concerning HMO certificates of need by adding new text therein.

Full text of the proposed new rules follows:

8:33-1.14 Definitions

...
"Health Maintenance Organization", as defined by the New Jersey HMO Act (N.J.S.A. C.26:2J-1 et seq.), means any person which directly or through contracts with providers furnishes at least basic comprehensive health care services on a prepaid basis to enrollees in a designated geographical area.
...

8:33-1.6 Health maintenance organizations

(a) A Certificate of Need is required for any HMO feasibility study which exceeds \$200,000.

(b) Any person intending to conduct a feasibility study which does not exceed \$200,000 shall first file a Letter of Intent with the Commissioner of Health not less than 30 days before implementing the feasibility study.

(c) The Letter of Intent shall include the following:

1. Name, address, official position and curriculum vitae of each officer;
2. Project summary and description of the HMO;
3. Description of the geographic area to be served;
4. Total expenditures anticipated and sources of support;
5. Letters of support.

(d) A Certificate of Need will be required on completion of the feasibility study to authorize further planning, development, and operation of the HMO. Where construction of a facility is involved, Section B, Categories I, II, III, IV, VI, VII, and VIII of the Certificate of Need Guidelines will be applicable.

(e) Applicants must be able to address the following items when submitting a Certificate of Need application:

1. Description of proposed service area accompanied by map of same.

2. Description of other HMO and other prepaid services in proposed service area.

3. Description of the organization of the HMO.

4. Articles of Incorporation of legal entity that is or will be the HMO.

5. Letters of support from providers of primary care, specialty care, home health care, skilled nursing care, mental health including drug abuse and alcohol abuse program services.

6. Letters indicating employer, union, public and other community support.

7. Three year operating budget and financial plan.

8. Description of plans to provide basic health care services as defined in the New Jersey HMO Act.

9. Description of primary market to which the HMO will be presented.

10. Facility plans (if applicable).

(f) Any substantial deviation from the approved Certificate of Need will necessitate the filing of an application in accordance with Category VIII, Section B-5, entitled, "Change in Cost, Scope, or Financing of an Approved Project".

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

Edwin V. Kelleher
Chief, Alternative Health Systems
Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Rules on Standards for Computerized Axial Tomography Services

David A. Wagner, Deputy Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt standards for computerized axial tomography services.

Full text of the proposal follows:

8:43A-1.71 Computerized axial tomography services

(a) Definitions include the following:

1. "Ancillary staff" shall mean a person who has training and experience as specified in the facility's policy and procedure manual(s).

2. "Radiologist" shall mean a physician who meets the requirements for certification by the American Board of Radiology, Inc. or the American Osteopathic Board of Radiology; or who has specialized in radiology, and whose competence in the practice of radiology is approved by the governing authority of the facility.

3. "Radiologic technician" shall mean a person who is authorized by the Department of Environmental Protection to apply radiation to human beings pursuant to N.J. S.A. 45:25-1 et seq.

4. "Radiation physicist/health physicist" shall mean a person who meets the requirements for certification as a specialist in radiation safety by the American Board of Radiology Inc. or the American Association of Physicists in Medicine; or who has a master's degree with a major in medical radiation physics, health physics, or radiologic health.

(b) A computerized axial tomography service shall provide services in accordance with N.J.A.C. 8:43A-1.1, 1.2 (excluding enrollee and medical director), 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10 (excluding (q)), 1.11, 1.12 (excluding (a), (e1), (e2)), 1.21, 1.23(f) through (h), 1.24(a) through (d), and (h), 1.25 (excluding (b), 1.26(a), (c), (e), (g), (h), (i), and (j)), and 1.28.

(c) Staffing requirements include the following:

1. The facility shall provide medical and ancillary staff for its operation on the premises in accordance with the following:

2. At least one full-time or full-time equivalent radiologist. A radiologist shall be appointed director of the service. The director shall ensure that radiation safety principles and practices, as well as the standards specified in 1.12(f)1 through 6, are observed.

3. An administrator who shall be responsible for N.J.A.C. 8:43A-1.12(b), (c), (d). The governing authority may designate the director to function as the administrator.

4. At least 1.8 full-time equivalent radiologic technicians who shall carry out the functions assigned to them by the facility's policy and procedure manual(s).

5. A radiation physicist/health physicist who shall be available for safety evaluations of all equipment, storage and handling practices and staff education.

(d) Utilization requirements are:

1. The facility shall perform at least 1,500 scans in its first year of operation as a licensed computerized axial tomography facility.

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

(e) Data reporting rules are:

1. The facility shall maintain and provide statistical data on the operation of the unit as specified by the Department.

2. The data shall be reported on a quarterly basis on forms supplied by the Department.

(f) Patient's rights include:

1. The facility shall not refuse referrals on the basis of the patient's race, religion, sex, age, or ability to pay.

2. The facility shall document the reason for refusal of a referral. This documentation shall be available to the patient and the Department.

3. The facility shall certify in writing to the Department that it is in compliance with paragraph 1. above, on an annual basis.

(g) Physical plant rules are:

1. Computerized axial tomography services in freestanding ambulatory care facilities shall be in accordance with the Uniform Construction Code of New Jersey for business occupancy.

2. Computerized axial tomography services plant and/or equipment in a freestanding ambulatory care facility shall be in accordance with regulations of the State Department of Environmental Protection, Bureau of Radiation Protection, regarding radiation protection.

3. The Department of Environmental Protection, Bureau of Radiation Protection, shall approve the computerized axial tomography services plant and/or equipment, prior to the onset of operation.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before November 29, 1978, to:

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

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

David A. Wagner
Deputy Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Correction of Effective Date of Amendments To Minimum Standards of Performance

Take notice that, in the Notice of Adoption concerning the amendments to the rules regarding minimum standards of performance that appeared in the October 5, 1978 issue of the New Jersey Register, at 10 N.J.R. 430(d) as R.1978 d.339, the effective date of such amendments was incorrectly stated to be October 1, 1979. The correct effective date of such amendments should have been October 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Amendments to Standards for Licensure of Residential and Inpatient Drug Treatment Facilities

On October 23, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:42-2.1 et seq., concerning the standards for licensure of residential and inpatient drug treatment facilities, substantially as proposed in the Notice published August 10, 1978, at 10 N.J.R. 330(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting these amendments was filed on October 23, 1978, as R.1978 d.373 to become effective on November 9, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

1979 SHARE Guidelines

On October 23, 1978, David A. Wagner, Deputy Commis-

sioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted a portion of the 1979 SHARE guidelines, substantially as proposed in the Notice published September 7, 1978, at 10 N.J.R. 384(c), with only inconsequential structural or language changes, in the opinion of the Department of Health.

This adoption involves time tables, references and statistics. Take notice that, the remaining portions of the proposed guidelines are still being considered and may be adopted in the near future.

These adopted guidelines will be cited as N.J.A.C. 8:31-17.1 et seq.

An order adopting this portion of the guidelines was filed and became effective on October 24, 1978, as R.1978 d.374.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Amendments to Standards for Licensure Of Ambulatory Care Facilities

On October 24, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43A-1.1 et seq., concerning drug abuse treatment services regarding the standards for licensure of ambulatory care facilities, substantially as proposed in the Notice published August 10, 1978, at 10 N.J.R. 329(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Take notice that, these amendments concerning drug abuse treatment services are additional amendments to the rules adopted in R.1978 d.338, at 10 N.J.R. 430(c). These amendments on drug abuse treatment services were still being considered at that time but are finalized as adopted amendments at this time.

An order adopting these amendments was filed and became effective on October 24, 1978, as R.1978 d.375.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Rules on Graduate Medical Education Program

T. Edward Hollander, Secretary of the State Board of Higher Education and Chancellor of Higher Education, pursuant to authority of N.J.S.A. 18A:64H-8, proposes to adopt new rules concerning the graduate medical education program.

Full text of the proposal follows:

CHAPTER 15. GRADUATE MEDICAL EDUCATION PROGRAM

SUBCHAPTER 1. GENERAL PROVISIONS

9:15-1.1 Definitions

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

"Council" means the Advisory Graduate Medical Education Council of New Jersey.

"Chancellor" means the Chancellor of Higher Education.

"Board" means the Board of Higher Education of New Jersey.

"Commissioner" means the Commissioner of Health.

"Graduate Medical Education" means internship and residency programs as defined in N.J.S. 18A:64H-3(c).

"Curriculum" means a body of clinical knowledge taught to trainees in graduate medical education programs.

"Student" means a full time equivalent (3 part-time equal one full-time) physician in a graduate medical education program.

9:15-1.2 Guidelines for participating hospitals

(a) A New Jersey private non-profit or public hospital seeking support for graduate medical education normally shall, no later than May 1 of the fiscal year, and two years prior to the initiation of the program for which funding is requested, submit an application containing the following:

1. An education plan for each program for which support is requested, which plan shall identify:

i. The objectives of the program;

ii. A justification of the request giving evidence of the need for funds and of the area's need for physician manpower;

iii. The length of training;

iv. The curriculum to be offered in each year of the program, and clinical rotations;

v. A list of faculty members indicating their qualifications and time involvement;

vi. The name of the program director whose qualifications shall be subject to the review of the Council and who shall qualify for medical school appointment;

vii. A projection of the number of students that will be trained in each year of the program;

viii. The nature of the required relationship of the program to a U.S. medical school;

ix. The resources that are available at the institution to support the program;

x. The additional resources which are needed;

xi. A summary of other existing clerkships and residency programs within the applying institution;

xii. Support of the hospital's Board of Trustees; and

xiii. Any other appropriate information at the discretion of the applicant or the request of the Council.

2. A statement indicating that the chief executive officer of the hospital or his designee shall assume the responsibility for implementing the program and coordinating it with: other graduate medical education programs in hospitals; the medical school with which the program is affiliated; and with the Council.

3. Assurances that the program will be one that will provide a high degree of excellence. Such assurances should include, but not be limited to, documentation that the program currently is fully or provisionally approved by either the Liaison Committee on Graduate Medical Education and the appropriate physician specialty board, or the Office of Education of the American Osteopathic Association, or indications of reasonable probability that such approvals will be received.

4. Assurances that alternate sources of support for each program will be established by the end of the grant period. Such assurances should include but not be limited to a plan in which future levels of training activity and financial support are identified.

9:15-1.3 Criteria for selecting recipients

(a) In selecting recipients the Council shall consider but not be limited to the following criteria:

1. Programs that meet statewide physician manpower needs and/or the needs of specific service populations.
2. Teaching programs that involve innovative methods that may be of special value in promoting effective solutions to the problems identified in the Act.
3. Programs that pay special attention to the recruitment of minority graduates.

9:15-1.4 Guidelines for expenditure of funds

(a) The Council, with the approval of the Chancellor, acting on behalf of the Board, and the Commissioner shall establish a list of activities that can be funded under this authority. The list may include but need not be limited to:

1. Salaries, or a portion thereof, of Directors of Medical Education;
2. Salaries, or portion thereof, of program directors;
3. Salaries, or a portion thereof, of faculty;
4. The cost of educational supplies;
5. The cost of library materials;
6. The cost of audio visual equipment;
7. The cost of other educational equipment;
8. Salaries, or a portion thereof, of secretaries and other overhead costs;
9. Partial funding of residents' salaries as these are related to educational activities; and
10. Funding required for planning and developmental activities.

9:15-1.5 Approved programs

(a) Program applications shall be reviewed by the Council which shall forward its recommendations to the Chancellor for transmittal, together with his own recommendations, to the Board and the Commissioner. Cost reimbursement contracts will be executed annually for the programs approved by the Board and the Commissioner, between the Chancellor, acting on behalf of the Board, and the chief executive of the institution receiving support.

(b) Reallocation of funds within an existing contract may be made subject to the approval of the Council, and the Chancellor, acting for the Board.

9:15-1.6 Reporting requirements for recipients of awards

(a) At a time specified by the Council, the chief executive or his designee of each hospital receiving funds under this section shall submit to the Council a semi-annual progress report for each program so funded. This report shall include the following:

1. Summary of accomplishments to date;
2. Problems encountered during the grant period and their proposed solution;
3. Requests for reimbursement for approved expenditures as defined in section 4 of this subchapter;
4. Requests for continuation funds; and
5. Information on placement of residents upon completion of the program.

9:15-1.7 Payment procedures

Upon certification of expenditures made pursuant to the contract, the Chancellor shall authorize the State Treasurer to reimburse funds according to the contract.

9:15-1.8 Unexpended funds

In the event that the amounts previously awarded have not been obligated pursuant to the approved project and at the recommendation of the Council, the Chancellor, acting for the Board, may, upon notice to the recipient, reduce the amount of the contract to an amount consistent with the recipient's needs.

9:15-1.9 Termination of contracts

Contracts may be terminated for failure to adhere to the terms and conditions of the contract, the Graduate Medical Education Act, or any of the regulations promulgated thereto. The Chancellor may in his discretion suspend without notice the operation of any contract pending a review by the Council. Upon recommendation of the Council the Chancellor may terminate a contract. Prior to making such recommendations Council shall afford recipient reasonable notice and opportunity to be heard. Recipient shall return any monies improperly utilized at the time of contract termination.

9:15-1.10 Financial audits

Final payment of funds under the contract will be withheld until an independent audit is conducted, paid for by the recipient of the contract, certifying that the expenditures were in accordance with the terms of the contract. Copies of such an audit shall be submitted to the Chancellor.

9:15-1.11 Waiver

The Council may, with the approval of the Chancellor, acting for the Board, and the Commissioner of Health, waive certain provisions of N.J.A.C. 9:15-1.2 for the fiscal years 1979 and 1980. The Council shall indicate that such waivers are for the purpose of entering into contracts with hospitals or other institutions that are currently providing graduate medical education programs that are fulfilling the objectives of N.J.A.C. 9:15-1.3 or health care institutions that request funds for planning and implementation of graduate medical education programs that are consistent with the criteria established in N.J.A.C. 9:15-1.3.

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

Dr. Lewis Dais
Director, Office for Health Manpower
Department of Higher Education
225 West State Street
Trenton, N.J. 08625

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

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

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Glossary Of Terms and Acronyms

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3, proposes to amend N.J.A.C. 10:81-9.1, concerning the glossary of terms and acronyms in the Public Assistance Manual.

This proposal concerns the deletion of certain termin-

ology not relevant to the Public Assistance Manual and clarifies existing terminology.

Copies of the 17 pages of full text of this proposal may be obtained from or made available for review by contacting:

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

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Continuation of Benefits During Period of Postponement On Rescheduling of a Fair Hearing

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend N.J.A.C. 10:87-7.12(a)3. in the Good Stamp Manual, concerning the continuation of benefits during the period of postponement or rescheduling of a fair hearing due to reasonable good cause.

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

10:87-7.12(a)3. Adjournment of a Fair Hearing—An adjournment of a hearing shall not prolong continuation of benefits at an unreduced level, unless such adjournment is due to delay by the State Agency or CWA. If benefits have been continued and a hearing is postponed or rescheduled for reasonable good cause, those benefits must be continued at the same level pending a determination at the fair hearing on entitlement to unreduced benefits (in accordance with Section 732) until the final decision is rendered. [Benefits shall also be continued unreduced if the request is based on] Reasonable good cause shall include but is not limited to verified illness of the appellant or a family member, [if] failure of the CWA [fails] to provide requested transportation assistance, or if the hearing can be rescheduled during the same payment period as the initial hearing.

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

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

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

Gerald J. Reilly
Acting Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Disregard of Work Training Expenses in WIN and Grant Adjustments On Institutionalized Care of Eligible Unwed Mother

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:82-3.2(b) and 10:82-5.3(h) in the Assistance Standards Handbook, concerning disregard of work training expenses in WIN and grant adjustment to accommodate institutionalized maternity care of an eligible unwed mother in AFDC-N segment.

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

10:82-3.2(b)7.iv. In AFDC, incentive payment from participation in certain training programs:

(1) A monthly incentive payment of an amount not to exceed \$30 and work related training expenses [as] paid to recipients of AFDC who are participants in WIN training programs by the New Jersey Department of Labor and Industry, Division of Employment Security;

(2) A weekly allowance of \$30 paid to recipients of AFDC who are participants in CETA training programs.

10:82-5.3(h) When an eligible child who is an expectant mother is receiving care in an approved maternity home, the maximum rate for such care shall be the applicable rate for that facility as determined by the Division of Youth and Family Services, not to exceed a maximum of \$360 per month. Such rate shall include all maintenance and care except medical services and shall be made as a vendor payment from the assistance account.

1. An adjustment to accommodate to this absence from the eligible unit's home must be made in computing the family's grant. [For this purpose, the amount of \$25 per month shall be entered as "other income" on the PA-3A form.] (See subchapter 1 of this chapter.)

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

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

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

Gerald J. Reilly
Acting Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Payments For Burial and Funeral Expenses

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to

amend N.J.A.C. 10:81-7.26 concerning payments for burial and funeral expenses.

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

10:81-7.26(e) The amount determined to be allowed on any claim[,] should be paid as promptly as possible after such determination[,] and, in any event, within thirty days thereafter.

1. In the event that a determination cannot be made within 10 calendar days after receipt of Form PA-11 solely because information about a determination by one or more other agencies is not available, the CWA shall make a tentative determination based on an assumption of favorable action by the other agencies. The CWA will remit the difference within 30 days following the tentative determination. Upon receipt of the information about the determination(s) of the other agencies, the CWA will make a final determination and remit any balance due to the funeral director within 30 days of the final determination.

10:81-7.26(f)3.ii. Any authorized official of a State or local government agency may file a claim on its behalf. A statement by the official on the application under "Remarks" that he/she is authorized to file[,] is acceptable evidence of [his] that individual's authority. [In filing a claim, the county welfare board should also insert the following statement under "Remarks":

iii. "Application is also made for the State's share of the lump-sum death benefit in accordance with the blanket authority furnished by the State to the Social Security Administration."

iv. This procedure will avoid the necessity of making application from both county and State, and will permit reimbursement to be handled in the usual manner.

v. When the death benefit payment is to be paid to the county welfare board, the receipted, itemized bill from the funeral home must be submitted with the Form OA-C8.

(g) The following methods are authorized in respect to utilization of the death benefit as a resource toward payment of burial and funeral expenses:

1. When there is a surviving spouse, if the county welfare board is requested to participate, the welfare board may pay to the funeral director the difference between the verified amount of the benefit and \$350, provided any additional contributions from relatives or other do not exceed \$150. Responsibility for collection of the balance resides with the funeral director.

2. No surviving spouse: Relatives or friends arranging for burial. County Welfare Board may use the following methods:

i. County welfare board may pay the funeral director the difference between the verified amount of the benefit and \$350, provided any additional contributions do not exceed \$150. Responsibility for collection of the death benefit and any contributions resides with the funeral director; or

ii. In the situation stated in (a) above, the county welfare board may apply for the death benefit, authorizing direct payment to the funeral director, and pay any verified difference as provided; or

iii. The county welfare board may pay the full amount to which the funeral director is entitled, thereafter presenting the receipted bill with Form OA-C8 to RSDI to apply for the death benefit for reimbursement purposes.]

10:81-7.26(f)iii. In any situation in which a Social Security lump-sum death benefit is (or may be) a resource toward payment of burial and funeral expenses, the re-

sponsibility for collection of the benefit lies with the funeral director. The CWA will provide prompt authorization to the SSA to make the payment to the funeral director whenever such authorization may be necessary.

(g) Veteran's benefits are:

1. Eligibility: Payment for burial expenses is available on behalf of a deceased veteran discharged under conditions other than dishonorable when such person was a wartime veteran, served during the Korean or Vietnam conflicts or was a peacetime veteran with certain entitlements.

2. Amount of benefit:

i. Generally, payment toward a veteran's burial expenses will not exceed \$250. In addition, an amount not exceeding \$150 may be paid as a plot or interment allowance when the veteran is not buried in a national cemetery. A higher burial allowance is available if the death was service-connected.

ii. Burial or plot allowances will not be provided to the extent that they were paid by the deceased veteran's employer or by a State agency or a political subdivision of the State.

3. Filing of claims: A claim may be filed with any Veterans Administration office. It must be filed within two years after cremation or permanent burial.

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

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Reporting of Criminal Offenses to Law Enforcement Authorities, Methods and Procedures for Payment of Medical Bills, Medical Care for Recipients with Chronic Renal Failure and Nontransferability of Funds

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to adopt amendments to portions of the General Assistance Manual concerning the reporting of criminal offenses to law enforcement authorities, methods and procedures for payment of medical bills, medical care for recipients with chronic renal failure and nontransferability of funds.

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

10:85-2.7 Reporting criminal offenses to law enforcement authorities

(a) Investigation of new applications or investigations for redetermination of eligibility may indicate to the municipal welfare department that a crime may have been committed. Allegations of the suspected commission of a

crime may also be made known through various other sources, e.g., phone calls, written communications, verbal communications from individuals, etc. In such instances, the MWD may be under a legal obligation to report the situation to the appropriate law enforcement agency.

1. Nature of offenses which must be reported:

i. To Local Authorities—Arson, manslaughter, murder or any crimes which constitute high misdemeanors such as atrocious assault and battery, carnal abuse, incest or rape. (Refer to legal counsel for additional information identifying high misdemeanors.)

ii. To the Division of Youth and Family Services—If any of the following conditions appear to exist regarding a child, the case shall immediately be referred to the Division of Youth and Family Services (DYFS) for appropriate action. The MWD shall provide DYFS with available information and will cooperate as necessary.

(1) Physical or sexual abuse or cruel treatment.

(2) Exploitation by prostitution or overwork, having the child beg or involving the child in illegal activities.

(3) Neglect as shown by apparent malnutrition or lack of supervision necessary for the health and safety of the child.

Note: In the event of any indication that the death of a child resulted from abuse or neglect, such matter shall be reported immediately to DYFS.

iii. To Federal Authorities—Knowledge of the actual commission of a federal felony unless disclosure of such information is prohibited by law (see Sections 150 and 217.2). (Refer to legal counsel for identification of federal felonies.)

2. Procedures: When the MWD becomes aware of facts that would indicate that one of the above mentioned crimes has been or may have been committed or receives a direct allegation in any form, written, verbal or anonymous, that such a crime has been committed, it shall proceed as follows:

i. The director shall personally, and in collaboration with counsel, review whatever facts and circumstances are immediately available in order to determine whether there is suspicion that a crime was committed.

ii. If the director is satisfied that there is evidence to support an investigation as to whether a crime has been committed, he/she shall, after consultation with counsel, report the matter to the county prosecutor, or to a local police department or to the State Police if so directed by the Office of the Prosecutor. If such matter involves suspected child abuse or neglect, it shall also be reported to the Division of Youth and Family Services.

iii. When a decision has been made to report the alleged or suspected commission of the crime, such report shall be made in written form to the appropriate law enforcement agency. Where a direct allegation charging commission of a crime has been made by an identified person, such person shall be advised of his/her responsibility to report this information to the proper authorities. In these instances, the report of the agency shall include a statement that the individual originally making the allegation had been informed of his/her responsibility to report this information to the appropriate law enforcement agency.

iv. The MWD shall cooperate fully with any subsequent investigation initiated by the law enforcement agency within the limits of the policy and regulations of the Division of Public Welfare. An MWD staff member may sign a written complaint only upon a written request from the law enforcement agency and provided his/her information of the facts to be stated in such complaint is based upon his/her own personal knowledge and belief.

10:85-4.3(a)2. An order for a specific item or items or for a specific service (Form GA-11). A check is subsequently drawn to a vendor for the specified commodity or service. Neither the order nor any information provided about the order may limit the client's choice of vendor in any way except that the client may not, by his/her choice of vendor, incur a charge against the municipality higher than the limits provided in this manual.

10:85-5.3(c)1. Hospital Emergency Room—The Director of Welfare may authorize payment of an all-inclusive rate [(except X-ray and laboratory fees)] not to exceed the authorized Medicaid allowance for emergency room use.] or \$35.00, whichever is less. The rate covers all supplies and services including physician's services but does not include X-ray, diagnostic studies and laboratory fees, payment for which may be authorized in accordance with Section 522.2(a) below.

10:85-5.4(a)1. MWD Responsibility—The MWD shall submit bills received from providers of health services, or requests for authorized fee levels, to the DPW/BMA. Such bill and/or requests [must be itemized regarding the specific services rendered and] should be submitted on official Medicaid vendor voucher forms which all providers servicing Medicaid recipients utilize. The forms must contain the following: signature of the vendor and client, date, and description of the commodity delivered or service rendered with full Medicaid product and procedure codes.

i. Bills/requests shall include age of the patient, diagnosis, and whether or not he/she is receiving disability insurance benefits [and the Medicaid Code or procedure.] The signature of the MWD director, preceded by the words "approved by" is required on the bottom or on the reverse side of the Medicaid vendor form. This signature may be affixed either before or after submission to DPW/BMA for rate approval but prior to payment.

ii. Medicaid vendor forms not completed in accordance with the above instructions must be accompanied by a Form GA-11, General Assistance Order, properly completed.

iii. In instances of repeated submission of a Medicaid vendor form showing the same client, same vendor, same commodity or service and same price, the MWD may attach a photocopy of the previous rate-approved form in lieu of submission to DPW/BMA as required above.

10:85-5.4(a)2.i. The DPW/BMA will enter the appropriate [maximum] fee for each service listed, [and will sign] mark the bill or voucher as approved for amount of payment and return [the bill or voucher] it to the MWD. The MWD shall retain this [signed] form in [the] file for audit purposes.

10:85-6.3 Medical care for recipients with chronic renal failure

(a) Most patients with chronic renal failure requiring dialysis or transplantation are eligible for Medicare coverage the first day of the third month following the first dialysis treatment, or immediately upon hospitalization for transplantation. Medicare provides payment for the hospitalization. Medicare Part B must be purchased to provide payment for 80% of the cost of outpatient care, including dialysis treatment. Drugs not prescribed as part of the dialysis treatment are not eligible for payment by Medicare.

1. Responsibility of Other Agencies—It is the responsibility of the administrator or coordinator of the dialysis unit to initiate the application for Medicare and to contact all other possible resources. These include: the Social Security Administration for DIB and/or SSI benefits; the

county welfare agency for "Medicaid Only," Medical Assistance for the Aged (MAA) and transportation; the State Department of Health for the Renal Disease Program and Pharmaceutical Assistance to the Aged (PAA).

1. PAA applications can be obtained from county offices on aging, local Medicaid offices, county welfare agencies and local pharmacies.

2. MWD responsibility: When utilization of benefits from other sources leaves a medical cost deficit, the municipal welfare director will determine eligibility for hospitalization payment through general assistance, if needed, in accordance with Section 510 and its subsections. The MWD will determine eligibility for payment for other medical costs, if needed, in accordance with Section 520 and its subsections with due regard for the medically needy provisions of Section 337.1. Maximum fees will be determined by DPW/BMA in accordance with Section 521.2.

1. Written verification: As part of the application process for assistance for victims of renal failure, the municipal welfare director must obtain, from the administrator of the dialysis unit, written verification that the patient's eligibility for any or all of the above resources has been explored.

10:85-6.3(a)2. Nontransferability of funds: Under no circumstances shall payments made to a municipality as State aid for General Assistance [, or any balance remaining after all costs for the assistance year have been paid or provided for,] in the current year or in prior years be deposited or transferred to the municipal current account or used for any purpose other than public assistance grants [,] exclusive of administrative costs. Likewise, no municipality which receives State aid shall transfer any part of its current year's municipal budget appropriation to any other account or appropriation or use it for any purpose other than public assistance grants exclusive of administrative costs. Transfer of surpluses arising from municipal appropriations in prior years is not barred by this regulation.

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

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

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Rules Concerning Fair Hearing Guidelines

On September 18, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12, 30:4C-26a and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning fair hearing guidelines, substantially as proposed

in the Notice published June 8, 1978, at 10 N.J.R. 254(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

Take notice that, these new rules will be cited as N.J.A.C. 10:120-3.1 et seq. rather than N.J.A.C. 10:120-2.1 et seq. as was indicated in the Notice of Proposal.

An order adopting these rules was filed and became effective on September 26, 1978, as R.1978 d.347.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CORRECTIONS

STATE PAROLE BOARD

Amendments Concerning Certificate of Parole

On October 11, 1978, the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10A:70-6.3(d) concerning certificates of parole.

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

10A:70-6.3(d) [6. You are required to try to secure and maintain approved employment or educational training unless there is verified medical information that you are unable to work or attend training.]

6. [7.] Obtain approval of your district parole supervisor or his or her designated representative:

[i. Before associating with any accomplices in past crimes, or associating with anyone designated by your district parole supervisor or his or her designated representative;]

i. [ii.] Before accepting any pre-trial release, including bail;

ii. [iii.] For any change in your residence or employment location;

iii. [iv.] Before leaving the state of your approved residence for longer than 24 hours, except as otherwise directed for good cause by the district parole supervisor;

iv. [v.] Before applying for a permit to carry a firearm; before securing a hunting license; or before owning or possessing a firearm for any purpose.

7. [8.] This parole may be revoked for violation of the conditions of parole.

An order adopting these amendments was filed on October 18, 1978, as R.1978 d.371 (Exempt, Exempt Agency) to become effective on November 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Continued on Page 498)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

It includes ALL rules adopted from receipt of the last

individual Title updatings through October 24, 1978.

Since their last updates, the various State departments and agencies have adopted the following rules—which have been printed in the Register but are not yet included in current pages of the Code:

RULES NOT YET IN PRINT IN CODE:

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
AGRICULTURE — TITLE 2			
2:2-1.1	Amendments on contagious equine metritis reporting	R.1978 d.122	10 N.J.R. 182(d)
2:2-2.15(b)	Amendments on limits of indemnities for brucellosis reactors	R.1978 d.302	10 N.J.R. 415(a)
2:48-2.1	Amendments on advertising of milk products	R.1978 d.57	10 N.J.R. 92(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.108	10 N.J.R. 182(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.145	10 N.J.R. 218(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.317	10 N.J.R. 415(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.367	10 N.J.R. 469(a)
2:53-1.2, 1.3	Amended schedules of milk prices	R.1978 d.318	10 N.J.R. 414(a)
2:54-2.6	Amendments to Federal Milk Marketing Order 4	R.1978 d.344	10 N.J.R. 468(b)
2:54-3.7	Suspension to Federal Order No. 4	R.1978 d.149	10 N.J.R. 218(c)
2:54-3.7	Amendments on suspension of portions of Federal Order 4	R.1978 d.343	10 N.J.R. 468(a)
2:69-1.11	Amended commercial values	R.1978 d.197	10 N.J.R. 270(a)
2:70-1.8	New rules on slurries and suspensions	R.1978 d.81	10 N.J.R. 135(a)
2:71-1.30	Amendments on certificates of grade	R.1978 d.115	10 N.J.R. 182(c)
2:71-2.26 to 2.31	Inspection and grading of fruits and vegetables	R.1978 d.114	10 N.J.R. 182(b)
2:73-2.5(d)	Amendments on seal of quality egg expiration date	R.1978 d.222	10 N.J.R. 314(b)

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

BANKING — TITLE 3

3:1-1.1	Amended interest rates	R.1978 d.204	10 N.J.R. 315(a)
3:1-2.24	Minimum subscription for capital stock associations	R.1978 d.71	10 N.J.R. 137(a)
3:1-9.1 et seq.	Amendments to home mortgage disclosure rules	R.1978 d.304	10 N.J.R. 416(b)
3:1-10.1 et seq.	Restrictions on real property transactions in new charter applications	R.1978 d.55	10 N.J.R. 92(c)
3:1-11.1	Amended definitions of affiliate and institution	R.1978 d.144	10 N.J.R. 219(a)
3:6-3.1	Repeal rule on notice of maturity on business suspensions	R.1978 d.370	10 N.J.R. 469(b)
3:7-3.9(a)26.	Amend electronic data processing	R.1978 d.103	10 N.J.R. 136(b)
3:7-4.3	Amendments on maturity for long-term time deposits	R.1978 d.290	10 N.J.R. 370(b)
3:11-1.1(a)2.i	Amended list of obligations	R.1978 d.221	10 N.J.R. 316(a)
3:18-6.1	Pledged receivables as collateral security for commercial loans	R.1978 d.41	10 N.J.R. 92(b)
3:26-3.1	Reporting possible illegal activity by employees or customers of savings and loan associations	R.1978 d.163	10 N.J.R. 219(b)

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

CIVIL SERVICE — TITLE 4

4:1-5.16	Amendments on awarding counsel fees	R.1978 d.345	10 N.J.R. 469(c)
4:1-8.14	Amendments on action against prospective employees	R.1978 d.358	10 N.J.R. 469(d)

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

COMMUNITY AFFAIRS — TITLE 5

5:3-1.1 et seq.,	Delete certain rules of the Department	R.1978 d.360	10 N.J.R. 470(a)
5:14-1.1 et seq.,			
5:16-1.1 et seq.,			
5:20-1.1 et seq.,			
5:40-1.1 et seq.,			
5:43-1.1 et seq.,			
5:44-1.1 et seq.,			
5:61-1.1 et seq.,			
5:70-1.1 et seq.			

5:10-1.1 et seq.	Amendments on construction and maintenance of hotels and multiple dwellings	R.1978 d.289	10 N.J.R. 378(b)
5:11-9.7	Amendments on tax abatements on added assessments	R.1978 d.369	10 N.J.R. 472(a)
5:22-1.1 et seq.	Amendments on continuation of rental assistance payments	R.1978 d.342	10 N.J.R. 469(e)
5:23-1.1 et seq.	Amendments to Uniform Construction Code	R.1978 d.350	10 N.J.R. 469(f)
5:23-1.4, 2.9, 3.3, 4.11	Amend Uniform Construction Code	R.1978 d.162	10 N.J.R. 225(a)
5:23-6.1 et seq.	Rules on tax exemption for solar facilities	R.1978 d.334	10 N.J.R. 418(a)
5:30-1.15	Urban aid reporting system	R.1978 d.241	10 N.J.R. 319(b)
5:30-3.3(c)	Dedication by rider to local unit budget	R.1978 d.240	10 N.J.R. 319(a)
5:30-4.1 et seq.	Capital budgets and capital improvement programs	R.1978 d.322	10 N.J.R. 416(d)
5:34-1.1 et seq.	Delete current text and reserve for future use	R.1978 d.322	10 N.J.R. 416(d)
5:30-15.2	Procedure and form of emergency ordinance under CAP law	R.1978 d.211	10 N.J.R. 317(b)
5:30-16.11, App. B	Amendments on tenant's property tax expiration date	R.1978 d.233	10 N.J.R. 318(a)
5:36-1.1 et seq.	Amended rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:62-1.1 et seq.	Delete rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:62-1.1 et seq.	Rules on Handicapped Person's Recreational Opportunities Act	R.1978 d.143	10 N.J.R. 224(a)

(Rules in the Code for Title 5 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 10.)

EDUCATION — TITLE 6

6:3-1.21	Evaluation of tenured teaching staff members	R.1978 d.227	10 N.J.R. 319(d)
6:3-3.1 et seq.	Amendments on withdrawal from limited purpose regional school districts	R.1978 d.355	10 N.J.R. 473(b)
6:21-5.1 et seq. 6.1 et seq.	Amendments on school bus equipment specifications	R.1978 d.226	10 N.J.R. 319(c)
6:21-19.1(h)	Rule on school bus strobe warning lamps	R.1978 d.306	10 N.J.R. 418(c)
6:22-9.1 et seq., 10.1 et seq., 11.1 et seq.	Amendments on energy conservation	R.1978 d.356	10 N.J.R. 473(c)
6:22-13.3	Amendments on fire alarms and automatic fire detection	R.1978 d.357	10 N.J.R. 474(a)
6:28-1.1 et seq.	Amendments on special education	R.1978 d.277	10 N.J.R. 383(a)

(Rules in the Code for Title 6 include all adoptions prior to May 22, 1978—Transmittal Sheet No. 12.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1E-1.1 et seq.	Amendments on discharge of petroleum and other substances	R.1978 d.112	10 N.J.R. 187(a)
7:2-11.1 et seq.	Amendments on natural areas system	R.1978 d.232	10 N.J.R. 328(d)
7:6-1.34(c), 1.42(d)	Amendments regarding boating, diving and swimming	R.1978 d.368	10 N.J.R. 480(a)
7:7E-1.1 et seq.	Rules on coastal resource and development policies	R.1978 d.292	10 N.J.R. 384(a)
7:8-1.1 et seq.	Rules of practice and procedure; Division of Water Resources	R.1978 d.48	10 N.J.R. 101(b)
7:10-3.10 et seq.			
7:9-2.1 et seq., 7:10-3.10 et seq.	Extend effective date on construction of sewage facilities	R.1978 d.102	10 N.J.R. 146(d)
7:9-2.1, 7:10-3.10 et seq.	Extend effective date on sewers to July 1, 1978	R.1978 d.182	10 N.J.R. 279(b)
7:9-2.4, 2.60, 2.67, 2.70, 7:10-3.10 et seq.	Amendments on construction of sewerage facilities and waste supply systems	R.1978 d.161	10 N.J.R. 237(b)
7:9-2.5, 2.7, 2.19, 2.5, 2.60, 2.61, 2.98	Amendments to standards for sewerage facilities and water	R.1978 d.231	10 N.J.R. 328(c)
7:12-1.1, 1.3	Amendments on shellfish beds in Barnegat Bay	R.1978 d.69	10 N.J.R. 144(a)
7:12-1.1 et seq.	Amendments on condemnation of certain shellfish beds	R.1978 d.219	10 N.J.R. 328(a)
7:12-1.3(a)39.iii.	Amendment on condemnation of certain shellfish beds	R.1978 d.327	10 N.J.R. 425(b)
7:12-2.7	Amendments on shellfish harvest permits and relay program	R.1978 d.299	10 N.J.R. 422(a)
7:13-1.2, 1.4	Amendments on floodway delineations	R.1978 d.70	10 N.J.R. 145(a)
7:13-1.11(d)2	Amendments on delineated floodways in Raritan Basin	R.1978 d.237	10 N.J.R. 329(a)
7:13-1.11(d)21	Amendments on delineated floodways in Raritan Basin	R.1978 d.238	10 N.J.R. 329(b)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.298	10 N.J.R. 421(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.326	10 N.J.R. 425(a)
7:25-16.1 et seq.	Defining lines where fishing license is required	R.1978 d.295	10 N.J.R. 384(b)

7:26-1.4, 2.6, 2.11, 2.13, 7.1 et seq.	Amendments on manifest system for hazardous wastes	R.1978 d.72	10 N.J.R. 146(a)
7:26-4.1 et seq.	Reinstate prior fee schedule of Solid Waste Administration	R.1978 d.205	10 N.J.R. 327(c)
7:27-9.1 et seq.	Amendments on sulfur in fuels	R.1978 d.276	10 N.J.R. 383(c)
7:27-9.1 et seq.	Amended effective date for amended rules on sulfur in fuels	R.1978 d.361	10 N.J.R. 479(c)
7:27-10.1 et seq.	Amendments on sulfur in coal	R.1978 d.220	10 N.J.R. 328(b)
7:28-24.1 et seq.	Nuclear medicine technology	R.1978 d.101	10 N.J.R. 146(c)
7:28-25.1 et seq.	Radiation laboratory fee schedule	R.1978 d.47	10 N.J.R. 101(a)
Temporary rule	Closing of State waters to sea clam harvesting	R.1978 d.111	10 N.J.R. 186(c)
Temporary rule	Emergency amendments on opening sea clam waters	R.1978 d.119	10 N.J.R. 187(b)
Temporary rule	Amendments on 1978 oyster seed bed season	R.1978 d.123	10 N.J.R. 188(a)
Temporary rule	Change date of 1978 bay season; oyster seed beds	R.1978 d.128	10 N.J.R. 188(b)
Temporary rule	1978-79 game code	R.1978 d.199	10 N.J.R. 279(c)
Temporary Rule	Rule on preservation of sea clam resources; closing certain waters	R.1978 d.328	10 N.J.R. 426(a)
Temporary Rule	Adopt 1979 Fish Code	R.1978 d.351	10 N.J.R. 479(b)

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

HEALTH — TITLE 8

8:13-2.1 et seq.	Depuration of soft shell clams	R.1978 d.127	10 N.J.R. 188(d)
8:15-1.1 et seq.	Smoking in public places	R.1978 d.129	10 N.J.R. 189(a)
8:15-1.1 et seq.	Postpone effective date of public smoking rules	R.1978 d.168	10 N.J.R. 250(a)
8:21-4.31-4.34	Laetrile efficacy in study of cancer	R.1978 d.246	10 N.J.R. 341(a)
8:21-9.4, 9.6	Amendments on licenses for food and cosmetic establishments	R.1978 d.167	10 N.J.R. 249(b)
8:25-5.2	Amendments on waterfront staff and youth camp safety standards	R.1978 d.166	10 N.J.R. 249(a)
8:31-17.1 et seq.	Adopt portion of 1979 SHARE guidelines	R.1978 d.374	10 N.J.R. 484(c)
8:31A-10.6	Amendments on time-phased plans	R.1978 d.294	10 N.J.R. 385(c)
8:39-1.1 et seq.	Change effective date on nursing homes to January 1, 1979	R.1978 d.203	10 N.J.R. 280(c)
8:39-1.1 et seq.	Amendments to manual of standards for licensure of long-term-care facilities	R.1978 d.340	10 N.J.R. 430(e)
8:42-2.1 et seq.	Amendments to standards for licensure of residential and in-patient drug treatment facilities	R.1978 d.373	10 N.J.R. 484(b)
8:43A-1.1 et seq.	Amendments to standards for licensure of ambulatory care facilities	R.1978 d.338	10 N.J.R. 430(c)
8:43A-1.1 et seq.	Amendments on drug abuse treatment services	R.1978 d.375	10 N.J.R. 485(a)
8:43A-1.48(b)1.	Amendments on abortion; standards for licensure of ambulatory care facilities	R.1978 d.274	10 N.J.R. 385(a)
8:43B-6.4(c)	Amendments on medications and treatment prescribed by podiatrists	R.1978 d.337	10 N.J.R. 430(b)
8:44-2.1 et seq.	Rules on operation of clinical laboratories	R.1978 d.336	10 N.J.R. 430(a)
8:51-1.2, 1.3	Amendments to minimum standards of performance	R.1978 d.339	10 N.J.R. 430(d)
8:57-1.20	Cancer registry	R.1978 d.293	10 N.J.R. 385(b)
8:57-4.8, 4.11, 4.14, 4.16	Amendments on immunization of pupils in schools	R.1978 d.244	10 N.J.R. 334(a)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.2(b)4.	Transfer of phencyclidine	R.1978 d.247	10 N.J.R. 341(b)
8:70-1.1 et seq.	Interim drug evaluation and acceptance criteria	R.1978 d.202	10 N.J.R. 280(b)
8:70-1.1 et seq.	Repeal interim drug evaluation and acceptance criteria	R.1978 d.248	10 N.J.R. 341(c)
8:70-1.1 et seq.	Rules on drug evaluation and acceptance criteria	R.1978 d.341	10 N.J.R. 430(f)

(Rules in the Code for Title 8 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 9.)

HIGHER EDUCATION — TITLE 9

9:1-1.12, 6.1 et seq.	Amendments on out-of-state institutions desiring to enter New Jersey	R.1978 d.335	10 N.J.R. 431(b)
9:1-2.1 et seq.	Amendments on responsibilities of Licensure and Approval Advisory Board	R.1978 d.249	10 N.J.R. 386(a)
9:2-6.1 et seq.	Amendments on appeals to Chancellor	R.1978 d.136	10 N.J.R. 253(a)
9:4-3.1, 3.3, 3.44, 3.55	Amendments to general accounting and procedures manual of State-supported county colleges	R.1978 d.250	10 N.J.R. 386(b)
9:7-1.1 et seq.	Amendments on tuition aid grants and scholarship program	R.1978 d.106	10 N.J.R. 190(a)
9:9-1.1, 1.2	Noncitizen eligibility for student loans	R.1978 d.198	10 N.J.R. 281(b)
9:9-5.2	Amendments on eligibility for graduate insured loan program	R.1978 d.329	10 N.J.R. 431(a)
9:11-1.5(d)	Amendments on eligibility of independent students	R.1978 d.200	10 N.J.R. 281(c)
9:11-2.1 et seq., 9:12-1.1 et seq.	Amendments on academic year program support funds	R.1978 d.201	10 N.J.R. 281(d)

(Rules in the Code for Title 9 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 10.)

HUMAN SERVICES — TITLE 10

10:43-1.1 et seq.	Amendments on determination of mental deficiency/need for guardianship	R.1978 d.332	10 N.J.R. 444(d)
10:44-13.1 et seq.	Rules on community residences for mentally retarded and developmentally disabled	R.1978 d.333	10 N.J.R. 445(a)
10:44A-1.1 et seq.	Standards for licensed community residences for developmentally disabled	R.1978 d.330	10 N.J.R. 444(b)
10:45-1.1 et seq.	Amendments on provision of guardianship services	R.1978 d.331	10 N.J.R. 444(c)
10:49-2.1 et seq. 5.1 et seq., 6.1 et seq.	Rules on general provisions	R.1978 d.280	10 N.J.R. 399(a)
10:50-1.1, 1.2, 2.6, 2.9	Amendments on transportation services	R.1978 d.297	10 N.J.R. 443(b)
10:51-5.1 et seq., 6.1 et seq., 10:69A-4.3(c)	Amendments on pharmaceutical assistance to the aged	R.1978 d.183	10 N.J.R. 285(c)
10:63-2.1 et seq.	Amended rules on long-term care facilities billing procedures	R.1978 d.216	10 N.J.R. 345(a)
10:81-2.6, 2.21, 3.1, 3.11, 3.13	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.190	10 N.J.R. 286(a)
10:82-1.2(c)	Amend public assistance allowance standards for AFDC	R.1978 d.229	10 N.J.R. 346(b)
10:82-1.5, 1.7	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.191	10 N.J.R. 286(b)
10:82-2.13	Amend per capita table of companion cases	R.1978 d.314	10 N.J.R. 444(a)
10:82-2.19	Amendments on overpayment and underpayments	R.1978 d.218	10 N.J.R. 345(c)
10:85-1.1, 1.3, 2.1, 3.2, 4.6, 6.2, 6.3, 6.4, 10.1 et seq.	Amendments on legal settlements	R.1978 d.171	10 N.J.R. 285(b)
10:85-1.3, 2.1, 5.2, 6.2	Amendments on municipal funds subject to State matching	R.1978 d.217	10 N.J.R. 345(b)
10:85-3.1(e)1.i	Amendments on unmarried child's eligibility for assistance	R.1978 d.303	10 N.J.R. 443(d)
10:87-6.5, 6.42, 6.43	Amendments on restoration of lost benefits to zero purchase households	R.1978 d.324	10 N.J.R. 443(e)
10:87-7.10, 7.12, 7.14, 7.19, 7.20, 7.22, 7.25, 7.26, 7.27, 7.28, 7.29	Amendments on fair hearing process, food stamp manual	R.1978 d.223	10 N.J.R. 346(a)
10:94	1979 fiscal year plan for vocational rehabilitation	R.1978 d.300	10 N.J.R. 443(c)
10:94-3.13(1)	Amendments on fees for medical examinations	R.1978 d.212	10 N.J.R. 344(c)
10:94-4.35, 5.8	Amendments on living allowance deductions, Medicaid Only Manual	R.1978 d.296	10 N.J.R. 443(a)
10:100-1.23	SSI payment schedule	R.1978 d.261	10 N.J.R. 395(a)
10:120-3.1 et seq.	Fair hearing guidelines	R.1978 d.347	10 N.J.R. 490(a)

(Rules in the Code for Title 10 include all adoptions prior to May 22, 1978—Transmittal Sheet No. 10.)

CORRECTIONS — TITLE 10A

10A:70-6.3(d)	Delete part of rule on certificate of parole	R.1978 d.371	10 N.J.R. 490(b)
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(Rules in the Code for Title 10A include all adoptions prior to May 22, 1978—Transmittal Sheet No. 2.)

INSURANCE — TITLE 11

11:1-5.4	FAIR Plan surcharge	R.1978 d.78	10 N.J.R. 165(a)
11:4-15.1 et seq.	Alcoholism benefits	R.1978 d.165	10 N.J.R. 257(a)
11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
11:5-1.27	Amendments on educational requirements for salesmen and brokers license examinations	R.1978 d.135	10 N.J.R. 256(d)
11:5-1.27	Amendments on educational requirements for licensure	R.1978 d.271	10 N.J.R. 399(b)
11:11-1.1	Title insurance agents' service fees	R.1978 d.291	10 N.J.R. 399(c)

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

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1978 d.282	10 N.J.R. 400(b)
12:15-1.4	Amended taxable wage base; unemployment compensation law	R.1978 d.281	10 N.J.R. 400(a)
12:15-1.5	Contribution rate of governmental entities and instrumentalities	R.1978 d.305	10 N.J.R. 445(b)
12:20-5.4(b)	Amendments on appearances before appeal tribunals	R.1978 d.116	10 N.J.R. 202(a)
12:100-102, 110,	Delete rules on worker health and safety, seasonal workers	R.1978 d.288	10 N.J.R. 400(d)

111, 115, 116, 120, 121, 130-134, 140-148, 160-162, 170, 173 and 180	and construction safety		
12:195-1.1 et seq.	Amendments on carnival amusement rides	R.1978 d.239	10 N.J.R. 347(a)
(Rules in the Code for Title 12 include all adoptions prior to Jan. 23, 1978—Transmittal Sheet No. 8.)			

LAW AND PUBLIC SAFETY — TITLE 13

13:1-1.1 et seq.	Amended rules of Police Training Commission		
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.236	10 N.J.R. 352(a)
13:2-18.7, 31.3, 31.6(b), 34.6	Amendments on sales and licensing	R.1978 d.33	10 N.J.R. 121(a)
13:4-8.2(a)1.	Deletion on discovery by parties other than Division	R.1978 d.75	10 N.J.R. 170(a)
13:4-12.9	Costs of hearings	R.1978 d.82	10 N.J.R. 171(a)
13:18-10.1 et seq.	Unsatisfied claim and judgment fund reimbursement of excess medical expenses	R.1978 d.46	10 N.J.R. 121(b)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.207	10 N.J.R. 350(b)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.66	10 N.J.R. 122(a)
13:23-2.2(d)	Amendments on documents; applications for driver school licenses	R.1978 d.67	10 N.J.R. 122(b)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.68	10 N.J.R. 122(c)
13:26-1.1 et seq.	Transportation of bulk commodities	R.1978 d.58	10 N.J.R. 121(d)
13:29-1.13	Fees for licensees of Board of Certified Public Accountants	R.1978 d.278	10 N.J.R. 404(c)
13:30-8.3	Amendments on use of general anesthesia	R.1978 d.243	10 N.J.R. 352(c)
13:30-8.7	Examination of candidates for licenses to practice dentistry	R.1978 d.120	10 N.J.R. 203(b)
13:30-8.6	Providing information to the public	R.1978 d.366	10 N.J.R. 510(d)
13:33-1.11	Amendments on temporary ophthalmic dispenser permit	R.1978 d.170	10 N.J.R. 261(c)
13:33-1.12	Amendments on temporary ophthalmic technician permit	R.1978 d.208	10 N.J.R. 350(c)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.209	10 N.J.R. 350(d)
13:35-6.11(a)	Amendments on prohibition of kickbacks for services not rendered	R.1978 d.32	10 N.J.R. 120(a)
13:35-6.12	Release of patient records	R.1978 d.210	10 N.J.R. 351(a)
13:35-6.12	Amendments on release of patient records	R.1978 d.134	10 N.J.R. 261(b)
13:35-6.13	Provision of information to the public	R.1978 d.352	10 N.J.R. 510(a)
13:35-7.2	Amendments on termination of pregnancy	R.1978 d.126	10 N.J.R. 204(a)
13:38-6.1	Availability of optometrist records	R.1978 d.213	10 N.J.R. 351(b)
13:39-5.11	Delete rule on applicants previously taking examinations	R.1978 d.242	10 N.J.R. 352(b)
13:40-6.1	Fees schedule, professional engineers and land surveyors	R.1978 d.206	10 N.J.R. 350(a)
13:42-1.2	Amendments on fees, psychological examiners	R.1978 d.193	10 N.J.R. 295(d)
13:44-2.13	Temporary permit fee	R.1978 d.192	10 N.J.R. 295(c)
13:47A-25.1 et seq.	Rules on corporation takeover bid disclosure law	R.1978 d.323	10 N.J.R. 447(a)
13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.279	10 N.J.R. 405(a)
13:47D-4.34(a)3.	Amendments on magnitude of permitted variations	R.1978 d.56	10 N.J.R. 121(c)
13:70-3.40, 13:71-5.18	Amendments on admission of minors	R.1978 d.141	10 N.J.R. 259(b)
13:70-9.19, 25.5	Amendments on jockey payments for dead heats	R.1978 d.353	10 N.J.R. 510(b)
13:70-14.17, 13:71-23.2	Amendments on medication to control bleeding in racing	R.1978 d.132	10 N.J.R. 295(b)
13:70-15.1, 15.2, 19.34, 19.38, 13:71-9.1, 9.3	Amendments on veterinarians classified as State veterinarians	R.1978 d.275	10 N.J.R. 404(b)
13:70-15.1, 15.2, 19.34, 19.35, 19.38 and 13:71-9.1	Amendments on position of Chief State Veterinarian	R.1978 d.133	10 N.J.R. 261(a)
13:70-29.53(b)	Amendments on trifecta wagering	R.1978 d.269	10 N.J.R. 403(c)
13:70-29.53	Amendments on trifecta wagering in harness racing	R.1978 d.235	10 N.J.R. 351(c)
13:71-21.8, 21.9	Amendments on mandating deduction for drivers' fees	R.1978 d.270	10 N.J.R. 404(a)
		R.1978 d.354	10 N.J.R. 510(c)

(Rules in the Code for Title 13 include all adoptions prior to Jan. 23, 1978—Transmittal Sheet No. 11.)

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

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

14:17-18.1	Amended definition of classical system	R.1978 d.349	10 N.J.R. 514(a)
14:18-11.7(a), 11.10	Amendments on municipal hearings and procedures for cable television	R.1978 d.262	10 N.J.R. 405(b)
14A:3-1.1 et seq.	Rules on energy conservation	R.1978 d.273	10 N.J.R. 405(c)
14A:3-2.1 et seq.	Air conditioning energy efficiency ratios	R.1978 d.150	10 N.J.R. 261(d)
14A:3-2.2 et seq.	Amendments on energy conservation	R.1978 d.315	10 N.J.R. 447(b)

(Rules in the Code for Title 14A include all adoptions prior to January 23, 1978—Transmittal Sheet No. 1.)
(For Title 14—PUB, Transmittal Sheet is No. 9, as of January 23, 1978)

STATE — TITLE 15

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

PUBLIC ADVOCATE — TITLE 15A

(Rules in the Code for Title 15A include all adoptions prior to March 20, 1978—Transmittal Sheet No. 1.)

TRANSPORTATION — TITLE 16

16:16-4.3, 16:17-4.3	Rescission of allocated but unexpended local State aid funds	R.1978 d.245	10 N.J.R. 359(b)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.138— 1.143	Speed limits on parts of Route 47	R.1978 d.313	10 N.J.R. 455(d)
16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-1.172	Speed limits on parts of Route U.S. 206	R.1978 d.137	10 N.J.R. 263(c)
16:28-1.173-1.176	Speed limits on Routes U.S. 9, 140, U.S. 30 and 44	R.1978 d.265	10 N.J.R. 406(b)
16:28-1.179	Speed limits on parts of Route I-280	R.1978 d.311	10 N.J.R. 455(b)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)
16:28-3.41, 3.162, 3.172, 3.173	Restricted parking on parts of Route 26, 44, 28 and U.S. 22	R.1978 d.307	10 N.J.R. 454(a)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.108, 3.169-3.171	Amendments on restricted parking on Routes 28, U.S. 40, 9 and 27	R.1978 d.267	10 N.J.R. 406(d)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)
16:28-3.174— 3.177	Rules on restricted parking on parts of Routes U.S. 22, N.J. 28, 33 and 49	R.1978 d.312	10 N.J.R. 455(e)
16:28-3.178	Restricted parking on parts of Route 34	R.1978 d.310	10 N.J.R. 455(a)
16:28-4.6	One-way traffic on parts of Route 35	R.1978 d.309	10 N.J.R. 454(c)
16:28-8.2	Yield intersection in Bordentown Township	R.1978 d.308	10 N.J.R. 454(b)
16:28-12.37(a)15.	Amendments on no right turns on Route 49	R.1978 d.264	10 N.J.R. 406(a)
16:28-13.4	Amendments on limited access prohibition along interstate highways	R.1978 d.228	10 N.J.R. 359(a)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 172(a)
16:28-15.3-15.6	No passing zones on Routes 67, 63, 5 and 94	R.1978 d.268	10 N.J.R. 406(e)
16:28-15.7 15.10	No passing zones on Routes U.S. 206 and N.J. 12	R.1978 d.263	10 N.J.R. 405(d)
16:28-16.1	Traffic rules on DOT property at Metro Park	R.1978 d.266	10 N.J.R. 406(c)
16:65-3.2 through 3.5	Amendments on requisition, distribution and sale of construction plans	R.1978 d.164	10 N.J.R. 264(a)

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

TREASURY-GENERAL — TITLE 17

17:2-3.2(i), 6.24(b), 6.25	Amendments on biweekly computation of retirement and death benefits	R.1978 d.138	10 N.J.R. 265(c)
17:2-3.3	Amended contributory insurance rate	R.1978 d.139	10 N.J.R. 265(d)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 176(a)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(b)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)

17:7-1.4	Amendments on election of a prison officer to Pension Commission	R.1978 d.372	10 N.J.R. 520(a)
17:9-2.3(a), 5.2, 5.11	Amendments on State health benefits program	R.1978 d.131	10 N.J.R. 265(b)
17:9-6.1(a)	Amended definition of retired employee	R.1978 d.130	10 N.J.R. 265(a)
17:10-3.1, 4.1, 5.10, 5.12	Amendments on judicial retirement system	R.1978 d.184	10 N.J.R. 305(b)
17:16-5.4, 5.5	Amendments on classification of funds	R.1978 d.180	10 N.J.R. 304(b)
17:16-5.5, 5.6	Amendments on classification of funds	R.1978 d.316	10 N.J.R. 456(b)
17:16-5.5, 5.6	Amendments on classification of funds	R.1978 d.376	10 N.J.R. 520(c)
17:18-1.79	Signing of formal judgments	R.1978 d.195	10 N.J.R. 305(c)
17:21-12.1 et seq.	Pick-Four lottery rules	R.1978 d.179	10 N.J.R. 304(a)
17:21-13.1	Amend Pick-It Lottery rules	R.1978 d.348	10 N.J.R. 519(a)
17:24-4.3, 7.4, 13.2	Amendments on affirmative action requirements	R.1978 d.185	10 N.J.R. 305(a)
Temporary rule	Jersey Casino Instant Lottery	R.1978 d.224	10 N.J.R. 363(a)

(Rules in the Code for Title 17 include all adoptions prior to March 20, 1978—Transmittal Sheet No. 10.)

TREASURY-TAXATION — TITLE 18

18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(b)
18:9-2.2, 2.3, 2.4, 3.5	Amendments on Personal Property Tax	R.1978 d.321	10 N.J.R. 457(c)
18:12-6.1 et seq.	Amendments on tax abatement on added assessments	R.1978 d.287	10 N.J.R. 407(c)
18:12-8.1 et seq.	Property tax exemption for solar energy systems	R.1978 d.225	10 N.J.R. 364(a)
18:12A-1.6	Amendments on petitions of appeal	R.1978 d.325	10 N.J.R. 457(d)
18:24-22.2, 22.3	Amendments on floor covering and Sales and Use Tax	R.1978 d.320	10 N.J.R. 457(b)
18:24-25.1 et seq.	Rules on sales tax and data processing	R.1978 d.142	10 N.J.R. 265(e)
18:24-26.1 et seq.	Sales and use tax exemption; solar energy devices and systems	R.1978 d.285	10 N.J.R. 407(a)
18:26-2.5, 6.2, 8.22, 9.13	Amendments on transfer inheritance tax	R.1978 d.31	10 N.J.R. 128(a)
18:26-8.22	Amendments on estates for life or years	R.1978 d.118	10 N.J.R. 210(a)
18:26-11.8, 11.23	Amendments on transfer inheritance tax	R.1978 d.286	10 N.J.R. 407(b)
18:33-1.1 et seq.	Closing agreements and compromises	R.1978 d.29	10 N.J.R. 127(d)
18:35-1.9	Federal securities; taxable status; Gross Income Tax Act	R.1978 d.284	10 N.J.R. 406(f)
18:35-1.10	Withholding; Gross Income Tax	R.1978 d.319	10 N.J.R. 457(a)

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

OTHER AGENCIES — TITLE 19

19:3B-1.1 et seq.	General plan guidelines for Meadowlands	R.1978 d.197	10 N.J.R. 307(a)
19:4-6.28	Amendments to official zoning map	R.1978 d.359	10 N.J.R. 522(e)
19:8-1.1, 2.9(b)	Amendments on loitering on the Parkway	R.1978 d.257	10 N.J.R. 408(b)
19:8-1.9(d)	Repeal part of rule on restrictions on Garden State Parkway	R.1978 d.215	10 N.J.R. 366(a)
19:9-4.2(b)	Amendments to fees for photographs of accident sites on Turnpike	R.1978 d.258	10 N.J.R. 408(c)
19:41-2.3	Declaratory rulings on casino applications	R.1978 d.158	10 N.J.R. 266(a)
19:41-4.3	Amendments on application procedures (durational residency provisions with regard to employers)	R.1978 d.363	10 N.J.R. 522(c)
19:41-7.14	Adopt personal history disclosure form No. 4	R.1978 d.175	10 N.J.R. 306(a)
19:41-11.1 et seq.	Applications for approval of agreements	R.1978 d.177	10 N.J.R. 306(c)
19:42-1.1 et seq.	Casino hearings rules	R.1978 d.159	10 N.J.R. 266(b)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 128(c)
19:44-1.1, 4.1, 5.1	Amendments on gaming schools	R.1978 d.364	10 N.J.R. 522(d)
19:45-1.1 et seq.	Internal and accounting casino controls	R.1978 d.178	10 N.J.R. 306(d)
19:46-1.1 to 1.20	Casino gaming equipment	R.1978 d.187	10 N.J.R. 306(b)
19:46-1.22 through 1.31	Regulations for casino slot machines	R.1978 d.160	10 N.J.R. 266(c)
19:47-1.1 et seq.	Rules of casino games	R.1978 d.186	10 N.J.R. 306(e)
19:47-1.2, 1.4, 1.5	Amendments to rules of game for craps	R.1978 d.346	10 N.J.R. 522(a)
19:48-1.1 et seq.	Rules on exclusion of persons from casinos	R.1978 d.362	10 N.J.R. 522(b)
19:50-1.6(w)	Amendments on casino alcoholic beverage control	R.1978 d.173	10 N.J.R. 305(e)
19:53-1.4, 1.5	Amendments on casino equal employment opportunity	R.1978 d.172	10 N.J.R. 305(d)
19:54-1.1 et seq.	Casino gross revenues tax	R.1978 d.174	10 N.J.R. 305(f)

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

(a)

INSURANCE

THE COMMISSIONER

Proposed Amendment Concerning Alcoholism Benefits in Health Insurance Contracts

James J. Sheeran, Commissioner of the Department of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and Chapters 116 and 118 of the Laws of 1977, proposes to amend for clarification N.J.A.C. 11:4-15.2(a)3 concerning outpatient alcoholism benefits in health insurance contracts.

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

11:4-15.2(a)3. Outpatient treatment is defined as treatment on an out-patient basis at a hospital or residential treatment facility or as aftercare at a detoxification facility[,] as provided by [a certified alcoholism counselor] professionals employed by these health care facilities under a program approved by the Division [on] of Alcoholism.

A public hearing will be held Monday, December 4, 1978, at 11:00 A.M. at the Departmental Hearing Room, 201 East State Street, Trenton, New Jersey.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before December 1, 1978, to:

Naomi LaBastille
Special Assistant to the Commissioner
P.O. Box 1510
201 East State Street
Trenton, N.J. 08625

The Department of Insurance may thereafter adopt the amended rule concerning this subject without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(b)

INSURANCE

THE COMMISSIONER

Proposed Rules Concerning Cancellation Of Automobile Insurance Coverages

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29C-6 et seq. and 39:6A-1 through 6B-1, proposes to adopt a new rule to be cited as N.J.A.C. 11:3-7.8 concerning the effective date of cancellation for nonpayment of premium of automobile insurance coverages.

Full text of the proposal follows:

11:3-7.8 Cancellation of Automobile Coverages for Nonpayment of Premium

(a) This rule applies to all property liability automobile insurance coverages except those for which premiums

have been financed under the Insurance Premium Finance Company Act, N.J.S.A. 17:16D-1 et seq.

(b) The effective date of cancellation for nonpayment of premium shall not be earlier than the last full day to which premium previously paid to the carrier would extend coverage on a pro rata basis.

(c) This rule shall be effective for all cancellation notices sent on or after January 1, 1979.

A public hearing will be held on Thursday, December 7, 1978 at 10:00 A.M. at the Department of Insurance Hearing Room, 201 East State Street, Trenton, New Jersey 08625.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before December 4, 1978, to:

Naomi LaBastille
Special Assistant to the Commissioner
Department of Insurance
P.O. Box 1510
201 East State Street
Trenton, N.J. 08625

The Commissioner of Insurance may thereafter adopt rules concerning this subject without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(c)

INSURANCE

REAL ESTATE COMMISSION

Proposed Amendment Concerning Educational Requirements for Salesmen and Brokers In Making Application for Licensure Examination

Joan Haberle, Secretary-Director of the Real Estate Commission, Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 and N.J.S.A. 45:15-10.1, proposes to amend N.J.A.C. 11:5-1.27(k), concerning educational requirements for salesmen and brokers in making application for licensure examination.

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

11:5-1.27 (k) Every approved school shall provide a supplementary course of instruction to their 30-hour salesperson's course and to their 42-hour broker's course, which courses will have been conducted prior to July 1, 1978. These supplementary courses of instruction shall provide any student who has completed either a 30-hour salesperson's course or a 42-hour broker's course the opportunity to comply with the 45-hour salesperson's course requirement or the 90-hour broker's course requirement. These supplementary courses of instruction shall be available for a reasonable fee from June 1, 1978 through July 1, 1979. The educational requirement shall not be satisfied with the supplementary course of instruction after July 1, 1979 [only to those students who have completed a 30-hour salesperson's course or a 42-hour broker's course on or after January 1, 1978. Every approved school shall offer at a reasonable fee these supplementary courses of instruction from June 1, 1978 through July 1, 1979 only.] Each approved school shall include in these supplementary courses of instruction all subject matter not incorporated in its course material

for the 30-hour salesperson's course and the 42-hour broker's course; or in the alternative shall include the following course subject hours:

* Interested persons may present statements or arguments in writing relevant to the proposal on or before December 12, 1978, to:

Joan Haberle, Secretary-Director
Real Estate Commission
Department of Insurance
P.O. Box 1510
Trenton, N.J. 08625

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

Joan Haberle
Secretary-Director
Real Estate Commission
Department of Insurance

(a)

INSURANCE

REAL ESTATE COMMISSION

Proposed Amendments Concerning Advertising Rules, Contracts of Sale and Listing Agreements, Participation in Trade Association or Listing Services and Obligations of Licensees to the Public and to Each Other

Joan Haberle, Secretary-Director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 and N.J.S.A. 45:15-10.1 proposes to amend N.J.A.C. 11:5-1.15, Advertising rules, 11:5-1.16, Contracts of sale and listing agreements, 11:5-1.17, Participation in trade association or listing services, and 11:5-1.23, Obligations of licensees to the public and to each other.

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

11:5-1.15 Advertising rules

(a) Unless otherwise set forth herein, categories of advertising include but are not limited to any publication, any radio or television broadcasts, business stationery, business cards, and business and legal forms and documents.

(b) All advertising of any licensed individual, partnership, firm, or corporation shall include the name under which that individual, partnership, firm or corporation is licensed to do business as a real estate broker.

(c) All advertising shall clearly indicate after the licensee's regular business name that the advertising licensee is engaged in the real estate brokerage business. Except as proscribed by N.J.S.A. 45:15-17(j), examples of permissible language shall include, but are not limited to, "realtor," "realist," "real estate broker," "broker," or "agency." Examples of prohibited language when used alone shall include, but are not limited to, "realty," "real estate," "land sales," and "land investments." This provision shall not apply when the word "agency" appears in the advertisement as a part of the licensee's regular business name or when the licensee has legal or equitable ownership of the property. Presently licensed individuals, partnerships, firms or corporations shall have 90 days from the effective date of this subsection to bring all advertising into compliance.

(d) No advertising shall list home telephone numbers of any broker or salesperson, unless the advertising also contains language, such as "evenings," "Sundays," or "holidays," limiting the use of the home telephone numbers to nonoffice hours.

(e) When the name of a salesperson or associate broker is contained in any advertising, except in business cards, it shall be in print smaller and less conspicuous than that of the employing broker, which shall also appear. The business card of any salesperson or associate broker shall clearly indicate that this licensee is a salesperson or associate broker.

(f) Any advertisement, which refers to amounts of down payment, monthly payment, carrying charges or which indicates that a mortgage is obtainable (where the mortgage referred to is not already a lien against the premises advertised), shall contain the words "to a qualified buyer".

(g) Any advertisement which sets forth amounts of down payment, monthly payment, carrying charges, taxes or mortgage money obtainable shall contain appropriate qualifying words such as "approximate" or "estimated," which qualifying words shall be clearly associated with the amounts set forth. If such amounts are mentioned without qualification, the broker shall maintain written proof of the validity of these statements in the broker's files. Such written proof shall be maintained for a period of twelve months from the date upon which an advertisement containing such unqualified references shall have last appeared in any publication.

(h) With the exception of magazine or newspaper advertisements published under municipality headings, any advertisement for the sale, exchange or rental of real property, or any interest therein, shall designate the geographical area containing that property by specifying the municipality within which that property is located.

(i) No licensed individual, partnership, firm or corporation shall advertise or use any form of application or make any inquiry which expresses directly or indirectly any limitation, specification or discrimination as to race, religion, creed, sex or national origin or ancestry.

[(d)] (j) Any use of an insignia, emblem, logo, trade name or other form of identification in any advertising or other public utterance, either by a single licensee or any group of licensees, which suggests or otherwise implies common ownership or common management among such licensees, shall be prohibited except in the case of branch offices controlled by a single broker or licensee and duly licensed as branch offices pursuant to provisions of N.J.S.A. 45:15-1 et seq. Nothing herein provided is intended to preclude or inhibit the use, advertising or display of any insignia, emblem, logo or trade name of any bona fide trade association by any licensee provided that such licensee is a member of such trade association.

1. Any franchised licensee using in any advertising the trade name of a franchisor shall include in such advertising in a manner reasonably calculated to attract the attention of the public the franchised licensee's operating name under which the individual, firm or corporation is licensed to do business. Any licensee including the franchisor using the trade name of a franchisor in any advertising shall also include in a manner reasonably calculated to attract the attention of the public the following legend or a substantially similar legend: "each office independently owned and operated"; except in the following categories of advertising:

i. "For sale" signs located on the premises of specific properties for sale.

ii. Small "spot" classified advertising by a single franchised licensee in newspapers, magazines or other publications of specific properties for sale. "Small spot" classi-

fied advertising is defined as six lines; a line is defined as a standard newspaper classified advertising line of the newspaper, magazine or other publication in which the advertisement is published.

Note: Full compliance with this subsection may, but does not necessarily, result in full compliance with the opening paragraph of subsection (d) of this section.

2. All licensees shall have one year from the effective date of this regulation in which to comply with its provisions insofar as "for sale" signs and office signs are affected; and three months insofar as office stationery, contracts, business cards or other similar materials, supplies or documents containing or used for advertising are affected. All other advertising shall comply upon the effective date of this rule.

3. The intent of this subsection is to further promote the general purpose of the Real Estate License Act by insuring that all individuals, firms or corporations are clearly identifiable to the public as the licensed brokers who are financially and otherwise responsible to the consuming public for its real estate brokerage activities. It is not the intent of this subsection to limit or otherwise inhibit the operation of branch offices as set forth in N.J.S.A. 45:15-12 and sections 18 and 19 of this subchapter, nor is it the intent of this subsection to prevent the franchising of any group of licensees provided such franchising or other association is not inconsistent with the purpose of the Real Estate License Act as expressed herein.

(k) Any advertising by any licensed individual, partnership, firm or corporation referring generally to membership in any real estate multiple listing service operation shall specify the complete name of the listing service in which membership is held, except in the following categories of advertising:

1. "For sale" signs and small "spot" classified advertising of any licensee as described in subsection (j) above;

2. Business cards;

3. All business signs. Presently licensed individuals, partnerships, firms or corporations shall have 90 days from the effective date of this subsection to bring advertising into compliance.

(1) Any advertising which contains an offer for a home warranty contract shall specify the essential terms of the home warranty contract offer and shall also indicate whether the warranty offer is mandatory. Advertising shall comply with all Federal and State warranty legislation including the New Home Warranty and Builder's Registration Act, c. 467, L. 1977, N.J.S.A. 46:3B-1 et seq. and the Magnuson-Moss Warranty Act, P.L. 93-637, 15 U.S.C., 2301 et seq.

(m) Any advertisement or other promotional material containing any kind of free offering, rebate or discounting shall be in strict compliance with the provisions of N.J.S.A. 45:15-17 governing the professional conduct of licensees. Such advertising shall clearly set forth every term of the free offer, rebate or discounting and shall indicate, when appropriate, that no obligation to the prospective purchaser or respondee is involved.

DELETE TEXT OF N.J.A.C. 11:5-1.16 AND INSERT NEW LANGUAGE AS FOLLOWS:

11:5-1.16 Contracts of sale and listing agreements

(a) A licensed individual, partnership, firm or corporation shall immediately, but in no event later than five days from the date of its execution, deliver to all parties to any agreement of sale, lease, option or any other instrument or any amendment to any agreement or other instrument affecting an interest in real property, a duplicate original of any such executed agreement or instru-

ment or amended agreement or instrument. Any addition, deletion, or other change in any executed agreement or instrument or amended agreement or instrument shall be initialled by all parties to the transaction. This rule shall be liberally construed so as to effectuate its purpose, which is to insure prompt communication of the executed evidence of a transaction to all interested parties.

(b) No listing agreement or contract for the sale of real property, or any interest therein, shall contain a prescribed or predetermined fee, commission rate, or commission amount; nor shall any such writing contain a commission clause or provision which suggests (such as with a small blank space and a percent sign) to a seller that the commission is a prescribed rate or amount.

(c) The commission clause or provision in all listing agreements and contracts for the sale of real property, or any interest therein, shall contain in print larger than the predominant sized print in the writing the language: "Any fee, commission or other valuable consideration shall be individually negotiated between seller and licensee." Presently licensed individuals, partnerships, firms or corporations shall have 90 days from the effective date of this subsection and subsection (b) to bring all listing agreements and sales contracts into compliance with these subsections.

(d) Upon request, the listing broker shall advise the seller of the rate or amount of any commission split or distribution.

(e) All listing agreements of any licensed individual, partnership, firm or corporation which provide for the listing of property with any real estate multiple listing service operation shall specify the complete name of that listing service.

(f) No licensed individual, partnership, firm or corporation shall enter into a "net listing" contract for the sale of real property, or any interest therein. A "net listing" is defined as an agency agreement in which a prospective seller lists real estate for sale with an authorization to a broker to sell at a specified net dollar return to the seller, and which provides that the broker may retain as commission the difference between the specified dollar return to the seller and the actual sales price.

DELETE TEXT OF N.J.A.C. 11:5-1.17 AND INSERT NEW LANGUAGE AS FOLLOWS:

11:5-1.17 Participation in trade associations or listing services

(a) No licensed individual, partnership, firm or corporation shall become a member of or otherwise participate in the activities or operation of any trade association or organization or of any multiple listing service operation which engages in the following policies and practices:

1. Places restrictions upon membership in the association or service other than licensure by the State of New Jersey and payment of an initiation fee and periodic dues both reasonably related to the cost of running the association or service;

2. Places requirements, obligations, or standards upon licensed members or participants which conflict with the Real Estate License Act, N.J.S.A. 45:15-1 et seq. and the Land Sales Full Disclosure Act, N.J.S.A. 45:15-16.3 et seq. or which otherwise relate to the comprehensive scheme of regulation already preempted by the State of New Jersey;

3. Interferes with the licensee's obligation of fidelity to his client's interests, his obligation of dealing fairly with all other parties in a transaction, and his obligation of fully cooperating with any other New Jersey licensee, as more fully set forth in N.J.A.C. 11:5-1.23.

4. Imposes prescribed or predetermined fees or commission rates or commission amounts, or prescribed or predetermined commission splits between the listing broker and the selling broker; or requires that any commission rates or amounts or any commission splits be submitted for distribution.

(b) Except as specifically provided in subsection (a) above, nothing herein is intended to prohibit any trade association or organization or any multiple listing service operation from imposing rules, practices and standards upon licensed members or participants which reasonably relate to the conduct of that association or service and which will not otherwise require the association or service to be licensed as a real estate broker.

DELETE TEXT OF N.J.A.C. 11:5-1.23 AND INSERT NEW LANGUAGE AS FOLLOWS:

11:5-1.23 Obligations of licensees to the public and to each other

(a) All licensees are subject to and shall strictly comply with the laws of agency and the principles governing fiduciary relationships. Thus, in accepting employment as an agent, the licensee pledges himself to protect and promote, as he would his own, the interests of the client or principal he has undertaken to represent; this obligation of absolute fidelity to the client's or principal's interest is primary, but does not relieve the licensee from the equally binding obligation of dealing fairly with all parties to the transaction.

(b) Every licensed individual, partnership, firm or corporation shall make diligent effort to ascertain all pertinent information and facts concerning every property for which he accepts an agency, and concerning every person for whom he submits an offer to his client or principal. The licensee shall reveal, preferably in writing, all information and facts material to any transaction to his client or principal and when appropriate to any other party. This information shall include any actual or potential conflicts of interest which the licensee may reasonably anticipate.

(c) Every licensed individual, partnership, firm or corporation shall fully cooperate with any other New Jersey licensee, utilizing his customary cooperation arrangements which shall protect and promote the interest of the licensee's client or principal and which shall not constitute unreasonable practices within the real estate brokerage business. This obligation shall be a continuing one unless the client or principal, with full knowledge of all relevant facts, expressly relieves his agent from all or any portion of this responsibility. Should the client or principal direct the licensee not to cooperate with other licensees, evidence of this intent shall be in writing and signed by the client or principal. However, no direction or inducement from the client or principal shall relieve the licensee of his responsibility of dealing fairly and exercising integrity in his business relations.

(d) The licensee shall transmit as soon as reasonably possible every formal oral or written offer on any specific real property or interest therein to the owner or his authorized representative. The licensee shall secure as soon as reasonably possible an offer or acceptance of an offer in writing whenever any offer or acceptance is given orally.

[f] (e) It shall be the duty of the licensee to recommend that legal counsel be obtained where the interests of [either] any party to the transaction seem to require it.

[h] (f) At the time of the taking of any listing of residential property, a licensee shall furnish to the owner a copy of a summary of the New Jersey Law Against Discrimination, which summary shall have been prepared and furnished by the Attorney General of the State of

New Jersey, [and which summary] shall [briefly] state the provisions of the Law Against Discrimination, and [which summary] shall state which properties are covered by [said] this law and which properties are exempt from [said] this law. Should the owner [then] profess an unwillingness to abide by or an intention to violate [said] this law then the licensee shall not accept [such] his listing, written, oral or otherwise.

A public hearing will be held on December 12, 1978 at 10:00 A.M., in the Holiday Inn, 120 Evergreen Place, East Orange, New Jersey. Persons wishing to testify should contact Mrs. Joan Haberle, Secretary Director, Area Code (609) 292-7656.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 12, 1978 to:

Joan Haberle, Secretary-Director
Real Estate Commission
Department of Insurance
P.O. Box 1510
Trenton, N.J. 08625

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

Joan Haberle
Secretary-Director
Real Estate Commission
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Notice of Exportable List Hearing

Take notice that, the Department of Insurance has issued the following notice of exportable list hearing:

James J. Sheeran, Commissioner of the Department of Insurance, announced that he will hold the Department's annual hearing to determine classes of insurance for which no reasonable or adequate market exists among authorized insurers on December 4, 1978 at 10:00 A.M. at 201 East State Street, Trenton, New Jersey.

In addition to consideration of the 39 classes of coverage declared eligible to export on March 20, 1978, interested parties are invited to submit other proposed classes of coverage for listing. Written suggestions should be mailed to the hearing officer in advance so that they may be considered at the hearing.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Proposed Rules on Prescribing, Administering Or Dispensing Amygdalin (Laetrile)

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the

Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq., proposes to adopt new rules concerning the prescribing, administering or dispensing of amygdalin (laetrile).

Full text of the proposed new rules follows:

13:35-6.17 Prescribing, administering or dispensing amygdalin (laetrile)

(a) The prescription or administration of amygdalin (laetrile) is a medical procedure which may only be performed by a physician licensed to practice medicine and surgery in the State of New Jersey, or a physician duly licensed to practice medicine and surgery in another state provided the practitioner does not open an office or place for the practice of his profession in this State (N.J.S.A. 45:9-21c).

(b) A licensed physician may prescribe, administer or dispense amygdalin (laetrile) to a patient under his care consistent with the following standards and providing that the patient has signed the "written informed request . . . for medical treatment" as set forth herein:

1. Generally:

- i. As an adjunct to recognized, customary, or accepted modes of therapy; or
ii. Utilized exclusively in the treatment of any malignancy, disease, illness or physical condition; and
iii. If and when the physician has received a confirmed diagnosis of said malignancy, disease, illness or physical condition;

2. In the course of medically justifiable dietary supplement therapy;

3. As a prophylactic medication.

(c) The form concerning the informed request for prescription of laetrile for medical treatment is as follows:

INFORMED REQUEST FOR PRESCRIPTION OF LAETRILE FOR MEDICAL TREATMENT

Patient's name
Address
Age Sex

Name and address of prescribing physician

Malignancy, disease, illness or physical condition diagnosed for medical treatment by amygdalin (laetrile)

My physician has explained to me:

(a) That the manufacture and distribution of amygdalin (laetrile) has been banned by the Federal Food and Drug Administration.

(b) That neither the American Cancer Society, the American Medical Association, nor the Medical Society of New Jersey recommend use of amygdalin (laetrile) in the treatment of any malignancy, disease, illness or physical condition.

(c) That there are alternative recognized treatments for the malignancy, disease, illness or physical condition from which I suffer which he has offered to provide for me including:
(Here describe)

That notwithstanding the foregoing, I hereby request prescription and use of amygdalin (laetrile) (a) in the medical treatment of the malignancy, disease, illness or physical condition from which I suffer [], (b) as a dietary supplement [], or (c) as a prophylactic medication [] Check (a), (b) or (c).

Patient or person signing for patient

Attest:

Prescribing Physician

License No.

Date

A. The above form shall be prepared in quadruplicate and distributed as follows:

- (1) Original copy to State Department of Health;
(2) Copy to be retained by the physician;
(3) Copy to patient or person who signed form for the patient;
(4) Copy to pharmacist.

B. When amygdalin (laetrile) is utilized in the treatment of a malignancy, the diagnosis of malignancy shall be documented by a positive tissue diagnosis rendered by a qualified pathologist which shall include the size, location and type of malignancy. In the absence of tissue for diagnosis, the treating physician shall be required to obtain consultative and/or professional reports to support a positive diagnosis of a malignancy.

C. The alternative medically recognized and accepted form of therapy offered by a physician shall be thoroughly discussed with the patient and documented in writing.

(d) Complete and accurate records shall be maintained and made available to include:

- 1. Copy of signed informed request.
2. History of previous therapy to be included where indicated.
i. Surgery;
ii. Radiation;
iii. Chemotherapy.

3. Complete record of dates of office visits, examination and evaluation of patient with detailed progress notes.

i. Complications and/or untoward reactions from amygdalin (laetrile) shall be reported immediately to the State Department of Health.

ii. Fee for service: The patient record shall include fee charged per visit which fee shall not be greater than the physician's usual and customary fee for an office visit. When fee includes administering or dispensing amygdalin (laetrile), the charge is to be itemized and recorded. When a physician administers or dispenses amygdalin (laetrile), the fee to the patient shall not exceed the cost to the physician of such substance and shall be so itemized in the charge or billing.

iii. Copies of all laboratory and follow-up examinations, and

iv. Periodic clinical measurements of tumor activity.

4. Date of procurement of amygdalin (laetrile), quantity, cost, name and address of manufacturer and supplier, batch number and expiration date when administered or dispensed by a physician.

5. Records are to be readily available without prior notice for inspection by the appropriate official agency, including but not limited to the New Jersey State Board of Medical Examiners and the New Jersey State Department of Health.

6. Copies of records shall be forwarded to State Department of Health at quarterly intervals.

(e) Solicitation is prohibited. Such prohibited activity shall include, but is not limited to, the dissemination of information concerning amygdalin (laetrile) which may be found by the Board of Medical Examiners as:

1. False, fraudulent, deceptive, misleading or flamboyant;
2. Using testimonials;
3. Guaranteeing that satisfaction or cure will result from the use of amygdalin (laetrile);
4. Making claims of professional superiority;
5. Stating fees for professional services which are false, deceptive and/or misleading.

(f) A licensed physician may, in the regular course of medical practice and pursuant to a justifiable medical basis, prescribe, administer, or dispense amygdalin (laetrile) in accordance with the Act concerning Laetrile (Chapter 318, P.L. 1977) and these rules and regulations.

(g) Any violation of the foregoing rule may be considered unprofessional conduct, professional incompetence, gross malpractice and/or gross neglect in the practice of medicine and provide grounds for suspension or revocation proceedings being instituted against the licensee.

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

Alfred J. Schuster
Executive Secretary
Board of Medical Examiners
28 West State Street
Trenton, N.J. 08608

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

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Proposed Amendments Concerning Applications for Examination

Robert Hillman, President of the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13, proposes to amend N.J.A.C. 13:33-1.24 concerning applications for examination.

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

13:33-1.24 Applications for examination

(a) Applications for examination by this board made in accordance with the provisions of N.J.S.A. 52:17B-4.9 shall be completed and filed with the secretary of the board at least 30 days prior to the date on which the examination is to be held. When the required calendar years of full-time employment shall have been met within the afore-mentioned thirty days, the applicant shall be permitted to sit for the examination and shall provide the

Board with the appropriate employment certification upon completion of required time.

(b) This rule shall expire five (5) years from the date of adoption in accordance with the terms and provisions of Executive Order No. 66.

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

Ruth Weisman, Secretary
Board of Examiners of Ophthalmic
Dispensers and Ophthalmic Technicians
1100 Raymond Boulevard
Newark, N.J. 07102

The Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians may thereafter adopt rules concerning this subject without further notice.

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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Proposed Rule on Identification Tags

Robert Hillman, President of the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13, proposes to adopt a new rule concerning identification tags.

Full text of the proposal follows:

13:33-1.42 Identification tags

(a) It shall be the responsibility of each licensed ophthalmic dispenser and each permit holder to wear an identification tag, which shall be clearly visible to the patient at all times. Such tag shall bear the first name or initial and the full second name, and the letters shall be in type not smaller than ¼".

(b) This rule shall expire five years from the date of adoption in accordance with the terms and provisions of Executive Order No. 66.

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

Ruth Weisman, Secretary
Board of Examiners of Ophthalmic
Dispensers and Ophthalmic Technicians
1100 Raymond Boulevard
Newark, N.J. 07102

The Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians may thereafter adopt rules concerning this subject without further notice.

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

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY

Notice of Public Hearing
On Patient Profile System

Take notice that Sidney Grodman, President of the Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, has issued the following notice of hearing concerning the patient profile system:

The Patient Profile record system initiated by N.J.A.C. 13:39-9.13 has been in effect for six years. Please take notice that, a public hearing will be held on November 15, 1978 at 1100 Raymond Boulevard, Room 204c (in which the room assignment will be posted), Newark, New Jersey at 10:00 A.M. before the Board of Pharmacy in order to consider the views of members of the pharmacy profession, the medical profession and the consumer public based upon each individual's experience with the imposed profile system. In this way the Board, responsive to the public welfare, may determine whether to maintain the present system, revise it or permit the patient profile to continue on a voluntary basis.

Any person desiring to testify should request Joan Levinson of the Board of Pharmacy to place his or her name on the agenda which will be published and sent to each participant prior to the hearing. Such request must reach the Board no later than November 3, 1978, and should be addressed to:

Joan Levinson
Board of Pharmacy
1100 Raymond Boulevard
Room 325
Newark, N.J. 07102

Oral testimony will be limited to ten (10) minutes per speaker and written questions shall be considered at the Board's discretion after all of the scheduled speakers have given testimony. It should be noted that no formal action will be taken on that date.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY

Proposed Rules on Record of
Pharmacist Filling Prescriptions

Sidney Grodman, President of the Board of Pharmacy in the Division of Consumer Affairs of the Department of

Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq. and N.J.S.A. 45:14-17, proposes to adopt a new rule relating to the regulation of the record of a pharmacist filling a prescription. This is a revised version of the proposed new rule which was published at 10 N.J.R. 402(a) on September 7, 1978. The revision of the previously proposed rule consists of the addition of subsection (f) dealing with computers.

Full text of the proposed rule follows:

13:39-6.8 Record of pharmacist filling prescriptions

(a) A registered pharmacist who fills or compounds a prescription or who supervises the filling or compounding of a prescription by an Intern shall place his signature on the fact of the original prescription.

(b) A registered pharmacist who refills a prescription shall place his signature on the reverse side of the original prescription next to the date of the refill and the amount dispensed in refilling the prescription if different than the original amount prescribed.

(c) An Intern who fills or compounds a prescription under the supervision of a registered pharmacist shall place his signature on the face of the original prescription.

(d) An Intern who refills a prescription under the supervision of a registered pharmacist shall place his signature on the reverse side of the original prescription next to the date of the refill and the amount dispensed in refilling the prescription if different than the original amount prescribed.

(e) When a prescription is filled or refilled by an Intern under the supervision of a registered pharmacist, the Intern filling or refilling the prescription shall place his signature on the prescription as required in sections (c) and (d) of this rule prior to submitting the prescription to the registered pharmacist who shall place his signature on the prescription in accordance with sections (a) and (b) directly below the signature of the Intern who filled or refilled the prescription under his supervision. Readily identifiable initials will be accepted in lieu of signature. A record identifying such initials with the signature and the address of the pharmacist or intern shall be maintained for a period of five years after the termination of employment of said pharmacist or intern.

(f) If an electronic system is being utilized in connection with the dispensing of medication, a means acceptable to the Board may be utilized to identify the pharmacist or intern dispensing the medication.

Note: This rule shall expire five years after the date of its adoption.

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

Roger Gale, Secretary
Board of Pharmacy
1100 Raymond Boulevard - Room 325
Newark, N.J. 07102
Telephone: (201) 648-2433

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the above amendment as proposed without further notice.

Sidney Grodman, President
Board of Pharmacy
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PSYCHOLOGICAL EXAMINERS

Proposed Rules on Personal Conduct

Leonard Roth, Secretary of the Board of Psychological Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14B-13, proposes to adopt new rules concerning the personal conduct of licensees.

Full text of the proposed new rules follows:

13:42-1.3 Licensee to display notice

Every licensee shall prominently display in a conspicuous location in their office the following notice: (Name of Individual) is licensed by the Board of Psychological Examiners, an agency of the Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted should notify the Board of Psychological Examiners at Room 329, 1100 Raymond Boulevard, Newark, New Jersey 07102, or the Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

SUBCHAPTER 2. ACADEMIC AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR LICENSURE

13:42-2.1 Degree in closely allied field

(a) For the purpose of determining whether a doctoral degree is one in a "closely allied field" as set forth in N.J.S.A. 45:14B-17(a) the following areas of graduate study, in addition to a dissertation psychological in nature, must be included in the applicant's record:

1. Psychological Measurement and/or Assessment—six credits;
2. Psychological Therapy and/or Counseling—six credits;
3. Personality Theory and Human Development Theory—six credits;
4. Psychopathology—six credits;
5. Learning Theory—six credits;
6. Research and Statistical Design—six credits.

(b) In the event of a deficiency in one of the above areas, the Board may, in its discretion, award up to six credits for the dissertation in substitution if it is psychological in nature, if the Board has not already provided credit for this work. If there is a question about the psychological nature of the dissertation or courses the determination will be made by the Board with the advice of the Chairman of the graduate department of psychology of the degree-granting institution.

13:42-2.2 Allied degree

A doctoral degree in a "field allied to psychology" shall be obtained from an educational regionally accredited institution such as the Middle States Association of Colleges and Schools. Such degree must be based upon at least 40 graduate credit hours specifically in the field of psychology. The applicant shall also submit evidence of an additional 20 credit hours, also specifically in the field of psychology but which do not have to be obtained as part of the doctoral program. Such credits may have been granted at a pre-doctoral or post-doctoral level and must

be obtained as part of an educational (training) program in a regionally accredited institution.

13:42-2.3 Equivalent training

In interpreting the "otherwise had training" clause of N.J.S.A. 45:14B-17(a), the Board may in its discretion after review admit an applicant for licensure to an examination who has exhibited "exceptional merit" in the field of applied psychology as determined by the Board upon application to it if such person holds an earned doctorate, the dissertation of which is clearly psychological in nature.

13:42-2.4 Student of psychology

"Student of psychology" as set forth in N.J.S.A. 45:14B-6c shall be interpreted to mean a person who is presently registered at a regionally accredited institution and is there matriculated into a graduate program of study leading toward a doctoral degree in psychology or an allied field. In addition, the student transcript (or previous transcripts accepted by the degree-granting college or university as specifically supportive of the present graduate program leading toward the graduate degree) shall reflect academic training specific to the duties assigned the student engaged in such psychological practice. Furthermore, any cognitive material or experience gained within the supervision of such practice shall be considered an enrichment to rather than a substitute for, the above required academic training. The student shall also receive credit from the degree-granting institution for this experience.

13:42-2.5 Supervised experience

(a) With respect to the supervised experience requirement as set forth in N.J.S.A. 45:14B-17(b) the following shall be applicable.

(b) The processing of a candidate's application is dependent upon successful completion and documentation of a minimum of two years of supervised experience, one year of which shall have been post-doctoral. As prescribed in N.J.S.A. 45:14B-17(b), "supervised experience" shall mean psychological practice that meets the following criteria:

1. Unsupervised independent practice by the candidate is prohibited. The candidate's clients shall include only those who have been approved in advance by the supervisor(s).

2. The professional work of the candidate must be reviewed by the supervisor(s), in whole or in part, on a face to face individual basis with the candidate for an average of at least one hour per week throughout the period of supervision. No more than five candidates shall be under concurrent supervision by the supervisor. The final professional responsibility for the welfare of the client rests with the supervisor(s).

3. Supervisors are required to attest to compliance with paragraphs 1 and 2 of this subsection, using forms provided by the Board for that purpose, indicating the dates during which the candidate has been under their supervision, the nature of the cases assigned, and the proficiency rating earned by the candidate.

4. The equivalent of one year of full-time practice is set at a minimum of 1750 hours, equal to but no more than 35 hours per week on a 50 week per year basis.

5. Supervised experience not completed prior to the filing of an application for licensure, unless conducted in a facility expressly permitted by law (N.J.S.A. 45:14B-6c), will require the issuance of a 3-year temporary permit (45:14B-6f), obtainable by the following procedure:

- i. Filing the application with all supporting materials.
- ii. Submission of request in writing for a three-year temporary permit.

iii. Arranging for the supervisor to provide the Board with a written statement detailing the planned hours of supervised time, hours of practice required for the candidate to qualify for admission to examination and/or licensure, the nature of the work assignments planned, and evidence that the supervisor meets the requirements of N.J.S.A. 45:14B-17(b).

iv. Estimated date of completion of supervised experience.

6. Documentation of supervised experience for holders of temporary permits shall be filed with the Board by both the candidate and the supervisor(s), individually and in confidence, every six (6) months for evaluation of the candidate's progress. The candidate is responsible in this regard for the supervisor's cooperation.

7. Under no circumstances are fees for client services to be billed or accepted by the candidate. The supervisor retains full professional responsibility for assessing and collecting fees from clients.

8. Any question concerning the implementation of all or any part of this policy shall be directed in writing to the Board of Psychological Examiners for its consideration and ruling.

SUBCHAPTER 3. EXAMINATIONS

13:42-3.1 American Association of State Psychology Boards; required

All candidates who have been admitted to sit for examination shall take the American Association of State Psychology Boards sponsored examination. A satisfactory score is defined minimally as one standard deviation below the mean. Candidates shall submit a typical work sample of their professional practice and be orally examined by at least two Board members upon passing the written examination.

13:42-3.2 Out-of-State psychologists; examination

(a) Psychologists licensed in another state, who did not pass at the minimal level established by this Board, shall take the examination sponsored by the American Association of State Psychology Boards and submit such current scores to the Board.

(b) Psychologists who have successfully passed the American Association of State Psychology Boards examination at the minimal level required by the Board of Examiners of the State of New Jersey and who have been deemed otherwise eligible may be admitted to oral examination.

13:42-3.3 License without examination

(a) Psychologists who hold a diploma from the American Board of Professional Psychology in the following specialties, Clinical, Counseling, School, and Industrial, or any other specialties to be established in the future, and whose diplomas were awarded by examination will be licensed following satisfactory completion of an oral interview with the Board, or designated member or members thereof.

(b) If such psychologists were awarded diplomas in these specialties (or in any to be established) without examination, the Board may in its discretion issue a license upon examination of credentials, or by full (written and oral) or partial (written or oral) examination as the Board deems necessary in order to evaluate the applicant's competence to practice psychology.

13:42-3.4 Failure of examination

The oral examination shall be administered following the successful completion of the written examination.

Failure in either the written or oral segment of the examination, but not both, shall entitle the Board to limit re-examination to the segment failed. An unsuccessful candidate may obtain review of his/her examination results at the Board's offices with at least one of the oral examiners present.

SUBCHAPTER 4. MISCONDUCT DEFINED FOR PURPOSES OF N.J.S.A. 45:14B-24

13:42-4.1 Misconduct; generally

(a) Misconduct, as grounds for revocation, suspension, refusal to renew or grant a license shall include but not be limited to the following:

1. Misconduct in the practice of psychology by persons licensed by the State Board of Psychological Examiners:

i. Willful or grossly negligent failure to comply with federal, state, or local laws, rules or regulations governing the practice of the profession.

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

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

iv. Permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession.

v. Makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof.

vi. Failing to respond within 30 days to written communications from the Board of Psychological Examiners and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was sent from the Board by registered or certified mail with return receipt requested to the address appearing in the last registration.

vii. Abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients.

viii. Willfully harassing, abusing, or intimidating a patient or other professional colleague relative to delivery of patient services either physically or verbally.

ix. Failing to maintain a record for each patient which accurately reflects the patient contact with the practitioner. Unless otherwise provided by law, all patient records shall be retained for at least six years.

x. Using the word "Doctor" or otherwise misleading designation in offering to perform professional services without also indicating the specific degree.

xi. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed or licensed eligible professional.

xii. Failing to make available to a patient, or, upon a patient's request, to another licensed health practitioner

consistent with that practitioner's authorized scope of practice, copies of reports, and test records, relating to the patient which are in the possession or under the control of the licensee or failing to complete forms or reports required for the reimbursement of a patient by a third party. Reasonable fees may be charged for such copies, forms or reports, but prior payment for the professional services to which such records relate shall not be required as a condition for making such records available. A practitioner may, however, withhold information from a patient if, in the reasonable exercise of his or her professional judgment, he or she believes release of such information would adversely affect the patient's health. This section shall not require release to the parent or guardian of a minor of records or information relating to venereal disease or abortion except with the minor's consent.

xiii. Guaranteeing that satisfaction or a cure will result from the performance of professional services.

xiv. Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient.

xv. Claiming or using any secret or special method of treatment and/or diagnostic technique which the licensee refuses to divulge to the Board of Psychological Examiners.

xvi. In the treatment of sexual dysfunction as well as in other areas of the practice of psychology:

(1) Unethical or unprofessional conduct shall include any physical contact of a sexual nature between psychologist and client.

(2) In therapy groups, unethical conduct shall include activities which promote or allow explicit physical sexual contact between group members.

xvii. Failing on the part of candidates for licensure under supervision as well as licensees to observe and be guided by the ethical standards of the American Psychological Association presently in effect and as adopted by the Board.

SUBCHAPTER 5. ADVERTISING

13:42-5.1 Limitations; advertising

When announcing professional services, psychologists should limit the information to: name, highest academic degree conferred, date and type of licensure, diplomate status, address, telephone number, office hours, and, at the individual practitioner's discretion, an appropriate brief listing of the types of psychological services offered and fee information. The fee information may state fixed prices, or a stated range of prices, for specified routine professional services provided such advertising clearly states whether additional charges may be incurred for related services which may be required in individual cases.

13:42-5.2 Prohibitions

(a) Psychologists shall refrain from advertising that:

1. Is false, fraudulent, deceptive, or misleading.
2. Represents intimidation or undue pressure.
3. Uses testimonials.
4. Guarantees any service.

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

6. Makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1978 to the Board of Psychological Examiners at the following address:

Board of Psychological Examiners
Room 331
1100 Raymond Boulevard
Newark, N.J. 07102

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

Leonard Roth, Secretary
Board of Psychological Examiners
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rules Concerning Motorized Bicycles

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:4-14.3a and 39:4-14.3c, proposes to adopt new rules to be cited as N.J.A.C. 13:25-8.1 et seq., concerning motorized bicycles.

Full text of the proposal follows:

SUBCHAPTER 8. PROCEDURE TO REGULATE OPERATION OF MOTORIZED BICYCLES ON SPECIFIC HIGHWAYS

13:25-8.1 Recommendations of governing bodies

(a) Pursuant to the authority in N.J.S.A. 39:4-14.3, whenever the governing body of a county or municipality deems it in the public interest to permit or prohibit the operation of motorized bicycles on highways under their jurisdiction, said governing body shall adopt a resolution advising the Director of Motor Vehicles of highways or portions thereof which are safe or unsafe for the operation of motorized bicycles. A copy of the resolution shall be filed with the Director of Motor Vehicles, who may then take such action as he deems necessary in accordance with N.J.S.A. 39:4-14.3a.

(b) Pursuant to the authority in N.J.S.A. 39:4-14.3, whenever the Commissioner of Transportation deems it in the public interest to permit or prohibit the operation of motorized bicycles on highways under his jurisdiction, he shall file a recommendation with the Director of Motor Vehicles specifying the highways or portions thereof which are safe or unsafe for the operation of motorized bicycles. The Director may then take such action as he deems necessary in accordance with N.J.S.A. 39:4-14.3a.

13:25-8.2 Standards for resolution and recommendations

(a) In adopting the resolution and recommendations provided for in section 1 (Recommendations of governing bodies) of this subchapter, the governing body of a county or municipality and the Commissioner of Transportation shall be guided by the provisions of N.J.S.A. 39:4-14.3a. The governing body shall attach to the resolution a statement justifying the recommendation. Said statement may include the criteria considered in reaching its conclusion.

(b) In adopting the resolution and recommendation provided for in section 1 (Recommendation of governing bodies) of this subchapter, the governing body of a county

or municipality and the Commissioner of Transportation shall consider factors such as, but not limited to, the following:

1. Accident experience;
2. Traffic patterns;
3. Traffic volumes; and
4. Physical characteristics of the highway.

13:25-8.3 Posting of regulatory signs

Upon the adoption of regulations by the Division of Motor Vehicles pursuant to N.J.S.A. 39:4-14.3c prohibiting or permitting the operation of motorized bicycles on specified highways or portions thereof which are deemed unsafe or safe for the operation of motorized bicycles, the county, municipality or Department of Transportation shall cause to be erected traffic signs regulating the use of motorized bicycles. The State or political subdivision with jurisdiction over the highway shall be responsible for the erection of signs. The design and position of the signs to be posted shall be in conformance with the "Manual on Uniform Traffic Control Devices".

13:25-8.4 Enforcement of regulations

Regulations promulgated by the Director of Motor Vehicles shall be effective from the time the regulatory signs provided for in section 3 (Posting of regulatory signs) of this subchapter are posted by the county, municipality or the Department of Transportation.

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

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

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

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amendments on Alcohol Countermeasures

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:2-3, 39:3-10, 39:4-50 and 39:5-30, proposes to amend N.J.A.C. 13:20-31 et seq. concerning alcohol countermeasures.

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

SUBCHAPTER 31. ALCOHOL COUNTERMEASURES REGULATIONS

13:20-31.1 Purpose

Purpose of this regulation is to improve the driving behavior of individuals who have been identified as having some alcohol involvement in connection with the operation of a motor vehicle.

13:20-31.2 Definitions

The definitions of the words and phrases found in N.J.S.A. 39:1-1 are adopted and applicable within the context of this [regulation] subchapter.

["Alcohol Countermeasures Pilot Project"] "Bureau of Alcohol Countermeasures" means the [activities and personnel] Bureau within the Division of Motor Vehicles involved in designing [and], implementing and administering a statewide alcohol countermeasures program.

"Alcohol Countermeasures Clinic" means the personnel and facilities operated by the [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures to determine on the basis of written tests and personal interviews the extent, if any, of a person's drinking-driving and/or alcohol related problem.

"Alcohol Countermeasures Component" includes the personnel and facilities composing the Alcohol Countermeasures Clinic, Alcohol Safety Institute, Approved Treatment Agency and Rehabilitation Program as defined in this section.

"Approved Treatment Agency" means an agency approved by the Bureau of Alcohol Countermeasures for the education, rehabilitation and treatment of individuals convicted of a violation of N.J.S.A. 39:4-50 et seq.

"Rehabilitation Program" means any in-patient or out-patient treatment activity or facility, approved by the [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures, for those persons determined by the Alcohol Countermeasures Clinic to have serious alcohol-related problems.

"Alcohol Safety Institute" means the personnel and facilities operated by the [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures for the purpose of conducting seminars or other education programs concerning the problem of alcohol and its relation to operating a motor vehicle safely.

13:20-31.3 Action subsequent to convictions for N.J.S.A. 39:4-50

(a) The [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures will be notified of every conviction for violation of N.J.S.A. 39:4-50 by the Magistrates Fines Bureau of the Division of Motor Vehicles.

(b) The [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures may schedule persons who have been convicted for violation of N.J.S.A. 39:4-50 for an interview and test or group evaluation at an appropriate Alcohol Countermeasures Clinic.

(c) The Alcohol Countermeasures Clinic may take the following types of actions:

1. Test and interview all persons referred to the Clinic by the [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures.

2. On the basis of the test, interview, driving record and other relevant information, the Clinic may refer a person to an appropriate treatment or rehabilitation program or refer a person to the Alcohol Safety Institute.

(d) Failure on the part of the licensee to appear at any Bureau of Alcohol Countermeasures component may result in a suspension of New Jersey driving privileges.

(e) Failure on the part of the licensee to comply with the course of action recommended by the Alcohol Countermeasures Clinic or approved treatment agency may result in suspension of New Jersey driving privileges.

13:20-31.4 Other actions authorized

(a) The [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures is authorized to receive referrals from courts, highway safety agencies, law enforcement agencies, health agencies or social service

agencies. If the nature of the information is deemed sufficient, the [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures may recommend the proposed suspension of the individual's driving privileges in accordance with N.J.S.A. 39:5-30. The Bureau of Alcohol Countermeasures may schedule an interview with the individual at an appropriate alcohol countermeasures [clinic] component for investigation and appropriate action as authorized under [Section] section 3(c) Action subsequent to convictions for N.J.S.A. 39:4-50) of this [Subchapter] subchapter. Failure to appear at a [clinic] component appointment may result in suspension of New Jersey driving privileges.

(b) The [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures is authorized to receive referrals from any Divisional hearing or investigation in which it is determined that alcohol may have been involved in the operation of a motor vehicle, independent of court findings reported to the Division as a result of court action under N.J.S.A. 39:4-50.

(c) The Bureau of Alcohol Countermeasures may refer a licensee who has previously participated in an alcohol countermeasures program of education or rehabilitation directly to a treatment of rehabilitation program.

13:20-31.5 License actions authorized

(a) The [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures may recommend to the Driver Improvement Bureau of the Division of Motor Vehicles the following types of license actions:

1. Suspension of New Jersey driving privileges upon termination of a court-imposed suspension.
2. Full restoration of New Jersey driving privileges upon termination of a court-imposed suspension.
3. [Conditional restoration of New Jersey driving privileges upon termination if a court-imposed suspension.]

Imposition of conditions in order to retain driving privileges.

4. [Imposition of conditions in order to retain driving privileges.] **Suspension of a driver's license independent of court action.**

[5. Suspension of a driver's license independent of court action.]

(b) When any activity against a motorist's license is recommended by the [Alcohol Countermeasures Pilot Project] Bureau of Alcohol Countermeasures, the Driver Improvement Bureau will afford the individual all the rights guaranteed to him under the applicable state law and the Division's regulation on Administrative hearings.

13:20-31.6 Conditional restoration of licenses

(a) [Upon recommendation of the Alcohol Countermeasures Pilot Project, a driver's license may be restored conditionally upon termination of a suspension.] **Upon recommendation of the Bureau of Alcohol Countermeasures, conditions may be imposed in order for a licensee to retain a driver's license.**

(b) [Upon recommendation of the Alcohol Countermeasures Pilot Project, conditions may be imposed in order for a licensee to retain a driver's license.] **The imposition of conditions on a licensee at the time of license restoration will be full authority to drive, with the distinct understanding that any failure on the part of the licensee to meet the conditions agreed between the licensee and the Bureau of Alcohol Countermeasures shall be grounds for the suspension of the license.**

(c) [The conditional restoration or the imposition of conditions on a licensee will be full authority to drive, with the distinct understanding that any failure on the part of the licensee to meet the conditions agreed upon

between the licensee and the Alcohol Countermeasures Pilot Project shall be grounds for suspension of the license.]

The terms of conditions will be limited to agreements between a licensee and the Bureau of Alcohol Countermeasures to continue recommended rehabilitation programs prescribed by the Bureau of Alcohol Countermeasures.

(d) [The terms of conditions will be limited to agreements between a licensee and the Alcohol Countermeasures Pilot Project to continue recommended rehabilitation programs prescribed by the Alcohol Countermeasures Pilot Project.] **In no event will conditions be authorized for more than one calendar year calculated from the date licensee is referred to a rehabilitation program.**

[(e) In no event will conditions be authorized for more than one calendar year calculated from the effective date of issue.]

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

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

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

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

(a)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Amendment Concerning Denial of Nominations or Entries

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq, proposes to amend N.J.A.C. 13:70-6.11 concerning the denial of nominations or entries.

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

13:70-6.11 Denial of nominations or entries

The nominations or entries of any person, or the transfer of any nomination or entry, may be cancelled or refused [with or without either] **provided that notice [or] and reason [being given] therefor is given to any affected person or persons.**

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

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

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

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

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

**Amendments Concerning Release
Of Patient Records**

On September 20, 1978, Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-6.12, concerning release of patient records, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 347(c).

An order adopting these amendments was filed and became effective on October 2, 1978, as R.1978 d.352.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY
RACING COMMISSION

Amendments on Admission of Minors

On September 19, 1978, John J. Reilly, Executive Director of the New Jersey State Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-3.40 and 13:71-5.18, concerning admission of minors, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 349(b).

An order adopting these amendments was filed and became effective on October 2, 1978, as R.1978 d.353.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY
RACING COMMISSION

**Amendments Mandating
Deduction for Drivers' Fees**

On September 19, 1978, John J. Reilly, Executive Director of the New Jersey State Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:71-21.8 and 13:71-21.9, concerning the mandating of deductions for drivers' fees, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 348(b).

An order adopting these amendments was filed on October 2, 1978, as R.1978 d.354 to become effective on January 1, 1979.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

**Rules on Examination of Candidates
For Licenses to Practice Dentistry**

On September 6, 1978, Herbert T. Wakai, President of the 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, adopted new rules concerning the examination of candidates for licenses to practice dentistry, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 165(c).

Take notice that, these rules will be cited as N.J.A.C. 13:30-8.7 rather than N.J.A.C. 13:30-8.6, as indicated in the Notice of Proposal.

An order adopting these rules was filed on October 16, 1978, as R.1978 d.366 to become effective on April 16, 1979.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

ENERGY
THE COMMISSIONER

**Proposed Rules Concerning
Energy Facility Review Board**

Joel R. Jacobson, Commissioner of the Department of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules, to be cited as N.J.A.C. 14A:8-1.1 et seq., concerning the Energy Facility Review Board.

This proposal establishes the rules of practice and procedure of the Energy Facility Review Board, which shall be established if the views of the Energy Report prepared by the Department of Energy pursuant to N.J.S.A. 52:27F-15(c) differs with the views of other State instrumentalities with the power of approval over energy facilities.

This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 004-78-11.

Copies of the five pages of full text of the proposal may be obtained or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 8, 1978, to:

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

The Department of Energy may thereafter adopt rules substantially as proposed concerning this subject without further notice, consistent with N.J.S.A. 52:27F-25.

Joel R. Jacobson
Commissioner
Department of Energy

(a)

ENERGY

THE COMMISSIONER

Proposed Rules on Submission and Handling Information which may be Entitled to Confidential Treatment

Joel R. Jacobson, Commissioner of the Department of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules, to be cited as N.J.A.C. 14A:7-1.1 et seq., concerning the submission and handling of information which may be entitled to confidential treatment.

This proposal prescribes the procedures to be followed by persons submitting information which may be entitled to confidential treatment to the Department. Persons submitting information to the Department are allowed to assert a claim that the information they are submitting is entitled to confidential treatment because such information constitutes a trade secret. Specific criteria are established to be used by the Department in determining whether the information is entitled to confidential treatment. If the Department determines that the information is entitled to confidential treatment, the information would not be deemed to be public records and would be exempt from the requirements of N.J.S.A. 47:1A-1 et seq., pursuant to N.J.S.A. 52:27F-18(d). Access to information which is determined to be entitled to confidential treatment would be extremely limited.

This proposal is based on regulations governing the submission of confidential information to the United States Environmental Protection Agency (EPA). We feel that EPA's regulations on this subject are the most comprehensive in this sensitive area.

The Department of Energy will convene a task force composed of representatives from various industrial and public interest groups to obtain their input on this proposal. It is expected that major revisions may be made to this proposal. The Department of Energy will also be developing internal procedures for handling and safeguarding confidential information in its possession, which will also be the subject of the task force deliberations.

This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 003-78-11.

Copies of the five pages of full text of the proposal may

be obtained or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before December 8, 1978, to:

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

The Department of Energy may thereafter adopt the rules substantially as proposed concerning this subject without further notice, consistent with N.J.S.A. 52:27F-25.

Joel R. Jacobson
Commissioner
Department of Energy

(b)

ENERGY

THE COMMISSIONER

Proposed Rules on Debarment, Suspension And Disqualification of Persons

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq., proposes to adopt new rules implementing Executive Order 34 of 1976, concerning the debarment, suspension and disqualification of persons concerning contracts and subcontracts with the Department of Energy.

Full text of the proposal follows:

CHAPTER 6. FISCAL MANAGEMENT

SUBCHAPTER 1. DEBARMENT, SUSPENSION AND DISQUALIFICATION OF A PERSON(S)

14A:6-1.1 Definitions

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

"Affiliates" mean persons having a relationship such that any one of them directly or indirectly controls or has the power to control another.

"Debarment" means an exclusion from New Jersey Department of Energy (NJDOE) contracting, on the basis of a lack of responsibility evidenced by an offense, failure, or inadequacy of performance, for a reasonable period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.

"Disqualification" means a debarment or a suspension which denies or revokes a qualification to bid or otherwise engage in NJDOE contracting which has been granted or applied for pursuant to statute, or rules and regulations.

"NJDOE contracting" means any arrangement giving rise to an obligation to supply anything to or perform any service for the NJDOE, other than by virtue of State employment, or to supply anything to or perform any service for the NJDOE, other than by virtue of State employment, or to supply anything to or perform any service for a private or public person where the NJDOE provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service or the persons who may supply or perform the same.

"Person" means any natural person, company, firm, association, corporation, or any entity.

"Suspension" means an exclusion from NJDOE contracting for a temporary period of time, pending the completion of an investigation or legal proceedings.

14A:6-1.2 Causes for debarment of a person(s)

(a) In the public interest, the NJDOE shall debar a person for any of the following causes:

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;

2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty;

3. Violation of the Federal or State antitrust statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874, 40 U.S.C. 276 b, c);

4. Violations of any of the laws governing the conduct of elections of the Federal government, State of New Jersey or of its political subdivisions;

5. Violation of the "Law Against Discrimination" (P.L. 1945, c. 169, N.J.S.A. 10:5-1 et seq. as supplemented by P.L. 1975, c. 127) or of the act banning discrimination in public works employment (N.J.S.A. 10:2-1 et seq.) or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (C. 114, L. 1942, N.J.S.A. 10:1-10 et seq.);

6. Violations of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor;

7. Violations of any laws governing the conduct of occupations or professions or regulated industries;

8. Violations of any other laws which may bear upon a lack of responsibility or moral integrity;

9. Willful failure to perform in accordance with contract specifications or within contractual time limits;

10. A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred;

11. Violation of contractual or statutory provisions regulating contingent fees;

12. Any other cause affecting responsibility as a State contractor of such serious and compelling nature as may be determined by the NJDOE to warrant debarment, including such conduct as may be prescribed by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts;

13. Debarment by some other department or agency in the executive branch.

14A:6-1.3 Conditions affecting the debarment of a person(s)

(a) The following conditions shall apply concerning debarment:

1. Debarment shall be made only upon approval of the Commissioner of Energy, except as otherwise provided by law.

2. The existence of any of the causes set forth in section 2 of this subchapter shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the Commissioner of Energy, unless otherwise required by law, and shall be rendered in the best interests of the State.

3. All mitigating factors shall be considered in deter-

mining the seriousness of the offense, failure or inadequacy of performance and in deciding whether debarment is warranted.

4. This existence of a cause set forth in section 2(a) 1 through 8 of this subchapter shall be established upon the rendering of a final judgment or conviction, including a guilty plea or a plea of nolo contendere by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.

5. The existence of a cause set forth in section 2(a) 9 through 12 of this subchapter shall be established by evidence which the NJDOE determines to be clear and convincing in nature.

6. Debarment for the cause set forth in section 2(a) 13 of this subchapter shall be proper, provided that one of the causes set forth in 2(a) 1 through 12 was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

14A:6-1.4 Procedures, period of debarment, and scope of debarment affecting the debarment of a person(s)

(a) The procedures, the period of debarment and the scope of debarment to be followed by the NJDOE are explained below:

1. The NJDOE seeking to debar a person or his affiliates shall furnish such party with a written notice stating that debarment is being considered; setting forth the reasons for the proposed debarment; and indicating that such party will be afforded an opportunity for a hearing if he so requests within a stated period of time. All such hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act. However, where another department or agency has imposed debarment upon a party, the NJDOE may also impose a similar debarment without affording an opportunity for a hearing, provided that the NJDOE furnishes notice of the proposed similar debarment to that party, and affords that party an opportunity to present information in his behalf to explain why the proposed similar debarment should not be imposed in whole or in part.

2. Debarment shall be for a reasonable, definitely stated period of time, which as a general rule shall not exceed five years. Debarment for an additional period shall be permitted provided that notice thereof is furnished and the party is afforded an opportunity to present information in his behalf to explain why the additional period of debarment should not be imposed.

3. Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the NJDOE upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control, or the elimination of the causes for which the debarment was imposed.

4. A debarment may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may

be imputed to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was affected by him with the knowledge or approval of such person.

14A:6-1.5 Causes for suspension of a person(s)

In the public interest, the NJDOE shall suspend a person for any cause specified in section 2 of this subchapter.

14A:6-1.6 Conditions for suspension of a person(s)

(a) The following conditions concerning suspension are to be adhered to:

1. Suspension shall be imposed only upon approval of the Commissioner of Energy and upon approval of the Attorney General, except as otherwise provided by law.

2. The existence of any cause for suspension shall not require that a suspension be imposed, and a decision to suspend shall be made at the discretion of the Commissioner of Energy and of the Attorney General, and shall be rendered in the best interest of the State.

3. Suspension shall not be based upon unsupported accusation, but upon adequate evidence that cause exists.

4. In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts.

5. Reasonable suspicion of the existence of a cause described in section 2(a) 1 through 8 of this subchapter may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur.

6. A suspension invoked by another agency for any of the causes described in section 2 of this subchapter may be the basis for the imposition of a concurrent suspension by the NJDOE, which may impose such suspension without the approval of the Attorney General.

14A:6-1.7 Procedures, period of suspension and scope of suspension affecting the suspension of a person(s)

(a) The following provisions regarding procedures, period of suspension and scope of suspension shall be adhered to by the NJDOE:

1. The NJDOE may suspend a person of his affiliates, provided that within ten days before the effective date of the suspension, the NJDOE provides such party with a written notice: (i) stating that a suspension has been imposed and its effective date; (ii) setting forth the reasons for the suspension to the extent that the Attorney General determines that such reasons may be properly disclosed; (iii) stating that the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue, and (iv) indicating that, if such legal proceedings are not commenced or the suspension removed within 60 days of the date of such notice, the party will be given either a statement of the reasons for the suspension and an opportunity for a hearing if he so requests or a statement declining to give such reasons and setting forth the NJDOE's position regarding the continuation of the suspension. Where a suspension by another agency has been the basis for suspension by the NJDOE, the latter shall note that fact as a reason for its suspension.

2. A suspension shall not continue beyond 18 months from its effective date unless civil or criminal action regarding the alleged violation shall have been initiated within that period, or unless debarment action has been commenced.

Whenever prosecution or debarment action has been initiated, the suspension may continue until the legal proceedings are completed.

3. A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was effectuated by him with the knowledge or approval of such person.

14A:6-1.8 Disqualification of a person(s)

The disqualification of a person shall conform to N.J.S.A. 52:35-1 et seq.

14A:6-1.9 Extent of debarment, suspension, or disqualification

The exclusion from State contracting by virtue of debarment, suspension, or disqualification shall extend to all State contracting and subcontracting within the control or jurisdiction of the NJDOE, including any contracts which utilize State funds. When it is determined by the Commissioner of Energy to be essential to the public interest, and upon filing of a finding thereof with the Attorney General, an exception from total exclusion may be made with respect to a particular State contract.

14A:6-1.10 Prior notice by NJDOE

Insofar as practicable, prior notice of any proposed debarment or suspension shall be given to the Attorney General and the Treasurer.

14A:6-1.11 List of debarred, suspended or disqualified persons

The NJDOE shall supply to the Treasurer a list of all persons having been debarred, suspended or disqualified in accordance with the procedures prescribed herein. Such list shall at all times be available for public inspection.

14A:6-1.12 Discretion

Nothing contained herein shall be construed to limit authority of the Commissioner of Energy to refrain from contracting within the discretion allowed by law.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 8, 1978, to:

Neal H. Attermann
Office of Regulatory Affairs
Department of Energy
101 Commerce Street
Newark, N.J. 07102

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

Joel R. Jacobson
Commissioner
Department of Energy

(a)

ENERGY

BOARD OF PUBLIC UTILITIES

Proposed Amendments on Filing of Petitions With the Department of Energy

The Board of Public Utilities, pursuant to authority of N.J.S.A. 48:2-12, proposes to adopt amendments which add

new text to a portion of the rules concerning the filing of petitions with the Department of Energy.

Full text of the proposed new rules follows:

14:1-6.2(a)4. Where a petition to the Board for relief is also subject to the jurisdiction of the Department of Energy, pursuant to N.J.S.A. 52:27F-15c, the factual basis supporting the jurisdiction of the Department of Energy shall be stated in the petition to the Board. The petition and all supporting documentation filed with the Board is to be served upon the Department of Energy within five days after filing with the Board. Proof of such service shall be filed with the Board within five days of service upon the Department of Energy. Petitions filed with the Board pursuant to N.J.S.A. 40:55D-19 are to adhere to the requirements of this section.

14:1-6.12(d) The requirements of this rule shall apply to any petition which seeks authority from the Board to condemn land for an energy facility as defined in N.J.S.A. 52:27F-3e. Copies of all petitions and supporting documentation filed by a utility pursuant to this rule shall be served on the Department of Energy, Division of Energy Planning and Conservation, within five days after filing with the Board. Proof of service of the petition shall be filed with the Board within five days of service upon the Department of Energy.

14:1-6.21 Coextensive jurisdiction of Department of Energy

(a) Where a petition seeks Board approval for a matter which is also subject to the jurisdiction of the Department of Energy pursuant to N.J.S.A. 52:27F-15c, the petitioner shall file a copy of the petition and supporting documents with the Department of Energy, Division of Energy Planning and Conservation, within five days of filing with the Board. Proof of such filing shall be filed with the Board within five days of service upon the Department of Energy.

(b) The petition to the Board shall contain a statement outlining the basis for the Department of Energy jurisdiction.

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

Gerald A. Calabrese, Secretary
Board of Public Utilities
Department of Energy
1100 Raymond Boulevard
Newark, N.J. 07102

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

George H. Barbour
President, Board of Public Utilities
Department of Energy

(a)

ENERGY

BOARD OF PUBLIC UTILITIES

OFFICE OF CABLE TELEVISION

Amendments to Definition of Classical System

On September 22, 1978, the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:5A-11(a), on behalf of the Office of Cable Television and in accordance with applicable provisions of the

Administrative Procedure Act, adopted amendments to N.J.A.C. 14:17-18.1, concerning the definition of classical system, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 354(a).

An order adopting these amendments was filed and became effective on September 29, 1978, as R.1978 d.349.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking On Parts of Routes 33 and 79

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking on portions of Routes 33 and 79.

Full text of the proposal follows:

16:28-3.183 Route 33 in the Borough of Hightstown, Mercer County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 33 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along the westbound side of Route 33:

(1) From the westerly curb line of Broad Street to the northerly curb line of Stockton Street.

(2) From a point 50 feet north of the northerly curb line of Rogers Avenue to the easterly curb line of Academy Street.

i. Along the westbound side of Route 33:

(1) From a point 125 feet west of the prolongation of the westerly curb line of Academy Street to the westerly curb line of Co. Rd. 539-571.

(2) From a point 220 feet south of the prolongation of the southerly curb line of Stockton Street to a point 50 feet east of the easterly curb line of Broad Street.

iii. Along both sides of Route 33 from a point 425 feet west of the westerly curb line of Maxwell Avenue to the easterly Hightstown Borough-East Windsor Township corporate line.

16:28-3.184 Route 79 in Marlboro Township, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 79 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along the southbound side of Route 79:

(1) From a point 150 feet north of the northerly curb line of School Road West to the northerly curb line of School Road West.

(2) From the southerly curb line of Ryan Road to the northerly curb line of Old Mill Road.

ii. Along the northbound side of Route 79 from the northerly curb line of School Road East to a point 230 feet north of the northerly curb line of School Road East.

iii. Along both sides of Route 79:

(1) From a point 100 feet north of the northerly curb line of Lloyd Road to a point 100 feet south of the southerly curb line of Church Lane.

(2) From the northerly curb line of Girard Street (South Intersection)—Newton Street to a point 100 feet north of the northerly curb line of Wyncrest Road.

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

Charles Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Traffic Signal Information and Reimbursed Highway Safety Lighting

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and 27:1A-6, proposes to adopt amendments concerning traffic signal information and reimbursed highway safety lighting.

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

16:26-1.1(c) [The following certification must be obtained in writing from the party requesting the information: "Neither the State of New Jersey nor any of its officers, agents, or employees, are, or will be, in any way involved in connection with the accident in question, or any proposed or pending litigation resulting therefrom."] **The release of traffic signal information shall be in accordance with N.J.A.C. Title 16, Chapter 1, Subchapter 2— "Issuance and Sale of NJDOT Public Records."**

16:26-3.4(d) [Incandescent lighting units will be approved for reimbursement until December 31, 1978. Units not converted to the arc discharge type lamp of at least 7,000 lumen intensity prior to January 1, 1979, will be eliminated from reimbursement agreements for calendar year 1979 and thereafter.] **Incandescent units will not be eligible for reimbursement after December 31, 1978 unless order has been issued by county or local government to the utility company prior to December 1, 1978 to convert the units to the arc discharge type lamp of at least 7,000 lumen. Those units pending conversion as of December 1, 1978 will be reimbursed during calendar year 1979 at the regular incandescent lamp reimbursement rate. No incandescent unit will be eligible for reimbursement after December 31, 1979.**

16:26-3.8(b) An agreement and a form of resolution for the ensuing year are prepared and mailed to the participating local government on or about [November 15] December 15 by the Electrical Bureau. The full executed agreement shall be returned by the local government to the State on or before [the 31st day of January] February 15 with a duly certified copy of the resolution.

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

Charles Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on No-Passing Zones Along Various State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to adopt new rules concerning no passing zones along portions of various State highways.

Full text of the proposal follows:

16:28-15.14 Route 33 in the City of Trenton, Hamilton Township, Washington Township, East Windsor Township and Hightstown Borough, Mercer County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 33 described in drawing # HNPZ-018 dated October 7, 1977, attached hereto and made a part hereof, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.15 Route 79 in Freehold Township, Freehold Borough, Marlborough Township and Aberdeen Township, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 79 described in drawing #HNPZ-035 dated May 26, 1978, attached hereto and made a part hereof, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.16 Route 66 in New Shrewsbury Borough, Ocean Township and Neptune Township, Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 66 described in drawing #HNPZ-037 dated June 2, 1978, attached hereto and made a part hereof, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.17 Route 49 in Upper Township, Cape May County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 49 described in drawing #HNPZ-027 dated April 10, 1978, attached hereto and made a part hereof, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.18 Route 46 in Washington Township, Mount Olive Township, Netcong Borough, Roxbury Township, Mine Hill Township, Dover, Town of, Rockaway Township and Rockaway Borough in Morris County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 46 described in drawing #HNPZ-031 dated May 8, 1978, attached hereto and made a part hereof, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.19 Route 49 in Estelle Manor City, in Atlantic County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 49 described in drawing #HNPZ-027 dated April 10, 1978, attached hereto and made a part hereof, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.20 Route 31 in the City of Trenton, Ewing Township, Hopewell Borough and Pennington Borough in Mercer County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 31 described in drawing #HNPZ-014 dated August 15, 1977, attached hereto and made a part hereof, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.21 Route 152 in the City of Somers Point and Egg Harbor Township in Atlantic County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 152 described in drawing #HNPZ-023 dated January 9, 1978, attached hereto and made a part hereof, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.22 Route 34 in Old Bridge Township, Middlesex County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 34 described in drawing #HNPZ-033 dated May 24, 1978, attached hereto and made a part hereof, shall be and hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.23 Route U.S. 206 in Shamong Township, Tabernacle Township, Southampton Township, Easthampton Township, Pemberton Township, Springfield Township, Mansfield Township, Bordentown Township and City of Bordentown in Burlington County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route U.S. 206 described in drawing #HNPZ-002 dated September 17, 1976, attached hereto and made a part hereof, shall be and

hereby are designated and established as "No Passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

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

Charles Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

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

Louis J. Gambaccini
Commissioner
Department of Transportation

(a)

TREASURY

DIVISION OF PENSIONS

Proposed Repeal of Rules Concerning Administrative Fees

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of Chapter 70, Public Law 1955, proposes to repeal N.J. A.C. 17:1-7.3 and 17:1-8.3 concerning administrative fees.

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

17:1-7.3 [Administrative fees] (Reserved)

[The certification by the Director of the Division of Pensions of the amounts payable by local employers shall include an administrative fee to reimburse the State for the cost of administering this program on behalf of their employees. The fee shall be on a \$1.00-per-capita basis and shall not be less than \$1.00 per capita per year.]

17:1-8.3 [Administrative fee] (Reserved)

[(a) The administrative cost of the program shall be borne by the State, as reimbursed on a pro rata basis by participating employers.

(b) The administrative fee shall be ½ per cent of the amount of the total Social Security contribution of employer and/or employee subject to a \$10.00 maximum and a \$1.00 minimum per quarter report.

(c) No refund of any overpayment of Social Security administrative fees will be made in any quarter in which the overpayment is less than \$3.00.

(d) There is no administrative fee payable for any School District Unit 002 coverage group.]

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

William J. Joseph, Director
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

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

William J. Joseph, Director
Division of Pensions
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

TEACHERS' PENSION AND ANNUITY FUND BOARD OF TRUSTEES

Proposed Amendment Concerning Travel Expense Under Election of a Member-Trustee

A. Steven LaBrutte, Secretary of the Teachers' Pension and Annuity Fund Board of Trustees in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 proposes to amend N.J.A.C. 17:3-1.4, concerning the travel expense under the election of a member-trustee.

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

17:3-1.4(w) Delegates and alternates will be reimbursed for actual travel expense incurred in connection with the convention at the rate of [\$0.14] \$0.16 per mile for travel by auto, actual tax exempt fare for travel by bus or train, and meals not in excess of \$2.50 per day.

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

A. Steven LaBrutte, Secretary
Teachers' Pension and Annuity Fund
Board of Trustees
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

The Teachers' Pension and Annuity Fund Board of Trustees may thereafter adopt rules concerning this subject without further notice.

A. Steven LaBrutte, Secretary
Teachers' Pension and Annuity Fund
Board of Trustees
Division of Pensions
Department of the Treasury

(b)

TREASURY

DIVISION OF PENSIONS

HEALTH BENEFITS COMMISSION

Proposed Amendment Concerning State Health Benefits Program

William J. Joseph, Secretary, Health Benefits Commission, in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 proposes to amend N.J.A.C. 17:9-4.3, concerning the State Health Benefits Program.

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

17:9-4.3(a)4. Any person who is employed on short-term, seasonal, intermittent or emergency basis such as a person whose compensation is in the nature of a "retainer",

or is for occasional services or whose service is for brief periods at intervals[;], such as substitute teachers;

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

William J. Joseph, Secretary
Health Benefits Commission
Division of Pensions
20 West Front Street
Trenton, N.J. 08625

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

William J. Joseph, Secretary
Health Benefits Commission
Division of Pensions
Department of the Treasury

(c)

TREASURY

DIVISION OF TAXATION

Proposed Amendments to Rules Concerning County Boards of Taxation

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-12, proposes to amend N.J.A.C. 18:12A-1.6 and 18:12A-1.9 concerning county boards of taxation.

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

18:12A-1.6(e) Petitioner who alleges discrimination, except where discrimination is claimed pursuant to P.L. 1973, c. 123, as amended, and uses the assessments and/or comparable sales on other properties as comparisons must affix a schedule to the petition of appeal and to the copy of said petition, giving the name of the owner, block and lot number [and], assessed valuation as shown in the current tax list[.] and sales price. This rule may be waived in individual cases at the discretion of the board.

18:12A-1.9(h) If a petitioner relies on expert testimony in the prosecution of his appeal, three copies of the appraisal shall be furnished to the board and a copy to the assessor at least one week prior to the hearing. The petitioner shall have the right to inspect the property record card of the property under appeal at least one week prior to the hearing. The board in its discretion may waive the requirements of a written appeal.

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

J. Henry Ditmars
Superintendent
Local Property and Public Utility Branch
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08646

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amendments on Homestead Tax Rebate

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-3.80 et seq., proposes to amend several rules concerning the homestead tax rebate.

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

18:12-7.1(a) Pursuant to authority granted under N.J.S.A. 54:4-3.80, et seq., P.L. 1976, c. 72, the following instructions are hereby issued governing the procedure to be used by local assessors and tax collectors and county tax board secretaries in administering claims for a homestead tax rebate.

18:12-7.1(c)1.i.(1) The homestead rebate application will be a computer-generated, [four-ply] two-ply, self mailer type packet. Pre-printed on the form by the computer will be the ownership, property location, assessment data [and], net property taxes from the updated computer file[.], and certain other additional required information from the updated computer file. All forms will be assigned a control number, sequential within each municipality. [At the time the packets are mailed, a face sheet of each will be delivered to the local assessor, providing an immediate record of the mailing in control number sequence.] At the time the packets are mailed, a listing will be delivered to the local assessor, providing an immediate record of the mailing in block and lot sequence. Supplemental listings will be provided to the assessor as required.

(2) The packet sent to each claimant will contain a [three-ply] two-ply, precarboned form with the same information shown [on the face sheet] in subparagraph i. (1) above, an instruction sheet, as well as a return envelope addressed to the Division of Taxation. The claimant will complete the balance of the form, retain one copy as a record, and mail the remaining [two copies] copy, together with any required documentation, to the Division of Taxation[.], CN 444, Trenton, New Jersey 08646.

(3) Upon receipt, the division will process [one copy of] the original of the executed form and return [the remaining copy to the local assessor with any required documentation attached for the assessor's review] to the local assessor any attached documentation for his review.

(4) The final approval (disapproval) process will be achieved by using computer lists [and redlining procedures. There will also be provision for an intermediate system of approval (disapproval) for use by those assessors who wish to achieve that step as the forms are received.] which will be mailed periodically to the assessors.

18:12-7.1(c)3. An application for a homestead tax rebate shall be filed on or before December 1 of the pretax year and shall reflect the prerequisites for the rebate as of October 1 of the pretax year. (For example, a claimant should file an application on or before December 1, [1977] 1978, which should reflect the prerequisites for the rebate as of October 1, [1977] 1978, in order to qualify for the rebate to be received in [1978] 1979.) [All applications

will be transmitted by the division to the respective tax assessors.]

18:12-7.1(d)2. Ownership of property: The claimant must be the owner of the property for which the homestead tax rebate is claimed on October 1 of the pretax year [(October 1, 1977, in order to qualify for the rebate to be received in 1978)]. The assessor may require that the claimant show proof of his full legal title[;].

18:12-7.1(d)9.ii. Residence in the dwelling house for which the homestead tax rebate is claimed which constitutes the place of his domicile which is owned and used by him as his principal residence as of October 1 of the pretax year. [(October 1, 1977, in order to qualify for the rebate to be received in 1978.)]

18:12-7.1(d)12. Proof of permanent and total disability: In all cases where an additional rebate is claimed because of permanent and total disability, applicant must include a physician's certificate [or], Social Security Award Certificate Form SSA-30 or Social Security Award Certificate Form SSA-2458 verifying that the claimant is permanently and totally disabled and is, therefore, unable to engage in any substantial, gainful activity. In the claim by a person who is blind, he may additionally submit a certificate from the New Jersey Commission for the Blind certifying to blindness as defined by law.

13. Proof of surviving spouse: An applicant who claims an additional rebate as a surviving spouse must establish that the deceased spouse, during his lifetime, was entitled to and received a real property tax deduction [or the additional homestead tax rebate. Claimant must remain unmarried and reside in the same dwelling house for which the original property tax deduction or original rebate to the deceased spouse was granted.] due to age or disability, or had received or would have been entitled to receive an additional homestead tax rebate. The surviving spouse must also offer proof that at the time of the death of the spouse he or she was 55 years of age or older. Attached to the application, therefore, shall be included a copy of the death certificate of the deceased spouse. Additionally, the surviving spouse of a deceased totally and permanently disabled spouse shall attach proof of the deceased's disability.

18:12-7.2 Review of [application] computer lists of rebate claims

(a) Assessors are required to review such [application] lists in order to assure that [the] each claimant is entitled to the rebate.

(b) Reasons for disapproval shall include, but not be limited to, the following:

1. The rebate has been claimed for property classified as vacant land, qualified farm, commercial or industrial or any residential property containing more than one unit or more than one unit used for business or commercial purpose.

2. Claimant did not meet ownership requirements to the property on October 1 of the pre tax year as defined in the act.

3. Claimant did not occupy the property as his principal residence on October 1 of the pre tax year.

[Note: The assessor should keep all disapproved applications on file.]

18:12-7.4(a)7.i. Each assessor may at any time inquire into the right of a claimant to the continuance of a homestead tax rebate hereunder and for that purpose he may require [the filing of a new application or] the submission

of such proof as he shall deem necessary to determine the right of the claimant to continuance of such rebate.

18:12-7.10(b) Each tax collector shall, on or before [February 1 and June 30] March 31 of each year furnish the director with a list of delinquent property tax owners in his district for taxes due and payable for the year immediately preceding and the amounts of such delinquencies.

(c) Where delinquencies remain on [February 1] March 31, the Director of the Division of Taxation shall ascertain the amounts of homestead rebate withheld [(otherwise due April 1, of the tax year)] because of such delinquencies in each municipality in the State and shall certify such withheld amounts to the State Treasurer as soon thereafter as may be practicable.

(d) On or before [June 1] August 1, the director shall notify each taxpayer, whose rebate has been withheld because of delinquency, that the amount of such rebate to which he would have been entitled will be sent to the tax collector in his municipality to be credited against such delinquency.

(e) Upon certification by the director as to the amount of rebates withheld because of such delinquency, the State will pay such amount on or before [June 1] September 1 to the collector in each municipality.

[(f) Where delinquencies remain on June 30, the Director of the Division of Taxation shall ascertain the amounts of homestead rebate withheld (otherwise due October 1, of the tax year) because of such delinquencies in each municipality in the State and shall certify such amounts to the State Treasurer as soon thereafter as may be practicable.]

[(g) On or before November 1, the director shall notify each taxpayer, whose rebate has been withheld because of delinquency, that the amount of such rebate to which he would have been entitled will be sent to the tax collector in his municipality to be credited against such delinquency.]

[(h) Upon certification by the director as to the amount of rebates withheld because of such delinquency, the State will pay such amount on or before November 1 to the collector in each municipality.]

[(i) (f) The tax collector shall credit the tax delinquency of each property owner who appears on the delinquency list. In the event the amount so credited exceeds the amount of delinquency, the tax collector may return the difference to the taxpayer, or credit such amount to the subsequent tax bill.

[(j) However, in the event the taxpayer meets all of his delinquency payments by June 30 of the tax year the second one half rebate due and payable on October 1, of the tax year, will be sent to him directly.]

[(k) (g) In the event that the nonprofit cooperative or mutual housing corporation is delinquent in the payment of its property taxes, any rebate that may be due any individual resident shall be withheld until the tax delinquency has been satisfied. If such delinquency has not been satisfied by December 31, 1977, and thereafter by the dates prescribed in section 13 of P.L. 1976, c. 72 (C. 54:4-3.92), the State Treasurer shall pay over to the tax collector of the municipality within 30 days thereafter, the amount of all rebates due to the individual residents. The tax collector shall credit the property owner with such payments and the property owner shall, in turn, credit the individual unit owner to the extent of his rebate. The tax collector shall notify the property owner of the amount to be credited.

18:12-7.11 Duplicate copy of property tax bill

Each municipal tax collector shall, upon request of a property owner, a person having an interest in the property, or the Director of the Division of Taxation, furnish to such person, without cost, a duplicate copy of a property tax bill for use under the Homestead Tax Rebate Act of the New Jersey Gross Income Tax Act.

18:12-7.12 [Extension of filing date] (Reserved)

[The time for property owners to file their applications for a homestead rebate payable in 1978 pursuant to P.L. 1976, c. 72, including applications by shareholders in cooperative associations and those residing in properties of certain mutual housing corporations, has been extended to March 31, 1978.]

18:12-7.13 Reduction of rebate

Any rebate due and payable under this act, Ch. 242, P.L. 1977, shall be reduced by the amount of a tenant's tax credit taken by the cooperative or mutual housing resident under and pursuant to the "New Jersey Gross Income Tax Act" (N.J.S.A. 54A:1-1 et seq.).

18:12-7.14 Annual payment of homestead tax rebate

The State Treasurer annually on or before July 15 commencing in the year 1978, upon the certification of the Director of the Division of Taxation and upon the warrant of the State Comptroller, shall pay and distribute the amount of the homestead rebate to each qualified property owner as certified by the director.

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

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08646

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

LOTTERY COMMISSION

Amended Rules on Pick-It Lottery

On September 25, 1978, Gloria A. Decker, Executive Director of the Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amended rules, to be cited as N.J.A.C. 17:21-13.1, concerning the Pick-It Lottery, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 359(c).

An order adopting these rules was filed and became effective on September 27, 1978, as R.1978 d.348.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

Amendments Concerning Election Of a Prison Officer Representative To the Pension Fund Commission

On October 6, 1978, Anthony P. Ferrazza, Secretary of the Prison Officers' Pension Fund Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:7-19 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:7-1.4, concerning the election of a prison officer representative to the Commission, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 361(a).

An order adopting these amendments was filed and became effective on October 23, 1978, as R.1978 d.372.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF BUILDING AND CONSTRUCTION

Proposed Amendments on Barrier Free Design

The Division of Building and Construction in the Department of the Treasury, pursuant to authority of Chapter 220, P.L. 1975, proposes to amend N.J.A.C. 17:19A-1.1 et seq., concerning barrier-free design regarding facilities for the physically handicapped in public buildings.

The proposed amendments concern purpose, scope, enforcement and appeals, definitions and use group classifications, walks, parking, buildings and related standards and appendices.

Copies of the 17 pages of full text of this proposal may be obtained from or made available for review by contacting:

Alfred W. Wensley
State Architect
Division of Building and Construction
Department of the Treasury
P.O. Box 1243
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1978, to the Division of Building and Construction, at the above address.

The Division of Building and Construction may thereafter adopt rules concerning this subject without further notice.

Alfred W. Wensley
State Architect
Department of the Treasury

(c)

TREASURY

STATE INVESTMENT COUNCIL

Amendments to Classification of Funds

On October 18, 1978, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-5.5 and 17:16-5.6 concerning classification of funds.

Full text of the adopted rules follows:

- 17:16-5.5 Temporary reserve group
- (a) The temporary reserve group shall include:
1. Beaches and Harbors Fund;
 2. Clean Waters Fund;
 3. CMF/Administrative Expense Fund #097;
 4. CMF/Non-State Fund #098;
 5. CMF/Reserve Fund #099;
 6. College of Medicine and Dentistry of New Jersey—Self Insurance Reserve Fund #110;
 7. General Investment Fund;
 8. General Revenue Sharing Fund;
 9. General Trust Funds;
 10. Higher Education Buildings Construction Fund (Act of 1971);
 11. Housing Assistance Fund;
 12. Institutions Construction Fund;
 13. Medical Education Facilities Fund;
 14. Mortgage Assistance Fund;
 15. New Home Warranty Security Fund;
 16. New Jersey Educational Facilities Authority;
 17. New Jersey Housing Finance Agency;
 18. New Jersey State Area Redevelopment Fund;
 19. Pension Adjustment Fund;
 20. Public Buildings Construction Fund;
 21. School Building Aid—Capital Reserve Fund;
 22. Special Railroad Deposits Trust Fund;
 23. State Facilities for Handicapped Fund;
 24. State Health Benefits Fund;
 25. State Lottery Fund—Investment;
 26. State of New Jersey—Alternate Benefit Program;
 27. State of New Jersey Cash Management Fund;
 28. State 1964 Institution Construction Fund;
 29. State Recreation and Conservation Land Acquisition Fund;
 30. State Recreation and Conservation Land Acquisition Fund (Act of 1971);
 31. State Recreation and Conservation Land Acquisition Development Fund;
 32. State Transportation Fund;
 33. State Water Development Fund;
 34. Transportation Benefit Fund;
 35. Transportation Fund;
 36. Unemployment Benefits Liability Fund #844;
 37. Veterans' Loan Guaranty and Insurance Fund;
 38. Water Conservation Fund.
- 17:16-5.6 Trust group
- (a) The trust group shall include:
1. College of Medicine and Dentistry of New Jersey Funds—(1) Endowment Funds;
 2. College of Medicine and Dentistry of New Jersey—Endowment Fund B;
 3. New Jersey Federal-State Rural Rehabilitation Fund;

4. Supplemental Annuity Collective Trust;
5. Tischler Memorial Fund.

An order adopting these amendments was filed and became effective on October 24, 1978, as R.1978 d.376.

G. Duncan Fletcher
 Director of Administrative Procedure
 Department of State

(a)

TREASURY

LOTTERY COMMISSION

Proposed Rules on the Holiday Sweepstakes Lottery

Gloria A. Decker, Acting Executive Director of the Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7, proposes to adopt new rules concerning the Holiday Sweepstakes Lottery.

Full text of the proposal follows:

SUBCHAPTER 14. HOLIDAY SWEEPSTAKES LOTTERY

17:21-14.1 General provisions

(a) The rules have been adopted by the Lottery Commission pursuant to the authorization contained in N.J.A.C. 17:20-1.1 and 17:21-1.4, et seq., and N.J.S.A. 5:9-1, et seq. and shall govern the operations of the "Holiday Sweepstakes" Game.

(b) Sale of Holiday Sweepstakes tickets will commence on a date to be announced by the Executive Director and shall terminate approximately eight weeks thereafter.

1. The game shall be known as the Holiday Sweepstakes; tickets to be issued for this game shall be clearly identified with the name of the game.

2. The ticket will be multi-colored, 4-1/24" x 2-5/6". The tickets will be packaged in lots of 18 per pack and distributed through the banking network to licensed agents.

3. One hundred thousand tickets will constitute a pool. The Executive Director will determine the number of pools in excess of one to be issued on the date designated by the Executive Director.

4. Licensed agents will accept on consignment pack(s) of tickets every Wednesday from the bank. The full settlement for all tickets consigned must be made at the bank. Failure to settle for the consignment on the appointed day will constitute a breach of agreement.

5. Settlements for all tickets consigned, sold or unsold, will be prepared by the bank and forwarded to the New Jersey State Lottery Office in Trenton.

6. The ticket price is \$5.00. The selling agent will be entitled to a five percent commission for each pack sold. Banks will receive one percent commission on the gross sales generated by the agents.

7. All issues of previously consigned tickets must be settled for in their entirety before any additional consignments are allowed. The banks will accept settlement for only full packs of sold tickets. At the end of this game agents may return only unopened packs of tickets for credit.

8. The ticket will be comprised of two parts separated by a perforation.

i. The first part, Main Body of Ticket, will have a 5-digit number.

ii. The second part, stub portion, will entitle the bearer to one free admission to the Meadowlands Racetrack on any racing night through December 30, 1978.

9. On Wednesday evening, December 27, 1978, a drawing shall be conducted at the Meadowlands Racetrack to select a 5-digit winning number applying to the main body of the ticket.

i. The winning five-digit Lottery number shall be determined by the results of the running of the "Holiday Sweepstakes."

ii. The rules and regulations of the Lottery Commission shall govern the operation of the "Holiday Sweepstakes" in all matters except for the running of the horse race.

iii. The rules and regulations of the New Jersey Racing Commission shall govern the running of the "Holiday Sweepstakes", which shall be the fifth race at the Meadowlands Racetrack on December 27, 1978. In this race there will be no coupling of horses because of common ties called an "entry".

iv. Prior to the running of the "Holiday Sweepstakes" ten separate five-digit Lottery numbers will be drawn and assigned to each of the ten horses in the race. If any horse fails to leave the starting gate, runs off the course or loses its jockey, said horse shall be considered to have finished last.

v. The Lottery winners will be determined by the Lottery number drawn for the horse that officially finishes First in the "Holiday Sweepstakes". When two or more horses run a dead heat for First, the dead heat shall not be run off. The "Holiday Sweepstakes" ticket holders of horses in a dead heat for First shall divide equally the prize money in their respective prize tiers.

vi. The Lottery prizes will be as follows:

- (1) Match all five-digits in exact order—Wins \$100,000;
- (2) Match last four-digits in exact order—Wins \$5,000;
- (3) Match last three-digits in exact order—Wins \$500;
- (4) Match last two-digits in exact order—Wins \$50.

vii. Only the highest prize will be paid per ticket. It is not necessary for a ticket holder to be at the track on the night of the drawing to be a "Holiday Sweepstakes" Lottery winner.

viii. Persons holding winning lottery tickets may file their claims at designated Lottery booths at the Racetrack or at any authorized New Jersey Lottery Claim Center.

ix. Regular pari-mutuel wagering will be conducted on the "Holiday Sweepstakes". Pari-mutuel payouts will be made only by the track cashiers. Lottery claims cannot be filed through said track cashiers.

x. If in case of inclement weather, strike, lockout or other labor dispute, delay caused by governmental regulations, act of war or emergency proclamation or any other reason beyond the control of the parties the "Holiday Sweepstakes" cannot be run on December 27, 1978, the race shall take place on the following night, December 28, 1978, conditions permitting, or any such night up to and including December 30, 1978 as shall be determined by the New Jersey State Lottery Commission. In the event any of the above mentioned conditions prevail beyond December 30, 1978, the winning five-digit Lottery number will be determined using the results of a previously run horse race certified by the New Jersey State Racing Commission.

10. All prizes must be claimed within one year of drawing date. The Lottery reserves the right to change the date and method of the drawing if conditions necessitate it. All winners, tickets, and transactions subject to New Jersey State Lottery rules and regulations and State Law. All prize awards are subject to claim procedures, validation tests, and other applicable require-

ments of the New Jersey State Lottery. Ticket void if unissued, stolen, illegible, mutilated, altered, counterfeit in whole or part, reconstituted, misregistered, defective, miscut, printed or produced in error, or incomplete; if anything other than one and only one five-digit number appears in gray ink; if any digit inconsistent with its caption; if five-digit number inconsistent with lot-sequence number; or if ticket fails any of Lottery's other tests. Liability for void or nonconforming ticket, if any, limited to retail sales price of ticket. Not responsible for lost or stolen tickets.

11. In a pool consisting of 100,000 tickets there can be realized 1,000 winners. The detailed breakdown is attached hereto and identified as Addendum #1.

Editor's Note: In addition to the text above, Addenda 1, Prize Structure, 2, Manner in Which Drawing is Conducted and 3, Alternate Drawing Procedure, are included in this proposal but are not reproduced herein. Further information may be obtained from the Lottery Commission at the address below.

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

Gloria A. Decker
Acting Executive Director
Lottery Commission
Department of the Treasury
Taxation Building
West State and Willow Streets
Trenton, N.J. 08625

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

Gloria A. Decker
Acting Executive Director
Lottery Commission
Department of the Treasury

(a)

(Other Agencies)

CASINO CONTROL COMMISSION

Amendments to Rules of Game Relating to Craps

On September 14, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:47-1.2, 19:47-1.4 and 19:47-1.5 concerning the rules of game relating to craps, as proposed in the Notice published August 10, 1978, at 10 N.J.R. 364(b).

An order adopting these amendments was filed and became effective on September 26, 1978, as R.1978 d.346.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CASINO CONTROL COMMISSION

Rules on Exclusion of Persons

On October 10, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of

N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:48-1.1 et seq., concerning the exclusion of persons, substantially as proposed in the Notice published September 7, 1978, at 10 N.J.R. 407(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the New Jersey Casino Control Commission.

An order adopting these rules was filed and became effective on October 16, 1978, as R.1978 d.362.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

CASINO CONTROL COMMISSION

Amendments on Application Procedures (Durational Residency Provisions With Regard to Employees)

On October 10, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:41 4.3 concerning application procedures (durational residency provisions with regard to employees), substantially as proposed in the Notice published September 7, 1978, at 10 N.J.R. 407(e), with only inconsequential structural or language changes, in the opinion of the New Jersey Casino Control Commission.

An order adopting these amendments was filed and became effective on October 16, 1978, as R.1978 d.363.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

CASINO CONTROL COMMISSION

Amendments on Gaming Schools

On October 10, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:44-1.1, 19:44-4.1 and 19:44-5.1 concerning gaming schools, as proposed in the Notice published September 7, 1978, at 10 N.J.R. 408(a).

An order adopting these amendments was filed and became effective on October 16, 1978, as R.1978 d.364.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Amendments to District Zoning Regulations

On September 27, 1978, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq. and in accordance with applicable pro-

visions of the Administrative Procedure Act, adopted amendments to the District Zoning Regulations concerning the rezoning of property in the municipalities of Carlstadt, Moonachie and South Hackensack, as proposed in the Notice published June 8, 1978, at 10 N.J.R. 266(d).

Take notice that, the full text of this adoption will not appear in Title 19 of the New Jersey Administrative Code but the adoption will be referenced in the document citation after the text of N.J.A.C. 19:4-6.28, Official Zoning Map.

An order adopting these amendments was filed and became effective on October 5, 1978, as R.1978 d.359.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

OVER \$2 MILLION IN FEDERAL GRANTS EXPAND STATE'S BATTLE ON CANCER

U.S. HEW Secretary Joseph A. Califano and Governor Brendan Byrne last month announced a series of grants which "will intensify and expand the joint efforts of the Federal government and the State of New Jersey to better understand and control cancer."

The four grants are:

- A \$930,000 three-year cervical cancer screening grant which will permit the screening of 14,000 high risk women over the next three years.

- A \$1 million grant over the next four years to continue on-going case studies of the causes of cancer. The development and updating of mortality statistics by municipality will be expanded to include 12 cancer sites and case studies to determine the causes and sources of cancer in high risk areas will be intensified.

- A \$360,000 grant to coordinate statewide cancer control activities. This will enlarge the scope of the Governor's Cabinet Committee on Cancer Control to encourage greater cooperation and sharing of information among state agencies and non-state organizations involved in cancer control activities.

- A \$94,100 planning grant to develop the first comprehensive state anti-smoking program. The cornerstone of this program will be preventive education for grade school students.

Governor Byrne also appointed a six-member Advisory Council to the Anti-Smoking Program, including W. Paul Stillman, Chairman of the Board of the First National State Bank; Dr. Paul Hardin, President of Drew University; and Dr. Stanley S. Bergen, Jr., President of the College of Medicine and Dentistry of New Jersey. Also, James A. Grogan, President of the New Jersey Building and Construction Trades Council; Franklin Jacobs, who established a world high jump record at Fairleigh Dickinson University; and Ms. Laurie Berchtold, Miss New Jersey of 1978.

BYRNE NOTES PROGRESS IN REVITALIZING STATE'S CITIES

Governor Brendan Byrne declared last month that New Jersey has developed one of the most advanced and intensive urban programs in the country.

Speaking before the Regional Plan Association in Newark, he said, "I am proud of the record we have already made to restore the vitality of our older and poorer communities.

"Indeed, I feel it is no exaggeration to state that New Jersey in the past four years has taken more significant actions on the State level to restore our cities and towns than any other state in the nation."

Byrne made the statement in connection with the release of a comprehensive inventory of state urban programs and recommendations for future urban efforts. The report, "An Assessment of New Jersey's Urban Programs," was prepared by the Cabinet Committee on Urban Policy.

Byrne noted that the 1976 tax reform program has lowered property taxes in urban aid municipalities by 11 per cent, when homestead rebates are taken into account.

The Governor said the State will continue to build on the past urban record by acting as a catalyst for combined, coordinated efforts by private sector and public agencies.

"We must lead, organize and direct the massive effort which the private sector must make to help government restore our aging cities and towns," Byrne said.

"My program for the revitalization of our communities will focus on a partnership between government and the private sector which will utilize our best resources and people," he added.

"We can generate enthusiasm, jobs and even dollars by identifying the problem, bringing people together and generally using the clout of public office toward the ultimate goal of restoring the economic and social viability of our communities," said Byrne.

Among the Governor's proposals is a plan to convene a working conference of urban experts to devise specific programs and projects for specific cities on a block-by-block basis.

He also said he would consolidate State agency efforts in a concentrated strategy for individual neighborhoods and blocks and will direct the State Economic Development Authority to give first priority in its programs to distressed communities.

AERONAUTICS DIRECTOR NAMED

Walter D. Kies, recently retired chief of the Federal Aviation Administration's eastern region planning staff, has been named Director of Aeronautics in the State Department of Transportation.

Kies, 55, replaces Cambell Y. Jackson, who had served as acting director since June 1977 and has since retired.

Kies joined the Federal Aviation Administration in 1949 and until his retirement last April had served in the New York metropolitan area for 20 years in air traffic control and for nearly 10 years in the planning area, with offices at Kennedy International Airport.

Record-Size Register Includes Proposed Public Smoking Rules

This issue of the New Jersey Register contains a record number of proposed or adopted administrative rules. The intensive activity in rule-making likewise requires the largest issue of the Register to date. At 60 pages it exceeds last August's edition of 56 pages.

Among the newly-proposed rules, probably of broadest impact are those of the State's Public Health Council limiting smoking in most public places, including restaurants and taverns seating over 50 or more people at capacity.

The two pages of proposed rules start on page 10 N.J.R. 480 this issue. The draft rules were approved Oct. 23 by a 5-0 vote of the Public Health Council and outline the no-smoking areas which would be required.

A public hearing on the proposal has been set for Dec. 11 in the War Memorial Building in Trenton and statements and arguments may be presented in writing to the Public Health Council before Nov. 29.

KESTIN NAMED DIRECTOR OF NEW OFFICE OF ADMINISTRATIVE LAW

Howard H. Kestin, 41, who for the past eight years has been the Director of the New Jersey Institute for Continuing Legal Education, was appointed last month as Director of the new Office of Administrative Law in the executive branch of the government.

The present Division of Administrative Procedure, which publishes this New Jersey Register and the State's Administrative Code, will become part of the new Office.

In addition, a corp of about 100 "impartial, independent, professional hearing examiners" who are lawyers will be named to hold all State administrative law hearings, with the aim of standardizing hearing procedures, injecting greater impartiality into the process and helping eliminate delays.

In submitting the nomination, Acting Governor Joseph P. Merlino declared, "Howard Kestin is exceptionally well qualified on the basis of his ability and experience as an attorney, as an educator and as an administrator."

The move was a prime goal of the Byrne administration and has been endorsed by the State Bar Association and the New Jersey Law Journal, Merlino said. The enabling bill became law on July 6.

The appointment is for a six-year term at \$45,000 annual salary. Kestin will be the chief judge as well as the administrator of the Office.

Born in Passaic, N.J., Kestin has been a resident of Wayne since 1973, along with his wife and two young girls. He was educated in the Passaic public schools, received his B.S. from Saint Louis University in 1959 and his J.D. from Rutgers School of Law in 1962.

He is a practicing lawyer in New Jersey, admitted to the U.S. Courts for the District of New Jersey, the Third Circuit and the Supreme Court of the United States. He also is a member of the teaching staff at Rutgers and Seton Hall University School of Law.

The Institute for Continuing Legal Education in Newark is co-sponsored by Rutgers, Seton Hall, the State Bar Association and the New Jersey Institute for Practicing Lawyers.

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