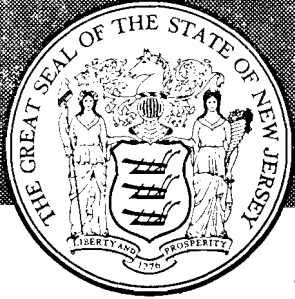


NEW JERSEY REGISTER



The State's Official Monthly Rules Publication

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(a)

AGRICULTURE

DIVISION OF MARKETS

Revisions on Breeder Award Levels

On November 30, 1976, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:1-11, 4:1-21.5, 5:5-88 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 2:34-1.1 concerning breeder award levels.

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

2:34-1.1 Breeder award levels

(a) For the 1976 racing season, breeder award levels shall be [35] **25** per cent to the breeder, [ten] **seven** per cent to the stallion owner and [five] **three** per cent to the owner of New Jersey-bred horses which earn purses in open events on the New Jersey tracks.

[(b) If at any time the account does not have sufficient funds to meet the quaranteed payment, payment may be deferred upon notice to the affected person.]

(c) This regulation will become effective upon the release of breeder award funds by the State Superior Court.]

(b) The New Jersey Department of Agriculture shall annually establish equitable awards at the end of each entire racing season.

An order adopting these revisions was filed and became effective on December 1, 1976, as R.1976 d.379 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Advisory Opinion Concerning Savings Banks Collateral

Take notice that Roger F. Wagner, acting commissioner of Banking, has issued the following advisory opinion concerning the treatment of certain collateral by savings banks.

OFFICIAL NOTICE

RULES ARE UPDATED FOR THREE MORE CODE TITLES

In the continuing mailing of new rules for the New Jersey Administrative Code, three more major Departments were updated over the past two months.

These were mailings for Title 7—Environmental Protection, with two volumes of rules, and this week for Title 8—Health, in three volumes, and 12—Labor and Industry, four volumes.

The updated rules now in print for these three Departments include all rules adopted through September or October of last year.

If Administrative Code subscribers do not receive these updates by the end of this month, please inform the Division for follow-up (address and phone number listed below).

The interim index for the Code in the center pages of this issue has been adjusted to reflect distribution for these Titles, together with all other State rules adopted through last month.

Rules proposed and/or adopted in the interim between various updatings of Titles are printed monthly in this New Jersey Register, which like the Code is published on a subscription basis by the Division of Administrative Procedure.

Full text of the advisory opinion follows:

ADVISORY OPINION 2-1976

A number of savings banks are presently lending securities from their portfolios to brokers and taking back cash as collateral. It is the opinion of this Department that such transactions are an inherent part of the managing of a securities portfolio and therefore would qualify as a convenient activity in carrying on the business of the savings bank within the provisions of the "incidental powers" section of The Banking Act of 1948, as amended, N.J.S.A. 17:9A-24(12).

We are aware that the Federal Deposit Insurance Corporation requires the reporting of such cash collateral positions as demand deposits. Such accounts should also be scheduled as demand deposits on reports submitted to this Department in order to maintain consistency in inter-agency comparisons. However, since such cash collateral accounts are not to be considered as deposits within the definition and limitations imposed on deposits in Section 184 of the aforementioned Banking Act of 1948, as amended,

NEW JERSEY REGISTER

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

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The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 31-volume, loose-leaf compendium of all State administrative rules are available on request, based on the Departmental coverage desired.

they should not be included in periodic reserve computations.

Any institution engaging in the noted activity does so at its own risk. The position taken by the Department will not prevent its examiners from criticizing the administration of such accounts by an individual institution nor will it prevent appropriate classification if indicated by our review.

Take notice that this opinion is not subject to codification and will not appear in Title 3 of the New Jersey Administrative Code. This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

BANKING

CONSUMER CREDIT BUREAU

Notice of Public Hearing on Rules on Legal Fees

Take notice that, the Department of Banking will hold a public hearing on January 27, 1977, at 10:00 A.M. in the second-floor hearing room at 36 West State Street, Trenton, New Jersey 08625 to solicit comments concerning its proposal to limit the legal fees charged by secondary mortgage loan licensees pursuant to N.J.S.A. 17:11A-46(b).

The subject of discussion will be N.J.A.C. 3:18-5.5, which was recently proposed and published in the New Jersey Register of October 7, 1976 at 8 N.J.R. 452(c). Persons desiring to be heard are required to register not later than January 21, 1977, with Clifford F. Blaze, Deputy Commissioner, Department of Banking, at the above address.

Presentations must be prepared in writing and an original and four copies filed with the deputy commissioner on or before January 21, 1977.

Written comments already filed in timely fashion after the previous publication need not be repeated at the public hearing.

This Notice is not subject to codification, will not appear in Title 3 of the New Jersey Administrative Code and is published herein as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Proposed Revisions Concerning Small Business Investment Companies

Roger F. Wagner, acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-25(12), proposes to adopt revisions to the rules concerning small business investment companies.

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

3:11-3.1 Terms of organization

(a) Banks are authorized to organize or to participate in the organization and to operate, in accordance with subsection A of Section 27 of The Banking Act of 1948, as amended, small business investment companies formed under the "Small Business Investment Act of 1958" (Public Law 699 of the 85th Congress), as amended, under the following terms and conditions:

1. [A] No bank shall hold shares of stock in [only] more than one such company without prior approval of the Commissioner of Banking;

2. A bank shall in no event hold shares of stock in any such company in an amount aggregating more than five per cent of the [aggregate of the unimpaired capital stock and the surplus] capital funds of the bank;

3. No bank shall make a loan or advance to or purchase debentures of any such company if the aggregate of such loans, advances and purchases, together with the stock investment of the bank in such company, will exceed more than ten per cent of the [aggregate of the unimpaired capital stock and the surplus] capital funds of the bank;

4. No bank shall make a loan to any individual, partnership, corporation or association when the amount of that loan, together with: i. The amount of the liabilities of any nature of that individual, partnership, corporation or association to any small business investment company; and ii. The acquisition cost of any shares of that corporation owned by the small business investment company in which the bank has [an] controlling interest, will exceed more than ten per cent of the [aggregate of the unimpaired capital stock and the surplus] capital funds of the bank.

[5. No bank shall make a loan to any corporation when the amount of that loan, together with the acquisition cost of any shares of that corporation owned by a small business investment company in which the bank has an interest, will exceed more than ten per cent of the aggregate of the unimpaired capital stock and the surplus of the bank;

6. No bank shall continue to retain any interest in a small business investment company if such company holds an interest in, or is a creditor of, any individual, partnership, corporation or association which is at the same time indebted in any way to said bank in an amount which, when added to the sum of the acquisition costs of the company's interest in such individual, partnership, corporation or association, and the indebtedness of such individual, partnership, corporation or association to the company, then exceeds ten per cent of the aggregate of the unimpaired capital stock and surplus of the bank.]

3:11-3.2 Violations

The Commissioner of Banking may direct a bank to divest its ownership in any small business investment company for failing to comply with the terms, conditions and limitations required by N.J.A.C. 3:11-3.1, "Terms of organization".

3:11-3.3 Definitions

(a) The terms used in this Subchapter shall have the following meanings:

1. "Capital funds" are as defined in Section 60 of The Banking Act of 1948, as amended, and includes any effective regulations pursuant to same.

2. "Controlling interest" is as defined in Section 71 of The Banking Act of 1948, as amended.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

David McWilliam
Assistant Deputy Commissioner
Division of Banking
Department of Banking
36 West State St.
Trenton, N.J. 08625

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

Roger F. Wagner
Acting Commissioner
Department of Banking

(a)

BANKING

THE COMMISSIONER

Emergency Revisions to Interest Rates

On December 14, 1976, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 31:1-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 3:1-1.1 concerning interest rates. The adopted revisions replace the current text of N.J.A.C. 3:1-1.1.

Full text of the adopted revisions follows:

3:1-1.1 Interest rates

(a) The maximum rate of interest to be charged, taken or received, upon a loan of any money, wares, merchandise, goods and chattels, made on or after December 15, 1976, shall continue to be eight per cent per year, except as hereinafter provided. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1.

(b) The maximum rate of interest to be charged on loans secured by real estate on which there is erected or to be erected a structure containing one, two, three, four, five or six dwelling units, a portion of which structure may also be used for nonresidential purposes, consummated on or after December 15, 1976, shall be nine per cent per annum. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1.

(c) Contracts for the following classes or types of loans may lawfully provide for any rate of interest which the parties agree upon, and interest at any such rate may lawfully be taken:

1. Loans in the amount of \$50,000 or more, except loans where the security given is a mortgage on real property consisting of a lot of land upon which there is constructed or in the course of construction a dwelling house of three family units or less. The rate of interest stated in such contract upon the origination of such loans may be taken notwithstanding that payments thereon reduce the amount outstanding to less than \$50,000;

2. Loans or advances of credit made by savings and loan associations, banking institutions or any Department of Housing and Urban Affairs or Federal Housing Administration approved mortgagees which are subsequently purchased, in whole or in part, by the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, and any successor thereof or by any organization authorized by the Emergency Home Finance Act of 1970 to purchase such loans or by any

State or Federal governmental or quasi-governmental organizations.

3. If such loan is not purchased within 395 days from the date the loan instruments are executed, the maximum rate of interest which may be charged on such loan shall not be in excess of that authorized by the commissioner under the provisions of this section and such rate of interest, if in excess of that rate, shall be reduced to the rate in effect at the date of the execution of the loan instruments. No such reduction shall change the maturity date of the loan without the written consent of the borrower nor shall such reduction affect the lien of the mortgage which secures the loan.

(d) The rates established herein shall be effective immediately and shall remain in force until such time as this regulation is rescinded or until said rate or rates are revised by a subsequent regulation.

An order adopting these revisions was filed on December 14, 1976, as R.1976 d.404 (Exempt, Emergency Rule) to become effective on December 15, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Revisions to Rule on Terms of Organization

On December 16, 1976, Roger F. Wagner, acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-25(12) and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 3:11-3.1(a)2. concerning the terms of organization of small business investment companies, substantially as proposed in the Notice published November 4, 1976, at 8 N.J.R. 498(b), with only inconsequential structural or language changes, in the opinion of the Department of Banking.

An order adopting these revisions was filed and became effective on December 16, 1976, as R.1976 d.416.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendment on Suspension, Fine And Demotion for Disciplinary Purposes

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq., proposes to adopt an amendment to the rules concerning the suspension, fine and demotion for disciplinary purposes.

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

4:1-16.7(a) 1. An employee who shall be suspended, fined or demoted more than three times in any one year (one year being from date of first suspension, fine or demotion to one year therefrom), or more than five days at one time, or for a period of more than 15 days in the aggregate in any one calendar year shall be served with written charges and have the right of appeal to the Civil Service Commission. The Commission shall have the power to revoke or modify the action of the appointing authority except that removal from service shall not be substituted for a lesser penalty;

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Joseph Lavery
Chief, Hearings and Regulations
Department of Civil Service
201 East State St.
Trenton, N.J. 08625

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

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

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Amendment on Request for Reemployment

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq., proposes to adopt an amendment to the rules concerning request for reemployment.

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

4:1-16.13 (d) An employee reemployed from a regular reemployment list shall serve in the class title to which returned for four months in State service or three months in local government service before the Department of Civil Service will approve either a transfer or a leave of absence, except a leave of absence for personal illness, including maternity, without pay may be approved.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Joseph Lavery
Chief, Hearings and Regulations
Department of Civil Service
201 East State St.
Trenton, N.J. 08625

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

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

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manuals for Civil Service Medical Review Board

On November 30, 1976, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subparts 12-11.102 in both the Civil Service Personnel Manual (State Service) and the Civil Service Personnel Manual (Local Jurisdictions).

Full text of the adopted text in both manuals follows:

Subpart 12-11.102 Civil Service Medical Review Board

12-11.102a Subject:

This subpart will detail the procedures for handling appeals from rejections for psychological and/or psychiatric reasons.

12-11.102b Reports Submitted to the Department of Civil Service:

All psychological and/or psychiatric reports submitted by an appointing authority to the Department of Civil Service rejecting a candidate as mentally unfit must include the following information:

- (1) They must be signed and dated;
- (2) They must clearly state the amount of time a candidate was personally interviewed and what type of interview was conducted;
- (3) They must include a diagnosis or detailed statement showing a behavioral pattern clearly indicating an inability to effectively perform the duties of the position, or other specific reasons for rejection on a psychological/psychiatric basis;
- (4) They must state which tests (e.g., M.M.P.I., Rorschach, T.A.T.) have been administered and they must be accompanied by all raw data, protocols, computer print-outs and profiles from these psychological tests;
- (5) They must be accompanied by all background information gathered by the appointing authority including, if in existence, the police background investigation report.

12-11.102c Procedures:

Along with the disposition of a certification the appointing authority shall send significant excerpts from the psychological and/or psychiatric report or the complete report with all appropriate data to the Department of Civil Service. A copy of the material which is sent to the Department of Civil Service must also be served on the rejected candidate by the appointing authority. The sole exception shall be if the examining psychologist or psychiatrist clearly states that disclosure to the candidate would be injurious to his/her health. In this case the appointing authority must submit the complete report to the Department of Civil Service. And, upon the written request of the candidate, a copy of the complete report must still be released to the candidate's doctor or attorney by the appointing authority.

Note: The appointing authority shall not inform the candidate of a rejection until certification has been disposed of.

Upon receipt of either the excerpts or the complete psychological and/or psychiatric report, the Department of Civil Service shall inform the rejected candidate that such material has been filed and an opportunity shall be provided for rebuttal (see also Subpart 12-11.101). The candidate shall be advised that if he/she does not respond, he/she will be removed from this list and that it would be to his or her advantage to submit a report from a doctor of the candidate's choice; however, an appeal may be instituted without a refuting report.

If the candidate does not respond, his or her name shall be removed from the eligible list. The candidate may, however, still appeal to the Civil Service Commission within 20 days of the removal. See Subpart 12-11.101 for details.

If the candidate appeals and the appointing authority had filed only excerpts of the complete report the appointing authority must file a copy of the complete psychological and/or psychiatric report with all raw data, protocols, computer print-outs and profiles as well as all background information with the Department of Civil Service. The appointing authority shall file such copies within ten days of receipt of notification of candidate's appeal. If the appointing authority had already filed the complete report and supporting data, no further submission is necessary.

Note: If the appointing authority fails to file the required materials within ten days of receipt of notification of appeal no action will be taken on the request for removal and the appointments of those eligibles affecting the rights of the rejected eligible will be disapproved. For example, if the rejected eligible is a veteran, all appointments of eligibles below the rejected veteran eligible will be disapproved.

All materials which have been submitted shall be presented to the Civil Service Medical Review Board. This Board is composed of a psychiatrist, a psychologist and a representative of the Department of Civil Service. Both parties shall be given an opportunity to present information in person before the Medical Review Board, although appearances are not required.

The Medical Review Board shall submit a report and recommendation to the Civil Service Commission for final determination. Both parties shall be given an opportunity to file exceptions to the report and recommendation of the Medical Review Board prior to action by the Commission.

12-11.102d Burden of Proof:

In accordance with N.J.A.C. 4:1-8.14(b)3 the burden shall be on the appointing authority to show that a candidate is mentally unfit to effectively perform the duties of the position.

Orders adopting these revisions was filed on December 7, 1976, as R.1976 d.390 (Exempt, Procedure Rule) concerning the State Service Manual and as R.1976 d.395 (Exempt, Procedure Rule) concerning the Local Jurisdictions Manual. Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manuals on Bona-Fide Occupational Qualifications And Certification Without Regard to Sex

On November 30, 1976, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to both the Civil Service Personnel Manual (State Service) and the Civil Service Personnel Manual (Local Jurisdictions). In the Local Jurisdictions Manual, the Subparts affected by these revisions are 6-3.104 and 12-7.101. In the State Service Manual, Subparts affected are 6-3.103 and 12-7.101.

Full text of the adopted revisions, as they appear in the Local Jurisdictions Manual, follows:

Subpart 6-3.104 Determination of Bona-Fide Occupational Qualifications

6-3.104a Subject:

This subpart deals with the procedure by which a bona-fide occupational qualification is to be determined for class titles in the classified service.

6-3.104b Policy:

In seeking admission to the classified service, no person shall be discriminated against because of political or religious opinions or affiliations nor because of sex, race, ancestry or national origin as specified in N.J.A.C. 4:1-21.2. The principles of non-discrimination require individuals be considered on the basis of individual capacities and not on the basis of any qualities generally attributed to a group. As indicated in Subpart 6-3.102, the general policy of the Department of Civil Service shall be to use neuter class titles and to eliminate discrimination in employment in the classified service.

The Department of Civil Service shall however permit the practice of employing individuals on the basis of that person's sex or national origin in instances where sex or national origin is a bona-fide occupational qualification reasonably necessary to facilitate the normal operation of a function of the appointing authority. Upon request for such a qualification restriction, the Director of Local Government Services in consultation with the career development unit will evaluate the qualification. A recommendation will be made by the Director of Local Government Services to the Chief Examiner and Secretary who will make a determination which will be presented to the Civil Service Commission for approval of such requests. The burden of proof that the qualification restriction is a bona-fide occupational requirement lies with the appointing authority. Such a restriction is to be strictly interpreted.

6-3.104c Authority:

This subpart is based on the provisions of Title VII of the Federal Civil Rights Act of 1964, as amended. No State statute, local ordinance, or local resolution shall cause the Department of Civil Service to discriminate on the basis of sex or national origin. Only in instances where a bona-fide occupational requirement is reasonable and necessary will the Department of Civil Service approve the employment of an individual on the basis of sex or national origin. Each case will be decided on its own merit.

6-3.104d Illustrations:

The following shall NOT warrant the application of a bona-fide occupational qualification:

(1) If the request is based on faulty assumptions such as comparative employment characteristics of women in general (such as, the turnover rate among women is higher than among men);

(2) If the request is based on stereotyped characterizations of the type of work performed (such as, men are less capable of assembling intricate equipment than women; women are less capable of aggressive behavior);

(3) If the request is based on anticipated or existing performance of co-workers, supervisors, clients or customers;

(4) If the request is based on the quality or quantity of work (for example, females are excluded from jobs (a) requiring lifting or carrying items exceeding certain weight limits, (b) scheduled during certain hours of the night, or (c) scheduled for more than a specific number of hours per day or week).

PART 12-7 CERTIFICATION WITHOUT REGARD TO SEX

Subpart 12-7.101 Requests From Appointing Authorities Regarding Selective Certification Based On Sex Or National Origin Of Eligibles

12-7.101a Subject:

This subpart deals with the Civil Service procedures regarding requests for selective certifications based on the sex or national origin of eligibles.

12-7.101b Policy:

It is the policy of the Department of Civil Service to announce tests and certify from eligible lists without regard to the political or religious opinions or affiliations, sex, race, ancestry or national origin of the applicants or eligibles. Unless a bona-fide occupational qualification on the basis of sex or national origin exists as reviewed by the Director of Local Government Services, all examinations shall be open to members of both sexes and all national origins and certification therefrom shall be without regard to sex or national origin.

12-7.101c Procedure:

Appointing authorities may request and submit documentary evidence that the person performing the duties of the particular position must be limited to one sex or national origin for the safe and efficient operation of the governmental enterprise. This justification will be evaluated by the Division of Local Government Services with technical assistance from the career development unit of the Department of Civil Service. A recommendation will be made by the Director of Local Government Services to the Chief Examiner and Secretary who will make a determination which will be presented to the Civil Service Commission for approval of such requests. The appointing authority and the director of examinations will be advised of this determination.

In anticipation of future vacancies, the appointing authority may supply the Director of Local Government Services with a list containing the position title, the position number and supportive documentation of bona-fide occupational qualification (FOQ). In the event there are two or more vacancies for identical titles that have identical functions, the same documentation may suffice for all, but each position must be identified.

For positions which have already been granted BFOQs, it is required that a copy of the letter from the Director of Local Government Services, granting such action, along

with the position number be forwarded to the director of the division of examinations. This is necessary to establish precise files which will afford complete protection under Equal Employment Opportunity Commission guidelines.

Based on this determination, appropriate certification actions will be taken.

Orders adopting these revisions were filed on December 7, 1976, as R.1976 d.391 (Exempt, Procedure Rule) concerning the State Service Manual and as R.1976 d.393 (Exempt, Procedure Rule) concerning the Local Jurisdictions Manual. Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manuals Concerning Appointments

On October 22, 1976, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subparts 8-8.107, 8-10.101, 10-2.101 and 10-5.101 of the Civil Service Personnel Manual (State Service) and Subparts 8-8.109, 8-10.101, 10-2.101 and 10-3.101 of the Civil Service Personnel Manual (Local Jurisdictions) concerning appointments.

The revisions to Subparts 8-8.107 and 8-10.101 in the State Service Manual and Subparts 8-8.109 and 8-10.101 in the Local Jurisdictions Manual concerning appointment of noncitizens and questions not to be asked are substantially the same in both Manuals.

Full text of the adopted revisions follows:

Subpart 8-8.107 Appointment Of Noncitizens

8-8.107a Subject:

This subpart eliminates the citizenship requirement as a qualification for examination and appointment to positions in the competitive division of the classified service.*

8-8.107b Policy:

It is the policy of the Department of Civil Service to examine and approve appointments to the competitive division of the classified service without regard to the citizenship of the applicants or eligibles. All examinations shall be open to both citizens and noncitizens and appointments therefrom shall be without regard to citizenship.

8-8.107c Procedure:

All persons who have been examined, placed on an eligible list or appointed conditionally because of their non-citizenship shall be treated in the same fashion as citizens. All records including special markings for noncitizens shall have these markings removed. For example, where the records indicate that a permanently appointed noncitizen is "RA (Date) conditional—alien", the records should be amended to indicate simply "RA".

8-8.107d Exceptions:

The indiscriminate statutory ban on the eligibility of aliens for competitive examination and appointment in the classified Civil Service is constitutionally offensive unless a substantial or special circumstance inherent in a particular classification or position requires United States citizenship as a qualification or characteristic of such classification or position.

At the present time, the Department of Civil Service in conjunction with the Attorney General's Office can ascertain no substantial circumstance in any class title that demands citizenship as a qualification.

*See Subpart 10-2.101 for examination and appointment to noncompetitive and labor divisions.

PART 8-10 QUESTIONS NOT TO BE ASKED

Subpart 8-10.101 Discriminatory Inquiries On Pre-employment Application Forms

8-10.101a Subject:

This subpart will deal with the extent to which pre-employment applications may question any applicant on the subject of citizenship, age or sex.

8-10.101b Limitations:

Discrimination is prohibited under Civil Service law and rules. However, the Civil Service Commission is charged with the responsibility of determining merit and fitness; therefore, preemployment application forms may or may not make inquiries concerning citizenship, age, sex or marital status as follows:

1. With respect to citizenship, the Civil Service Commission has ruled that there is no reasonable justification for citizenship as a Civil Service requirement. Therefore, questions on citizenship shall not be included in a pre-employment application.

2. With respect to age, questions shall not be included in a preemployment application unless the qualification required by the Department of Civil Service or any applicable statute include age, or unless the class title is part of a program of apprenticeship recognized by the Civil Service Commission.

Therefore, questions on age are permitted on applications, but must be accompanied by the statement "do not answer unless it is a requirement as indicated in the public announcement for the position in the Civil Service Bulletin".

3. With respect to questions on sex, gender need not be specified unless there is a bona fide occupational qualification which restricts appointments to one sex.

Therefore, questions on sex are permitted on preemployment applications, but must be accompanied by the statement "do not answer unless it is a requirement as indicated in the public announcement for the position in the Civil Service Bulletin".

Questions on maiden names are not to be asked. If background checks are necessary in order to obtain information regarding prior employment or schooling, the preemployment application form can make inquiry to ascertain if the person had worked or gone to school under another last name.

The Department of Civil Service upon receiving information that particular preemployment application forms are inconsistent with this subpart and N.J.A.C. 4:1-8.10, will advise the appointing authority to discontinue the use of such forms. Noncompliance will be noted by the department and the matter will be referred to the Office of the Attorney General.

Note: See also Subparts 8-8.107 and 10-2.101.

PART 10-2 APPOINTMENTS BASED ON EXAMINATION IN NONCOMPETITIVE AND LABOR DIVISIONS

Subpart 10-2.101 Appointment of Noncitizens

10-2.101a Subject:

This subpart eliminates the citizenship requirement for appointment to positions in the noncompetitive and labor division of the classified service.

10-2.101b Policy:

It is the policy of the Department of Civil Service to make appointments to the noncompetitive and labor division of the classified service without regard to the citizenship of the applicants or eligibles. All examinations shall be open to both citizens and noncitizens and appointments therefrom shall be without regard to citizenship.

10-2.101c Procedure:

All persons who have been examined, placed on an eligible list or appointed conditionally because of their noncitizenship shall be treated in the same fashion as citizens. All records including special makings for noncitizens shall have these markings removed. For example, where the records reflect "conditional" appointments because of noncitizens status, the record cards should be amended to show permanent appointment without condition starting with the date of permanent appointment.

10-2.101d Exceptions:

The indiscriminate statutory ban on the eligibility of aliens for competitive examination and appointment in the classified Civil Service is constitutionally offensive unless a substantial or special circumstance inherent in a particular classification or position requires United States citizenship as a qualification or characteristic of such classification or position.

At the present time, the Department of Civil Service in conjunction with the Attorney General's Office can ascertain no substantial circumstance in any class title that demand citizenship as a qualification.

Note: See also Subparts 8-8.107 (Appointment of Noncitizens) and 8-10.101 (Discriminatory Inquiries on Pre-Employment Application Forms)

PART 10-5 RESIDENCE REQUIREMENTS FOR NONCOMPETITIVE AND LABOR POSITIONS

Subpart 10-5.101 Appointment Of Nonresidents To Noncompetitive And Labor Positions

10-5.101a Subject:

This subpart permits appointment of individuals who are nonresidents of the State to certain class titles.

10-5.101b Standards:

When it is not possible to secure the necessary number of eligibles in the manner provided in N.J.A.C. 4:1-10.2, the Civil Service Commission, after consulting with State appointing authorities, shall designate class titles to which permanent appointment of nonresidents may be made in the noncompetitive and labor divisions.

Currently, the commission has determined that permanent appointment of nonresidents shall be made to the following class titles:

- Institutional Attendant
- Food Service Worker
- Building Service Worker
- Senior Food Service Worker
- Building Maintenance Worker

Editor's Note: The revisions to Subparts 8-8.109 and 8-10.101 in the Local Jurisdictions Manual are substantially the same as above in 8-8.107 and 8-10.101.

(a)

PART 10-3 APPOINTMENTS IN NONCOMPETITIVE AND LABOR DIVISIONS WITHOUT EXAMINATION

Subpart 10-3.101 Permanent Status In Noncompetitive Or Labor Positions After Four Months

10-3.101a Subject:

This subpart will deal with the method by which a non-competitive or labor division temporary appointee will obtain permanent status.

10-3.101b Procedure:

Effective 30 days after the issuance of this subpart, the following procedure will be followed by the Department of Civil Service:

All appointees to noncompetitive or labor positions, without regard to citizenship, who have been appointed temporarily for four months, will be automatically granted permanent status at the end of the four-month period unless the appointing authority takes action to terminate the services of the temporary appointee and notifies the Department of Civil Service of this intended action prior to the end of the four months.

If the employee remains beyond the four-month period, he will be recorded as a permanent employee serving a working test period.

PART 10-3 APPOINTMENTS IN NONCOMPETITIVE AND LABOR DIVISIONS WITHOUT EXAMINATION

Subpart 10-3.101 Permanent Status In Noncompetitive Or Labor Positions After Four Months

10-3.101a Subject:

This subpart will deal with the method by which a non-competitive or labor division temporary appointee will obtain permanent status.

10-3.101b Procedure:

Effective 30 days after the issuance of this subpart, the following procedure will be followed by the Department of Civil Service:

All appointees to noncompetitive or labor positions, without regard to citizenship, who have been appointed temporarily for four months, will be automatically granted permanent status at the end of the four month period unless the appointing authority takes action to terminate the services of the temporary appointee and notifies the Department of Civil Service of this intended action prior to the end of the four months.

If the employee remains beyond the four month period, he will be recorded as a permanent employee serving a working test period.

Orders adopting these revisions were filed on December 7, 1976, as R.1976 d.392 (Exempt, Procedure Rule) concerning the Local Jurisdictions Manual and as R.1976 d.394 (Exempt, Procedure Rule) concerning the State Service Manual. Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (State Service) Concerning Snow Emergency Policy

On December 1, 1976, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subpart 18-1.101 in the Civil Service Personnel Manual (State Service) concerning hours of work and the snow emergency policy.

Full text of the adopted revisions follows:

PART 18-1 HOURS OF WORK

Subpart 18-1.101 Snow Emergency Policy

18-1.101a Policy:

It has been determined the decision concerning the existence of a snow emergency requiring the early release of employees shall be made by the Chief Examiner and Secretary as advised by a formal committee. That committee is composed of the Governor, the President of the Civil Service Commission and the State Treasurer, or their designees. The Chief Examiner and Secretary has been assigned the responsibility of determining the extent of weather conditions through consultation with the Department of Transportation and deciding if an early release of employees is in order. Resulting determinations shall apply to all Departments, agencies and institutions of this State.

18-1.101b Notification of Decision:

The Chief Examiner and Secretary will notify Cabinet officials, through State agency personnel officers, of any decision to release employees early on days when a snow emergency exists.

18-1.101c Individual Agency Responsibility:

Each State Department or agency shall be responsible for developing internal policy regarding early release. Internal policies must define:

1. Essential services which must be maintained during a weather emergency;
2. A procedure for notifying field offices;
3. A system of notifying clientele through radio, television or other media. (Such as, notifying the public that Motor Vehicle Stations on State Colleges will be closing.)

In order to administer this policy equitably, each Department or agency should insure where operationally feasible that those employees who, due to the need for maintaining essential services, are not released early during a particular snow emergency will be given priority for early release during the next emergency.

An order adopting these revisions was filed on December 8, 1976, as R.1976 d.396 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

Rule on Procedures for Municipalities to Exceed Appropriation Caps by Means of a Referendum

On December 2, 1976, Helen L. Mathews, secretary of the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 40A:4-83, 52:27BB-32 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning the establishment of procedures for municipalities to exceed appropriation caps by means of a referendum.

Full text of the adopted rule follows:

SUBCHAPTER 15. APPROPRIATION CAPS

5:30-15.1 Procedures for municipalities to exceed appropriation caps via referendum

(a) Chapter 68, P.L. 1976 provides that "in the preparation of its budget a municipality shall limit any increase in said budget to five per cent over the previous year's final appropriations subject to the following modifications . . . i. when approved by referendum". Pursuant to its authority set forth at N.J.S.A. 52:27BB-32 and 40A:4-83, the Local Finance Board does hereby adopt the following mandatory procedures to be followed by municipalities seeking to act under the above-quoted section. The purpose of these regulations is to provide an orderly system of financial administration which will meet the requirements of Chapter 68 and also the Local Budget Law.

1. The requirements of the Local Budget Law and the powers and duties of the Division of Local Government Services shall not be impaired or altered by virtue of action taken under Chapter 68, P.L. 1976, except as is specifically herein provided.

2. No budget may be introduced pursuant to N.J.S.A. 40A:4-5 which is in excess of the appropriation cap pursuant to the above-quoted section unless there is also passed by a vote of not less than a majority of the full membership of the governing body a resolution directing that a referendum be held at a special election for the purpose of public approval or disapproval of the question of exceeding the "cap". The manner and substance of the referendum shall be as hereinafter set forth.

3. The approved budget, together with a certified copy of the resolution, shall be transmitted to the Director, Division of Local Government Services, within three days after approval, as required by N.J.S.A. 40A:4-5. The Director's review and approval shall be made in accordance with the usual requirements of N.J.S.A. 40A:4-76 et seq., except that the approval shall be conditional with respect to the outcome of the referendum, and shall be subject to final approval with respect thereto upon receipt and review of the finally adopted budget and a certified report from the municipal clerk on the results of the referendum.

4. In the event of any change required to be made in the budget from what was introduced and approved, be it by reason of the exercise of the statutory review powers of the Director of the Division of Local Government Services or other lawful necessity, the budget as finally adopted shall not exceed the total appropriations shown in the introduced budget, nor shall the amount by which the budget exceeds the five per cent cap be greater than the figure upon which the voters granted their authorization by referendum.

5. In those cases where a referendum is required, the resolution of the governing body requesting the question to be placed on the ballot shall be delivered promptly to the municipal clerk, and it shall be his responsibility to conduct a special election for purposes of the referendum. The referendum shall be conducted within 30 days of receipt of the request, but in no event later than March 4 nor earlier than February 23. The referendum shall not be held until at least 12 days after the full municipal budget has been published. The election procedures to be followed shall be those normally required by law for such matters.

6. Special schedule: In order to meet the requirements of the Local Budget Law and to provide for an orderly timetable by which all affected parties may properly exercise their rights and responsibilities the following timetable shall be followed in those municipalities going for referenda:

Action	Latest Date
i. Faulkner Act municipalities requiring the chief executive to submit the proposed budget to the governing body by January 15 shall accelerate presentation of proposed budget to this date:	January 10;
ii. Introduction and approval of budget:	February 4;
iii. Resolution of governing body requesting referendum:	February 4;
iv. Publish budget (N.J.S.A. 40A:4-6):	February 11;
v. Referendum (earliest date, must be at least 12 days after publication of budget):	February 23;
vi. Referendum (last date, 30 days from resolution):	March 4;
vii. Municipal clerk certifies results to governing body:	March 9;
viii. Public hearing (and adoption or amendment):	March 10;
ix. Advertise proposed amendments (if necessary N.J.S.A. 40A:4-9):	March 16;
x. Hearing on amended budget (if required):	March 20;
xi. Adoption (last date):	March 20.

7. Municipalities exceeding the cap shall add on plain white paper to the official budget a new sheet, numbered 19A. This shall contain the following statement, which shall be considered part of the budget and shall be included when the budget is advertised:

The amount shown on sheet 19 for total general appropriations for municipal purposes within five per cent caps (item H-1) is actually \$..... in excess of the limitations and will only become effective upon authorization of the voters by referendum.

8. The question to be placed on the ballot shall be as follows:

Shall the (governing body of the of be authorized to adopt the (year) municipal purposes budget, notwithstanding that its "final appropriations" exceeds the five per cent increase limitations by, as provided by Ch. 68, P.L. 1976?

_____ Yes _____ No

Interpretation

A "yes" vote will authorize the governing body of the municipality to adopt the budget which was introduced and published. Chapter 68, P.L. 1976 provides a "cap" of five per cent on the amount of increase, which can be exceeded "when approved by referendum". If approved by the voters, a public hearing will be held and this budget will be adopted subject to the total dollar increase over the "cap" hereby authorized, in accordance with the Local Budget Law and the regulations of the Local Finance Board. Any amendment to the introduced budget shall not result in the above figure being exceeded.

A "no" vote means that the governing body must adopt the budget within the increase limits set forth by the law.

9. The Director of the Division of Local Government Services is hereby authorized to take such additional action as may be necessary to effectuate the orderly processing of municipal budgets, and to provide additional direction or modification of these requirements as he may deem, in his sole judgment, to be necessary for the proper course of financial administration in light of the requirements of law.

An order adopting this rule was filed on December 6, 1976, as R.1976 d.384 (Exempt, Emergency Rule) to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

EDUCATION

BOARD OF EDUCATION

Proposed Revisions Concerning Pupil Records

The Board of Education, pursuant to authority of N.J. S.A. 18A:36-19, proposes to revise a portion of N.J.A.C. 6:3-2.1 concerning the definition of parent and N.J.A.C. 6:3-2.5 concerning access to pupil records.

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

6:3-2.1 Definitions

"Parent" means the natural parent(s) or legal guardian(s) of a pupil. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the child [.] , as well as the natural parents of the child, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

6:3-2.5(d) (8). Officers and employees of a State agency responsible for protective services to children engaged in investigations pursuant to N.J.S.A. 9:6-8.40 as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency;

[8.] 9. Organizations, agencies, and persons from outside the school if they have the written consent of the parents or adult pupils except that these organizations, agencies, and persons shall not transfer pupil record information to a third party without the written consent of the parent or adult pupil;

[9.] 10. Organizations, agencies, and individuals outside the school, other than those specified in this rule, upon the presentation of a court order;

[10.] 11. Bona fide researchers who explain in writing the nature of the research project and the relevance of the records sought, and who satisfy the chief school administrator that the records will be used under strict conditions of anonymity and confidentiality. Such assurance must be received in writing by the chief school administrator prior to the release of information to the researcher.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

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

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

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

(b)

EDUCATION

BOARD OF EDUCATION

Proposed Revisions for Two-Month Certificates

The Board of Education, pursuant to authority of N.J. S.A. 18A:6-38, proposes to revise N.J.A.C. 6:11-4.6 concerning two-month certificates.

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

6:11-4.6 Two-month certificate

A certificate may be given for a period of two months by a county superintendent of schools to legalize the employment of an applicant for a position as a teaching staff [position] member, who appears to have the qualifications for a [teaching] certificate but who must have time to secure credentials and complete [his] the application.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

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

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

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

(a)

EDUCATION

BOARD OF EDUCATION

Proposed Revisions to Standards and Procedures For Establishing Educational Plans

The Board of Education, pursuant to authority of N.J. S.A. 18A:7A-1 et seq. as supplemented and amended by Chapter 97, Laws of 1976, proposes to revise N.J.A.C. 6:8-3.8 concerning standards and procedures for establishing educational plans.

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

6:8-3.8 Pupil minimum proficiency levels and preventive and remedial programs

[(a) The district board of education, after consultation with the chief school administrator and teaching staff members, shall establish reasonable pupil minimum proficiency levels in the basic communicational and computational skills.]

[(b)] (a) Each pupil shall be assessed, upon entrance into the educational system and annually thereafter, to identify pupils not meeting minimum proficiency levels. Such assessment shall be part of the total assessment procedure set forth in N.J.A.C. 6:8-3.4.

[(c)] (b) Preventive and remedial programs, supplemental to the regular program, shall be established. These programs shall include:

1. Programs to assist those pupils (defined as a "State compensatory education pupil") performing below the established minimum levels of pupil proficiency in the basic areas of communication and computational skills;

2. Procedures for the screening of currently and newly enrolled pupils in order to determine whether or not they should be enrolled in preventive and remedial programs. These procedures should include those diagnostic measures which could be used to predict the relevant learning difficulties and needs;

3. Instruction and services to meet pupil needs;

4. Ongoing communication between teaching staff members and parents or guardians of compensatory pupils participating in preventive and remedial educational programs;

5. Evaluation procedures which measure compensatory pupil achievement related to preventive and remedial educational program objectives and standards;

6. Evaluation of the effectiveness of preventive and remedial educational programs.

[(d)] (c) As part of the annual district and school classification procedure, the State Department of Education shall monitor the district board of education's implementation of program guidelines and other such instructional activities related to pupil minimum proficiency levels [and the rate of pupil growth in achievement with particular attention to services and preventive and remedial educational programs] for the basic communication and computational skills.

[(e)] (d) The Department of Education shall conduct studies and evaluate findings biennially after the effective date of this chapter in order to report the status of progress toward the attainment of pupil minimum proficiency levels [established by the district board of education].

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before January 26, 1977, to:

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

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

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

(b)

EDUCATION

BOARD OF EDUCATION

Rule on School Bus Warning Lamps (Strobe)

On December 1, 1976, Fred G. Burke, Commissioner of Education and Secretary to the Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 6:21-19.1, concerning school bus warning lamps (strobe), substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 454(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

This rule is mandated for school buses manufactured May 1, 1977, and thereafter. This rule is permissive for school buses manufactured prior to May 1, 1977.

Take notice that the other proposed rule appearing in the above-mentioned Notice was filed and adopted separately since a different effective date was involved for that rule.

An order adopting N.J.A.C. 6:21-19.1 was filed on December 7, 1976, as R.1976 d.386 to become effective on May 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

BOARD OF EDUCATION

Amendment to Rule on Identification And Warning Lamps

On December 1, 1976, Fred G. Burke, Commissioner of Education and Secretary to the Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:21-6.24(f) concerning identification and warning lamps, as proposed in the portion of the Notice published October 7, 1976, at 8 N.J.R. 454(a).

An order adopting this amendment was filed and became effective on December 7, 1976, as R.1976 d.387.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

EDUCATION

BOARD OF EDUCATION

Rules on Debarment, Suspension and Disqualification Concerning Contract Administration

On December 1, 1976, Fred G. Burke, Commissioner of Education and Secretary to the Board of Education, pursuant to authority of N.J.S.A. 18A:18-8 et seq., Executive Order No. 34 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 6:20-7.1 et seq., concerning the debarment, suspension and disqualification regarding contract administration, substantially as proposed in the Notice published November 4, 1976, at 8 N.J.R. 501(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

An order adopting these rules was filed and became effective on December 7, 1976, as R.1976 d.388.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendment on Delineated Floodways In the Rahway River

David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-50 et seq., proposes to amend N.J.A.C. 7:13-1.11 Delineated floodways, by adding to it the floodway of the Rahway River from Sperry Dam upstream to Kenilworth Boulevard in the Township of Cranford, Union County, as delineated by the Water Policy and Supply Council on October 18, 1976, pursuant to N.J.S.A. 58:16A-52. Such amendments are known within the Department of Environmental Protection as Docket No. DEP 030-76-12.

A public hearing on this matter was held by the Water Policy and Supply Council on August 10, 1976.

The proposed delineation effects the Township of Cranford, Union County.

The Department currently has regulations governing land use in all delineated floodways N.J.A.C. 7:13-1.11, et seq. The floodways which are delineated and therefore subject to such regulations are listed in N.J.A.C. 7:13-1.11. This list is amended from time to time as the Water Policy and Supply Council delineates additional floodways.

All relevant information and documents are available for inspection during normal working hours at the office of the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box 2809, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements or comments relevant to the proposed action in writing on or before January 31, 1977, to: Clark D. Gilman, supervising engineer, flood plain studies, at the above address.

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

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Public Notice Concerning Sea Clam Regulations

Take notice that David J. Bardin, Commissioner of Environmental Protection has issued a public notice concerning sea clam regulations.

A synopsis of that notice follows:

On November 4, 1976, the Department of Environmental Protection proposed new rules for the preservation of the sea clam resource. There has been extensive public comment on these regulations, including a request from the National Sea Clammers Association that the rules be the subject of a public hearing.

The Commissioner of Environmental Protection believes that the public interest would best be served by a full discussion of the issues raised by this proposed rule-making. A public hearing on this matter was scheduled during the month of December. The proposed rules will not be adopted until comments received at the public hearing have been evaluated.

Since the proposed rules will not be adopted by December 1, the existing regulations concerning the sea clam resource will go into effect on that date. These rules, adopted on December 30, 1975, and revised on March 2, 1976, provide that the inner two miles between Beach Haven Inlet and Absecon Inlet at the inner mile south to Cape May Point are closed to sea clam harvesting.

The regulations limit clamming in State waters to the hours between sunrise and 4:00 P.M., and forbid the use of more than one manifold and any manifold or knife greater than 60 inches in length. The weekly reporting requirements and the 1.5 cent per bushel landing fee will also be continued. These regulations will remain in effect until the proposed regulations are adopted or revised.

Donald T. Graham, Director of the Division of Marine Services, has been designated by the Commissioner to coordinate Departmental activities regarding the enforcement of the current sea clam regulations and the promulgation of revised standards.

This Notice is published as a matter of public information, is 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

(a)

HEALTH

THE COMMISSIONER

Proposed Revisions for Parking Garages Owned And/or Sponsored by Health Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to revise a reference within N.J.A.C. 8:31-23.1(a)1. concerning parking garages owned and/or sponsored by health care facilities.

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

8:31-23.1(a)1. Life Safety Code 101-NFPA [21st Ed. 1967] 1973 edition general storage occupancies

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Joseph A. DiCara
Chief, Health Facilities
Construction and Monitoring
Department of Health
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Revisions for Doctors' Offices Owned and/or Sponsored by And Serving Health Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to revise a reference within N.J.A.C. 8:31-22.1(a)1. concerning doctors' offices owned and/or sponsored by and serving health care facilities.

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

8:31-22.1(a)1. Life Safety Code 101-NFPA [21st Ed. 1967] 1973 edition Chapter 13. [Office Occupancies] Business Occupancies

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Joseph A. DiCara
Chief, Health Facilities
Construction and Monitoring
Department of Health
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Revisions in Design and Construction Of Interns, Residents and Nurses Housing Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to revise a reference in N.J.A.C. 8:31-24.1(a)1. concerning the design and construction of interns, residents and nurses housing facilities.

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

8:31-24.1(a)1. Life Safety Code 101-NFPA [21st Ed. 1967] 1973 edition Chapter 11. Residential occupancies.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Joseph A. DiCara
Chief, Health Facilities
Construction and Monitoring
Department of Health
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(d)

HEALTH

THE COMMISSIONER

Proposed Amendments to Manual Of Standards for Hospital Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt amendments to the Manual of Standards for Hospital Facilities concerning fire protection and safety.

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

8:43B-3.2(a) 1. Fire protective measures provided throughout the facility shall be in compliance with applicable sections of NFPA Standard 101, Life Safety Code, 1967 Edition for existing facilities.

1. Effective February 1, 1977, all new facilities or additions shall comply with NFPA Standard No. 101, Life Safety Code, 1973 edition.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Joseph A. DiCara
Chief, Health Facilities
Construction and Monitoring
Department of Health
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Rule on Distribution Of Net Worth or Surplus

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 and the Commissioner of Insurance, proposes to adopt a new rule concerning the hospital rate review program and the treatment of the distribution of net worth and/or surplus.

Full text of the proposed rule follows:

8:31A-10.4 Treatment of distribution of net worth and/or surplus

Distribution of the net worth and/or surplus (either on dissolution of the New Jersey Hospital Association Underwriters, Inc., or withdrawal by one hospital) shall be considered a capital return, but for the purposes of hospital rate reimbursement it will be considered a recovery of expense and will be used to offset future hospital expenditures.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

John B. Reiss
Assistant Commissioner
Health Planning and Resource Development
Department of Health
Room 603
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Revisions Concerning Ambulatory Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to revise N.J.A.C. 8:43A-1.66(g)3.ii. concerning the use of the 1973 Life Safety Code for new ambulatory care facilities or additions.

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

8:43A-1.66(g)3.ii. Each building shall have at least two exits remote from each other. Other details relating to exits and fire safety shall be in accordance with section 13 of NFPA Standard 101, 1973 edition and the requirements outlined herein. [Sections 13-1132, 13-1253, 13-1312, 13-1331, 13-1262 and 13-2111] Sections 13-1312, 13-2411 (Exception 2), 13-3111 (exception 1), 13-33, 13-2511 (exception), and 13-51 shall not apply to ambulatory care facilities.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Joseph A. DiCara
Chief, Health Facilities
Construction and Monitoring
Department of Health
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Revisions in Licensing Of Nursing Home Administrators

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-27 and 26:2H-28, proposes to revise a portion of the rules in Chapter 34 of Title 8 in the New Jersey Administrative Code concerning the licensing of nursing home administrators.

The proposed revisions concern general authority; definitions; board meetings; general powers; license requirements; supervision; examinations; practical training and experience; registration of licenses; refusal, suspension and revocation of licenses; complaints; restoration and reinstatement of license; and other related subjects.

Copies of the 42 pages of full text of the proposed re-

visions may be obtained from or made available for review by contacting:

John J. Haney
Executive Secretary, NHALB
Licensing, Certification and Standards
Department of Health
Post Office Box 1540
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to the Department of Health at the above address.

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Rule on Patient Origin Studies Data

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-12, proposes to adopt a new rule concerning patient origin studies data.

Full text of the proposed rule follows:

8:31-16.16 Patient origin studies; data

The data for patient origin studies shall be obtained by the Department from the hospital discharge abstracts. The abstracts shall include the patient's county of residence, minor civil division and zip code, the coding system to be determined by the Department of Health. The residence code shall appear with the discharge abstract information for each patient that is currently being reported to the Department of Health.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Henry A. Watson, Director
Health Data Research Services
Department of Health
P.O. Box 1540 - Room 802
Trenton, New Jersey 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Rule on Size Of Long-Term Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant

to authority of N.J.S.A. 26:2H-1 et seq., with the approval and the recommendation of the Health Care Administration Board, proposes to adopt a regulation creating a six-month moratorium on the construction, renovation, or expansion of any long-term care facility which would result in the total capacity of that facility being in excess of 240 beds, effective immediately. During this period of time, the Health Department will prepare for the Health Care Administration Board a report on the quality, efficiency, and effectiveness of long-term care facilities in excess of 240 beds.

Such regulation, if adopted, will be included in Chapter 30 of Title 8 of the New Jersey Administrative Code.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

John C. Scioli
Consultant
Department of Health
Room 802
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Rules on Implementation Of the Local Health Services Act

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:3A2-1 et seq., proposes to adopt new rules concerning the implementation of the Local Health Services Act.

Full text of the proposed rules follows:

CHAPTER 53 GENERAL PROVISIONS

SUBCHAPTER 1. IMPLEMENTATION OF LOCAL HEALTH SERVICES ACT

8:53-1.1 County health department (N.J.S.A. 26:3A2-1 et seq.)

(a) In any county in which the board of chosen freeholders has established a county health agency, such as a county health coordinator system, or in any county having a board of health and vital statistics, prior to the effective date of this Act, there shall be established a county board of health by May 1, 1977.

(b) The county health agency shall be converted into a county health department by January 1, 1978.

(c) In any existing county health agency contracts between the board of chosen freeholders and municipal boards of health shall continue in effect until withdrawals or new contracts are executed. However, by January 1, 1978, each county board of health shall have executed contracts which meet the requirements of N.J.S.A. 26:3A2-1 et seq. and the Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey.

(d) Contracts between member municipalities and county boards of health shall include but not be limited to the following clauses:

1. The county board of health shall exercise within its area of jurisdiction all the powers granted to municipal boards of health.

2. The county board of health will provide services meeting the Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey.

3. Issuance of licenses, permits and certificates, normally issued by a municipal board of health shall be issued on behalf of the county board of health.

4. Other clauses as deemed necessary by law or mutual agreement.

(e) Any county board of health, at its discretion, may provide health services by contract to non member local boards of health.

(f) Any contract between any county board of health and any board of health to which it provides services shall be submitted to the State Commissioner of Health by the county board of health at least 30 days prior to the contract's effective date. The contract will be reviewed by the Commissioner to determine compliance with N.J.S.A. 26:3A2-1 et seq. and the Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey.

(g) Each existing county health agency shall comply with N.J.S.A. 26:3A2-19 no later than January 1, 1978.

8:53-1.2 Regional health commission (N.J.S.A. 26:3-83-94)

(a) Municipalities participating in a regional health commission on the date this law takes effect may continue participation under the existing contracting system through December 31, 1977. New contracts based upon N.J.S.A. 26:3A2-1 et seq. and Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey shall become effective no later than January 1, 1978.

(b) Any contract between any regional health commission and any board of health to which it provides services shall be submitted to the State Commissioner of Health by the county board of health at least 30 days prior to the contract's effective date. The contract will be reviewed by the Commissioner to determine compliance with N.J.S.A. 26:3A2-1 et seq. and the Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey.

(c) Any regional health commission, at its discretion, may provide health services by contract to non member local boards of health.

8:53-1.3 Contracting health agencies (N.J.S.A. 40:8A-1 et seq.)

(a) Any contract between any municipal board of health and boards of health to which it provides services shall be submitted to the State Commissioner of Health by the county board of health at least 30 days prior to the contract's effective date. The contract will be reviewed by the Commissioner to determine compliance with N.J.S.A. 26:3A2-1 et seq. and the Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey.

8:53-1.4 Sample resolutions and agreement forms

Sample resolutions and agreement forms are available from the State Commissioner of Health.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before January 26, 1977, to:

John H. Harrison
Director, Health Aid Services
Department of Health
John Fitch Plaza
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Notice on Omission of Reference To Joint Proposal Concerning 1974 Final Hospital Payment Rates

Take notice that, in the Notice of Proposal by the Department of Insurance concerning the proposed revisions on determinations of 1974 final hospital payment rates (See: December 9, 1976, issue of the Register at 8 N.J.R. 559(b)), it was not indicated that such a proposal was jointly promulgated by both the Commissioners of Health and of Insurance under the authority of N.J.S.A. 26:2H-1 et seq.

It was intended that this Notice should have been a joint proposal that would revise N.J.A.C. 8:31-19.4, if adopted.

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

(b)

HEALTH

THE COMMISSIONER

Deletion of Rules on Administrative Functions, Practices and Procedures Under the Controlled Substances Act

On November 22, 1976, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, deleted in its entirety the current text of Subchapter 9 in Chapter 65 of Title 8 in the New Jersey Administrative Code, concerning administrative functions, practices and procedures under the Controlled Substances Act, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 512(a).

An order deleting this Subchapter was filed and became effective on November 24, 1976, as R.1976 d.376.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Amendments on Fire Detection Systems in Intermediate Care Facilities

On December 13, 1976, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:24-1 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. 8:37-12.13(d) concerning fire detection systems in intermediate care facilities, substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 463(a), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these amendments was filed on December 16, 1976, as R.1976 d.417 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Revisions to 1977 Hospital Rate Review Program Guidelines

On December 13, 1976, 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 revisions to the 1977 hospital rate review program guidelines, substantially as proposed in the Notice published November 4, 1976 at 8 N.J.R. 510(e), with only inconsequential structural or language changes, in the opinion of the Department of Health.

Take notice that these revisions are considered to be temporary rules not subject to codification and will not appear in Title 8 of the New Jersey Administrative Code.

An order adopting these revisions was filed and became effective on December 16, 1976, as R.1976 d.418.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Amendments on Fire Detection Systems in Hospital Facilities

On December 13, 1976, 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 be cited as N.J.A.C. 8:43B-3.2(i), concerning fire detection systems in hospital facilities, substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 464(a), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these amendments was filed on December 6, 1976, as R.1976 d.419 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Amendments on Automatic Fire Detection Systems in Nursing Homes

On December 13, 1976, 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 be cited as N.J.A.C. 8:30-12.2(f), concerning automatic fire detection systems in nursing homes, substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 465(a), with only inconsequential structural or language changes, in the opinion of the Department of Health.

An order adopting these amendments was filed on December 16, 1976, as R.1976 d.420 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HIGHER EDUCATION

ASSISTANCE AUTHORITY

Emergency Revisions Concerning Guaranteed Student Loan Program

On December 1, 1976, William C. Nester, director and secretary of the Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 9:9-1.3 concerning loan amounts regarding the guaranteed student loan program.

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

9:9-1.3 Loan amounts

(a) The maximum amount a full-time undergraduate student may borrow for one academic year shall not exceed \$2,500.

(b) The maximum amount a graduate student may borrow for one academic year shall not exceed \$5,000.

(c) [(b)] The maximum amount a part-time student may borrow for one academic year shall not exceed \$800.00.

(d) [(c)] The total amount of loans to any one student shall not exceed \$7,500 for the undergraduate course of study or [\$10,000] \$15,000 if graduate study is included.

(e) [(d)] Loans are authorized for at least six academic years or the equivalent unless the [\$10,000] \$15,000 maximum is reached prior to the expiration of the six year period.

(f) [(e)] A student who requests to borrow a second time for the same stated year in school as indicated on the previous loan application may be permitted to do so if the reason is caused by other than academic failure.

(g) [(f)] The minimum amount the Authority will guarantee is \$200.00. All loan requests above this amount must be in \$50.00 multiples.

An order adopting these revisions was filed and became effective on December 7, 1976, as R.1976 d.385 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Standards Governing Approval of Courses Offered in Secondary Schools for Degree Credit

On November 19, 1976, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-13 et seq., adopted a new rule, to be cited as N.J.A.C. 9:1-1.18(c), concerning standards governing approval of courses offered in secondary schools for degree credit, substantially as proposed in the Notice published September 9, 1976, at 8 N.J.R. 418(e), with only inconsequential structural or language changes, in the opinion of the Department of Higher Education.

An order adopting these standards was filed and became effective on December 7, 1976, as R.1976 d.389.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules on Pharmaceutical Services For Recipients in Medicaid-Approved Long-Term Care Facilities

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules concerning pharmaceutical services for recipients in Medicaid-approved long-term-care facilities.

Full text of the proposed new rules follows:

SUBCHAPTER 3. PHARMACEUTICAL SERVICES FOR RECIPIENTS IN MEDICAID-APPROVED LONG-TERM-CARE FACILITIES

10:51-3.1 Introduction

(a) This Subchapter provides information to providers of pharmaceutical services to Medicaid eligibles in long-term care facilities regarding reimbursement, billing and refills, and so forth, which is substantially different than the information in Subchapter 2 of this Chapter.

(b) The services defined below are reimbursable under the New Jersey Health Services (Medicaid) Program for eligible patients/residents in Medicaid-approved skilled nursing facilities, intermediate care facilities, or infirmary section of home for the aged (referred to collectively as long-term-care facilities), only.

10:51-3.2 Covered pharmaceutical services

(a) Covered pharmaceutical services are:

1. Prescribed legend drugs;
2. Legend contraceptive devices.

(b) All the above services must be provided within the scope of the Program policies and procedures and billed to the Hospital Services Plan of New Jersey (Blue Cross of New Jersey) on the prescription claim form (MC-6), or other program-approved billing methods.

10:51-3.3 Definitions

"Eligible prescribers" mean all practitioners licensed or authorized by the State of New Jersey to prescribe drugs and medicines (physicians, dentists or podiatrists), within the scope of his license and practice.

"Eligible pharmacies in New Jersey" mean all pharmacies located in New Jersey and operating under a valid retail permit or a valid institutional permit from the Board of Pharmacy of the State of New Jersey, having an approved provider application and agreement with the Department of Human Services, Division of Medical Assistance and Health Services (herein after called the Division), and shall be eligible to participate in the New Jersey Health Services (Medicaid) Program.

Note: Upon sale or other change of ownership of an approved pharmacy the agreement is automatically terminated. The new owner(s) must apply to the Division of Medical Assistance and Health Services and execute a new agreement in order to participate in the New Jersey Health Services Program.

"Eligible pharmacies out of State" mean licensed pharmacies in another state may participate providing they abide by all policies and procedures that apply to New Jersey pharmacies.

"Responsibilities of eligible providers" mean that participating pharmacies must provide complete prescription services, including compounding and prescription refill services when allowable in accordance with the drug distribution systems described below. Prescriptions must be dispensed in compliance with all currently existing Federal and State Laws, based on sound professional judgment.

"Unit dose": For reimbursement purposes under the New Jersey Health Services (Medicaid) Program, a unit dose distribution system shall be defined as: A drug distribution system in which each dose of oral medication is individually packaged in a sealed, tamper-proof container and carries full disclosure labeling, including, but not limited to, product name and strength, manufac-

turer or distributor's name, lot number and expiration date.

"Conventional": For reimbursement purposes under the New Jersey Health Services (Medicaid) Program, a conventional distribution system shall be defined as: A system in which single or multiple doses of oral medication are dispensed in a reclosable container (that is, capsule vial, jar, bottle and so forth).

10:51-3.4 General policies

(a) The pharmacy shall not advertise in any media or solicit covered persons in the Program through signs or displays indicating that the pharmacy accepts or dispenses eligible prescriptions, except as specifically approved by the Division of Medical Assistance and Health Services.

(b) Properly identified representatives of the Division may inspect the written prescription and may audit all records pertaining to prescriptions provided to covered persons and where deemed necessary, in order to comply with Federal requirements, the representatives may inspect private sector prescriptions for the following information only:

1. Drug name;
2. Quantity dispensed;
3. Price;
4. Prescription number (for reference purposes only).

(c) Information pertaining to patient name and prescriber will remain confidential within the limits of the law.

10:51-3.5 Drug policies

(a) The choice of prescription drugs remains at the discretion of the prescriber; but payment will not be made for certain drugs under specific conditions. (See Sections on "Pharmaceutical services not eligible for payment".)

1. When prescribing a trade-name multi-source drug product listed in Section I of the New Jersey Medicaid Formulary for which a designated chemically equivalent name in corresponding dosage form and strength is listed in Section II of the Formulary, the prescriber must indicate either "formulary alternate permitted" or "dispense as written" (may be abbreviated "FAP" or "DAW"), on each written or telephoned prescription (See subsection (d) of this Section.)

2. For patients in long-term-care facilities, either statement or its abbreviation must appear on the patient's chart and be transposed onto the written prescription.

3. When the prescriber indicates "formulary alternate permitted" or "FAP", the pharmacy provider shall dispense an alternate product listed for the designated chemically equivalent name, and will be reimbursed based on the average wholesale price for that product. When the prescriber indicates "dispense as written" or "DAW", the pharmacy provider shall follow those instructions and will be reimbursed accordingly.

4. When the drug product is prescribed by its nonproprietary or generic name, the pharmacy provider shall dispense the least expensive, therapeutically effective product available.

5. When prescribing a trade-name multi-source drug product for which a maximum allowable cost (MAC) limitation has been established by the pharmaceutical reimbursement board, Department of Health, Education and Welfare, "limitation shall not apply in any case where a physician certifies in his own handwriting that in his medical judgement a specific brand is medically necessary for a particular patient". In this instance the physician must write "brand necessary" or "dispense as written"

in his own handwriting, on each written or telephone prescription (See subsection (d) of this Section.)

(b) In long-term medical care facilities (that is, skilled nursing facilities, intermediate care facilities or infirmary section of home for the aged), if the quantity of drug or medication is not indicated in writing by the prescriber, the pharmacy provider must dispense an appropriate quantity of medication not to exceed a one month supply. (See Section 5 of this Subchapter.)

(c) Dosage and directions for use must be indicated on all original prescriptions. Prescriptions written and dispensed with nonspecific directions, such as "PRN", "as directed", or "ad lib", and so forth are not eligible for payment.

1. Prescriptions written for topical preparations, aerosol inhalers and nitroglycerin are exceptions to this regulation since the dosage cannot be related to number of days supply of medication. In such situations, the pharmacist must enter the letters "N/A" (not applicable), in the "Days Supply" space on the prescription claim form (MC-6).

2. For all oral medication and injectables, the number of days and medication should last, based on the prescriber's directions for use, must be entered in the "Days Supply" space on the prescription claim form (MC-6).

(d) Telephone orders from the prescriber for original prescriptions, in accordance with all applicable Federal and State laws and regulations, will be permitted.

1. For drugs listed in the New Jersey Medicaid Formulary, see this Section.

2. When a physician chooses to certify "brand necessary" or "dispense as written" for a MAC listed drug product, he must write the certification on the patient's chart within 30 days of the date of the telephone order (See this Section). The prescriptions must be retained by the pharmacist as the original prescription. Failure to comply with result in the claim for that prescription to be reduced to the MAC reimbursement level.

(e) Changes or additions to the original prescription, when approved by the practitioner, must be clearly indicated and initialed by the dispensing pharmacist. After the prescription claim form is submitted for payment, no changes on the original prescription can be made (that is, dosage, quantities, number of refills, and so forth).

(f) When medication is prescribed by its nonproprietary or generic name, the pharmacy provider shall dispense (the least expensive, therapeutically effective, product available.

10:51-3.6 Prescription refill

(a) Since refill instructions are not normally given on medication order sheets in long-term-care facilities and stop order policies exist, an order for continuation of medication shall be deemed a new prescription for the purpose of reimbursement. Refills will not be allowed. A new written prescription and prescription number is required.

1. Exception: Patients authorized as intermediate care, nonmedical (Level IVB), where the required interval between physicians visits may be every 60 days rather than every 30 days; the initial one month supply of medication may be refilled one time only, if authorized on original medication order (that is, dispense 60-day supply).

10:51-3.7 Pharmaceutical services not eligible for payment

(a) The following classes of prescription drugs will not be honored for payment:

1. Drugs for which adequate literature, that is, package inserts, and so forth, and price catalogues are not readily available;

2. Experimental drugs;
3. Drugs directly furnished by practitioner;
4. Medications prescribed for use by hospital inpatients;
5. Nonlegend drugs;
6. Medication prescribed for a Title XIX (Medicaid) covered person who is receiving benefits under Part A of Title XVIII (Medicare) as a patient in a skilled nursing facility (SNF);
7. Prescriptions written and dispensed with nonspecific directions;
8. Food supplements, milk modifiers, infant formula and therapeutic diets;
9. Drugs for which final orders have been published by the Food and Drug Administration, withdrawing the approval of their new drug application (NDA).

10:51-3.8 Payment regulations for prescribed drugs

(a) Direct (vendor) payment will be made to participating pharmacies by Blue Cross of New Jersey on behalf of the New Jersey Health Services (Medicaid) Program upon receipt of a properly completed prescription claim form (MC-6) or other approved billing method as shown in Subchapter 3 of this Chapter.

(b) Only one prescription may be submitted on each subscription claim form (MC-6).

10:51-3.9 Basis of payment

(a) Payment for "legend" drugs (those drugs bearing the legend, "Federal Law Prohibits Dispensing Without a Prescription"), and contraceptive diaphragms will be based upon "maximum allowable cost" as defined in Subchapter 1 of this Chapter.

(b) The New Jersey Health Services (Medicaid) Program capitates the dispensing fee for legend drugs for patients in Medicaid-approved long-term-care facilities in accordance with the total number of Medicaid patient days in the facility(ies) serviced by the pharmacy.

1. Pharmacies with retail permits:

i. Medicaid patient days per month up to 74,999:

(1) Dispensing system in which a 24-hour supply of unit dose oral medication, both solid (that is, tablets, capsules), and liquid formulations, is delivered for each patient daily. Pharmacies with retail permits dispensing medication in such a system shall be reimbursed the cost of all reimbursable legend medication, plus a fee of \$.45 per patient day.

(2) Dispensing system in which up to a one month supply of oral unit dose solid formulation medication is delivered for each patient (that is, unit dose solids, "bingo" card, and so forth). Pharmacies with a retail permit dispensing medication in such a system shall be reimbursed the cost of all reimbursable legend medication, plus a fee of \$.35 per patient day.

(3) Dispensing system, in which a maximum one-month supply of medication is delivered for each patient monthly. Pharmacies with retail permits dispensing medication in such a system shall be reimbursed the cost of all reimbursable legend medication, plus a fee of \$.30 per patient day.

(4) Pharmacies which provide ancillary computerized services, such as, but not limited to, continuously updated computerized patient profiles, clinical records (med sheets and physician's orders on at least a monthly basis), and so forth, will receive an added increment of \$.05 per patient day, thereby making the total fee \$.50, \$.40 or \$.35, depending on the dispensing system used.

ii. Medicaid patient days per month 75,000 - 89,999: Capitation fees as defined in this Section, less four per cent.

iii. Medicaid patient days per month 90,000 - 209,999: Capitation fees as defined in this Section, less six per cent.

iv. Medicaid patient days per month 210,000 - 239,999:

Capitation fees as defined in this Section, less ten percent.

v. Medicaid patient days per month 240,000 - 299,999:

Capitation fees as defined in this Section, less 14 percent.

vi. Medicaid patient days per month 300,000 and over: Capitation fees as defined in this Section, less 20 percent.

2. Pharmacies with institutional permits shall be reimbursed as above in this Section, except that the daily per patient capitation fee shall be 75 percent of the fee for pharmacies with retail permits.

(c) The maximum charge to the Program for a legend drug, including the charge for the cost of medication and the capitation fee, may not exceed the charges made to medical facilities or agencies through contracts or other agreements.

Note: Where such contracts or other agreements with a medical facility or agency exists, this rule shall apply to claims submitted on behalf of Medicaid recipients in said facility or receiving services by said agency.

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

1. The ingredient "cost" of a compounded prescription shall be the sum of the "cost", as defined in this Section, of all the ingredients.

i. Exception: The pharmacy may charge up to 25 cents for any ingredient whose "cost" as defined in subsection (a) of this Section is less than 25 cents.

10:51-3.10 Billing instructions

(a) The MC-6 claim form is to be completed as in Subchapter 2 of this Chapter, "Pharmaceutical Services Billing Procedures", except that the provider will submit the AWP cost of the drug(s) only.

1. Do not enter a dispensing fee;

2. Drug cost only:

i. For drug distribution systems described in Section 9 of this Subchapter, claims shall be submitted at the end of the billing cycle (end of the month), only for the actual number of doses consumed or for doses whose packages integrity has been legitimately disturbed.

ii. For conventional systems MC-6's may be submitted at time of dispensing.

3. Capitation Fees: All capitation payments will be processed by Blue Cross of New Jersey, with checks issued directly to pharmacies. The Division's Bureau of Claims and Accounts will submit to Blue Cross, each month, the total number of Medicaid patient days for which each facility was reimbursed.

i. A payment for the number of Medicaid patient days multiplied by the appropriate capitation fee for the applicable drug distribution system, as designated in Section 9 of this Subchapter, shall be sent to the designated pharmacy provider.

10:51-3.11 Provider agreements

(a) In order to become eligible for reimbursement for pharmaceutical services to Medicaid recipients in long-term-care facilities, the provider will execute a special agreement with the Program for each type of drug distribution system to be used. If more than one type of drug distribution system is to be used by a single provider, in more than one long-term-care facility, multiple agreements will be necessary.

Note: These special agreements are in addition to the regular provider application/agreement which must be filed to become an approved Medicaid provider (except where the provider services Medicaid recipients in long-term-care facilities only).

(b) If more than one system is used in a single facility,

capitation reimbursement will be at the lowest established rate in that facility. Provider applications/agreements may be obtained by writing to:

Pharmacy Relations Department
Blue Cross of New Jersey
33 Washington Street
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Administrative Practice Office
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Revisions for Child Care Licensing

James G. Kagen, Director of the Division of Youth and Family Services in the Department of Human Resources, pursuant to authority of N.J.S.A. 18A:70-1 et seq., proposes to revise a portion of the rules concerning child care licensing.

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

10:122-2.3 [(e) The housing shall meet local building, sanitation and fire codes.

(f) The local health and fire department shall certify that there is no hazard to the health and safety of the children. Stairs, furnace, hot water heater, bathroom, kitchen, exits, fire escapes, fire extinguishers, plumbing and the electrical facilities shall have been found to be safe and there shall be no other undue hazards.]

(e) Any child care center in existence and operation as such before or on January 1, 1977 (the date the State Uniform Construction Code, hereinafter referred to as the SUCC, goes into effect), shall submit to the Department, upon the first application for renewal of its certificate of approval (license) after January 1, 1977, a copy of the building's certificate of occupancy issued by the municipality in which it is located, stating that the center is approved to operate as a child care center, in accordance with local government code requirements in effect prior to implementation of the SUCC on January 1, 1977.

1. Upon every subsequent application for renewal of licensure, such center shall not be required to submit to the Department any further approvals from the municipal enforcing agency, unless the municipality in which it is located has enacted an ordinance governing the maintenance of buildings, including day care centers; in which case the center shall submit to the Department a statement from the municipal enforcing agency certifying that the center is in compliance with such ordinance.

2. However, whenever a child care center in existence and operation as such before or on January 1, 1977, either:

- i. Seeks to change its use group to one other than that prescribed on its original certificate of occupancy; or
- ii. Seeks to make a major alteration or renovation, as defined by the SUCC, of the building or premises in which the center is located; or
- iii. Seeks to increase its floor area or the number of stories to the building or premises in which the center is located.

3. The center shall submit to the Department, upon completion of the actions noted in paragraph 2 above, a copy of a new certificate of occupancy issued by the municipal enforcing agency in the municipality in which it is located, stating that the center is approved to operate as a child care center, in accordance with provisions of the SUCC.

(f) Any child care center that seeks to begin operation as such after January 1, 1977, shall submit to the Department, upon application for its certificate of approval (license), a copy of the building's certificate of occupancy issued by the municipal enforcing agency in the municipality in which it is located, stating that the center is approved to operate as a child care center, in accordance with provisions of the SUCC.

1. Upon application for renewal and for every subsequent renewal of licensure, the center shall not be required to submit to the Department any further approvals from the municipal enforcing agency, unless the municipality in which it is located has enacted an ordinance governing the maintenance of buildings, including day care centers; in which case, the center shall submit to the Department a statement from the municipal enforcing agency certifying that the center is in compliance with such ordinance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Division of Youth and Family Services
Child Care Licensing Section
One South Montgomery Street
Trenton, N.J. 08625

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

James G. Kagen
Director, Division of Youth and
Family Services
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions Concerning Expenses Incident to Training

On December 15, 1976, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:82-5.11 concerning expenses incident to training, substantially as proposed in the Notice published July 8, 1976, at 8 N.J.R. 333(a), but with subsequent, substantive

changes not detrimental to the public, in the opinion of the Department of Human Services.

These revisions concern the deletion of the current text of N.J.A.C. 10:82-5.11 and the adoption of new text therein.

Take notice that the other proposed revisions to N.J.A.C. 10:82-5.1 and 10:82-5.2 appearing in the Notice of Proposal have not been adopted and are still under consideration.

An order adopting the revisions to N.J.A.C. 10:82-5.11 was filed on December 15, 1976, as R.1976 d.405 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions in Determination of Household Size

On December 15, 1976, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:82-1.2(c)2. and 10:82-4.12 concerning the determination of household size, as proposed in the Notice published September 9, 1976, at 8 N.J.R. 419(a).

An order adopting these revisions was filed on December 16, 1976, as R.1976 d.406 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions Concerning Eligible Unit

On December 15, 1976, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:82-1.3(a)2. concerning the eligible unit, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 467(b).

An order adopting these revisions was filed on December 16, 1976, as R.1976 d.407 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions Concerning Pregnant Women

On December 15, 1976, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3

and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:81-2.2(a)7., 10:81-3.8(b) and 10:81-3.8(c) concerning pregnant women, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 467(c).

An order adopting these revisions was filed on December 16, 1976, as R.1976 d.408 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Rule on Institutionalized Child Returning Temporarily to the Home

On December 15, 1976, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 10:82-2.19, concerning the institutionalized child returning temporarily to the home, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 467(d).

An order adopting this rule was filed on December 16, 1976, as R.1976 d.409 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions on Self-Employment

On December 15, 1976, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:82-4.2 concerning guidelines for self-employment, as proposed in the Notice published October 7, 1976, at 8 N.J.R. 468(a).

An order adopting these revisions was filed on December 16, 1976, as R.1976 d.410 to become effective on January 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(f)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Pharmacy Manual on Federally Required Information for Prescriptions

On December 6, 1976, Ann Klein, Commissioner of Hu-

man Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:51-1.4 and 10:51-1.5 concerning federally required information for prescriptions, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 514(d).

An order adopting these revisions was filed and became effective on December 16, 1976, as R.1976 d.414.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

REAL ESTATE COMMISSION

Proposed Amendments Concerning Sales of Interstate Properties

Edward J. Howell, president of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq., proposes to amend N.J.A.C. 11:5-1.25 concerning sales of interstate properties.

Full text of the proposed amendments follows:

11:5-1.25(h) 3. Advertisements in newspapers or periodicals: Any such proposed advertisements, whether to appear in New Jersey media or in interstate media which have a distribution in New Jersey, must be submitted to the Real Estate Commission, Bureau of Subdivided Land Sales Control, for review, acceptance and assignment of an advertising number before being used. Each such advertisement must contain the following legend:

"A statement and offering statement has been filed with the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control. The filing does not constitute approval of the sale or lease or offer for sale or lease or in any way pass upon the merits of such offering by the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control. A copy of the offering statement is available, upon request, from (name of subdivider)." (NJA-NO.)

4. Literature, circulars, fliers, cards, letters and other promotional items used in connection with the advertising or offering for sale must also be submitted to the Real Estate Commission, Bureau of Subdivided Land Sales Control, for review, and if accepted, will be assigned an NJA number. The front or front cover page must contain the above legend and the assigned NJA number.

5. There is an exception as to the required legend in connection with classified type advertisements not more than three inches long and not more than one column of print wide. In such cases, the following abbreviated legend may be used:

"Offering statement available from subdivider. Filing with the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control, is not approval of merits of offering." (NJA-NO.)

6. Upon request, the bureau may authorize that the below mentioned brief legend be used in connection with a television or radio presentation of one minute or less:

"A copy of the offering statement filed with the New Jersey Real Estate Commission, Bureau of Subdivided Land Sales Control, is available upon request from the subdivider." (NJA-NO.)

i. A longer television or radio presentation or a presentation by motion pictures or by slides require the full legend, as set forth in paragraph 3, to be used.

7. Detailed advance notice to the Bureau of Subdivided Land Sales Control is required as to any and all sales promotional presentations, meetings, receptions, parties or other gatherings. This notice must be filed at least 30 days prior to the event and must contain all the information required by the Bureau of Subdivided Land Control. Notice of all cancellations or changes must also be given.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Real Estate Commission
201 East State St.
Trenton, N.J. 08625

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

Edward J. Howell
President, Real Estate Commission
Department of Insurance

(b)

INSURANCE

THE COMMISSIONER

Rules on Corporate and Partnership Licensee Requirements

On December 15, 1976, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6 et seq., 17B:22-27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 11:1-12.1 et seq., concerning corporate and partnership licensee requirements, as proposed in the Notice published September 9, 1976, at 8 N.J.R. 421(c).

An order adopting these rules was filed and became effective on December 16, 1976, as R.1976 d.412. Take notice that only N.J.A.C. 11:1-12.2 and 11:1-12.5 became effective on December 16, 1976; the remaining Sections will become effective on December 16, 1976; the remaining Sections will become effective on March 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

INSURANCE

THE COMMISSIONER

Emergency Revisions Concerning Nonrenewals

On December 15, 1976, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 39:6A-3 et seq., 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to a portion of the rules concerning nonrenewals.

Full text of the revised rules follows:

11:3-8.1(b) 1. No notice of nonrenewal shall be valid unless it includes the text of the designated portion of this rule under which action is being taken and the correct facts which bring the insured under the rule, including dates and any other facts necessary for identification of the

incidents. In the event action is being taken under 11:3-8.1(e) 1., the text of the exceptions N.J.A.C. 11:3-8.1(e) 2. must be included together with a statement, if true, that none of these exceptions are applicable. (Effective February 21, 1977, for notices sent on or after that date).

Editor's Note: Replace N.J.A.C. 11:3-8.1(e)11. with the following rule effective for all requests for nonrenewal sent on or after January 12, 1977.

11:3-8.1(e)11. "Request by producer of record not to renew policy, provided such request is accompanied by a true statement by the producer that he has replaced like coverage at approved rates in the voluntary market with an admitted carrier specifying the name of the carrier; provided also that the carrier has advised the insured in writing of his right to renewal in the same company before obtaining the insured's consent to transfer and of the insured's right to reinsure if he or she is cancelled by the new carrier for reasons other than nonpayment or suspension or revocation of registration or driver's license. The producer's request for nonrenewal shall be made no later than 90 days prior to the expiration of the policy and a copy thereof shall be sent by the producer to the named insured. A nonrenewal based on such request shall be invalid and the company shall renew the policy at the request of the insured through another active agent or directly if the placement policy is cancelled by the carrier for any reason other than the reasons allowed for cancellation by N.J.S.A. 29C:7. (Nonpayment of premium or suspension or revocation of registration or driver's license)."

Interested persons may present statements, facts or arguments in writing relevant to the proposed action on or before January 28, 1977, or appear at a hearing to be held at 10:00 A.M. on that date at the address below:

Naomi LaBastille, Hearing Officer
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

An order adopting these revisions was filed on December 16, 1976, as R.1976 d.413 (Exempt, Emergency Rule) with the revisions to N.J.A.C. 11:3-8.1(b)1. becoming effective on February 21, 1977, and the revisions to N.J.A.C. 11:3-8.1(e)11. becoming effective on January 12, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF ARCHITECTS

Proposed Revisions Concerning Fees

The Board of Architects in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-3.2, proposes to revise N.J.A.C. 13:27-3.13 concerning fees and registration.

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

13:27-3.13(a)2. [The fee for examination is \$75.00 for the seven part test.] The fees for the licensing examinations are as follows:

i. Stage I: Equivalency or qualifying examination: \$75.00;

ii. Stage II: Professional examination: \$75.00;

iii. If awarded a certificate of license a further charge of \$30.00 is made for issuing it, and of \$15.00 for a seal press and filing with the Secretary of State. This provides registration to the end of the fiscal year in which the license is issued.

3. Candidates who are required to retake any [part of the written licensing examination shall pay a fee of \$15.00 for each such part not exceeding \$75.00.] part or parts of Stage I—equivalency or qualifying examination shall pay fees for the individual parts as follows, but not exceeding the sum of \$75.00 for all three parts:

i. Construction theory and practice: \$30.00;

ii. History and theory of architecture, and environmental planning: \$10.00;

iii. Architectural design and site planning: \$40.00;

iv. Candidates who are required to retake a site planning examination as prepared by the board shall pay a fee of \$15.00;

v. Candidates who fail any part of Stage II, professional examination, are required to retake this entire test and shall pay a fee of \$75.00.

4. Applicants already licensed by another state shall pay an application fee of \$20.00. If awarded a certificate of license, the charge is \$65.00 plus \$15.00 for a seal press and filing with the Secretary of State. This provides registration to the end of the fiscal year in which the license is issued.

5. The fee for reissuing a certificate of license to any architect who may have lost or mislaid his certificate shall be \$15.00.

6. [The annual registration fee, payable in July of each year shall be \$20.00 beginning with 1975-76.] The renewal of registration fee shall be \$40.00, payable during the month of July on a biennial basis, beginning in July of 1975. When registrations occur within the second fiscal year of a biennial period, the fee shall be \$20.00 for that single year or portion thereof, and thereafter \$40.00 for a full biennial period.

7. The charge for reinstatement of certificate of license shall be \$25.00, if applied for within two years of forfeiture or cancellation. In addition thereto, the applicant shall pay the biennial registration fee or part thereof as the circumstances may require.

8. The charge for a new seal press shall be \$15.00.

9. The fee for transmittal of grades, or certification as to registration and status thereof, to other State boards, or to the National Council of Architectural Registration Boards, or to governmental agencies or governments, shall be \$10.00.

10. The charge for late payment of biennial registration fee between August 1 and date of forfeiture shall be \$5.00.

11. The charge for a review of failed examinations shall be \$5.00.

12. A charge of [\$4.00] \$5.00 shall be required for a copy of "Roster of Registered Architects" except that it shall be issued free to State, county and municipal government agencies and to all architects listed therein.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 31, 1977, to:

Herman C. Litwack, Secretary-Director
Board of Architects
Division of Consumer Affairs
1100 Raymond Blvd.
Newark, N.J. 07102

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

Herman C. Litwack, Secretary-Director
Board of Architects
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 Revision On Temporary Addresses

Frederick Meserall, secretary 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 revise the rule concerning temporary addresses.

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

13:33-1.25 Temporary address

(a) Any person who has received a certificate of registration to practice as an ophthalmic dispenser or ophthalmic technician shall be permitted to use his certificate to practice on a temporary basis, at some other address, for a period of [six] 12 days, provided that the board has been notified before date of change.

(b) A person planning to practice regularly at another address, other than his own, or planning to practice on a temporary basis for more than [six] 12 days must notify the board and obtain a branch office certificate.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 31, 1977, to:

Frederick Meserall, Secretary
Board of Examiners of Ophthalmic Dispensers and
Ophthalmic Technicians
1100 Raymond Blvd.
Newark, N.J. 07102

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

Frederick Meserall, Secretary
Board of Examiners of Ophthalmic
Dispensers and Ophthalmic Technicians
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

Rules for Uniform Crime Reporting System

On December 7, 1976, William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority of

N.J.S.A. 52:17B-5.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:57-1.1 et seq., concerning the uniform crime reporting system, as proposed in the Notice published September 9, 1976, at 8 N.J.R. 425(c).

An order adopting these rules was filed and became effective on December 9, 1976, as R.1976 d.397.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF NURSING

Rule on Waivered Practical Nurses Licensure by Examination

On December 7, 1976, Richard E. David, executive director of the Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d) and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 13:37-9.6, concerning waived practical nurses licensure by examination, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 531(a).

An order adopting this rule was filed and became effective on December 16, 1976, as R.1976 d.411.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF WEIGHTS AND MEASURES

Rule on Retention of Public Or Certified Weighing Records

On December 2, 1976, William J. Wolfe, State Superintendent of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:1-54, 51:1-61 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 13:47E-2.1, concerning the retention of public or certified weighing records, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 531(b).

An order adopting this rule was filed and became effective on December 17, 1976, as R.1976 d.421.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

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For Vol. 8 — Cited 8 N.J.R. 1-588

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Restricted parking on parts of Route 29	8 N.J.R. 443(a)
No left turns on Route 21	8 N.J.R. 443(b)
Restricted parking on parts of Route 20	8 N.J.R. 488(a)
Speeds on portions of Routes 7 and 444	8 N.J.R. 488(b)
Speed limits on parts of Route U.S. 9	8 N.J.R. 488(c)
Restricted parking along State highways	8 N.J.R. 489(a)
Speed limits on Route 34	8 N.J.R. 489(b)
Restricted parking on Routes U.S. 9, N.J. 45 and 44	8 N.J.R. 536(a)
Speeds on Routes U.S. 206 and N.J. 23	8 N.J.R. 536(b)
No left turns on Routes 23 and 88	8 N.J.R. 537(a)
Center lane and left turns on Route 168	8 N.J.R. 537(b)
State highway permits and fees	8 N.J.R. 581(a)
Outdoor advertising on limited access highways	8 N.J.R. 581(b)
Speed zones on Routes 35 and 47	8 N.J.R. 582(a)
No parking along various State highways	8 N.J.R. 582(b)

Proposals Not Yet Adopted

Fixed base operator rules	8 N.J.R. 338(c)
Outdoor advertising	8 N.J.R. 442(a)
Speed zones on Routes 41 and 175	8 N.J.R. 533(b)
Left turns on Route 35	8 N.J.R. 534(a)
Restricted parking along State highways	8 N.J.R. 534(b)
Drawbridge usage along Route 52	8 N.J.R. 575(c)
Licensing of aeronautical activities	8 N.J.R. 576(a)
Restricted parking on three State highways	8 N.J.R. 579(a)
Restricted parking on State highways	8 N.J.R. 580(a)
Left turns on Route 171	8 N.J.R. 580(b)

TREASURY — Titles 17 and 18

Notice of Adoption

Facilities for physically handicapped	8 N.J.R. 492(a)
Revisions concerning administration	8 N.J.R. 263(a)
Contractual salary in alternate benefit programs	8 N.J.R. 140(d)

RULES ADOPTED BY OTHER AGENCIES — Title 19

DELAWARE RIVER BASIN COMMISSION

Notice on Delaware River intake	8 N.J.R. 586(d)
Notice on proposed water intake project	8 N.J.R. 586(d)

ECONOMIC DEVELOPMENT AUTHORITY

Rule on loan and bond guarantee fees	8 N.J.R. 359(a)
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HIGHWAY AUTHORITY

Purchasing of surplus personal property	8 N.J.R. 315(a)
Tolls and automatic toll collection machines	8 N.J.R. 315(b)
Revisions to certain definitions	8 N.J.R. 359(b)
Inspection and obtaining Authority records	8 N.J.R. 359(c)
Extension of rules on motorcycles	8 N.J.R. 587(a)

Endorsements	8 N.J.R. 262(a)
Survivor benefits and medical examinations	8 N.J.R. 262(b)
Rules of State Police Retirement System	8 N.J.R. 262(c)
Revisions on employer payments and delinquencies	8 N.J.R. 407(b)
Revisions on election of member-trustees	8 N.J.R. 407(c)
Revisions on interfund transfers	8 N.J.R. 407(d)
Judicial retirement system revisions	8 N.J.R. 538(c)
Various program rules	8 N.J.R. 539(a)
Facilities for physically handicapped	8 N.J.R. 539(b)
Debarment of persons for Division contracting	8 N.J.R. 445(a)
Procedural rules concerning appeals	8 N.J.R. 312(e)
Reserve group for classification of funds	8 N.J.R. 140(c)
Revisions in classification of funds	8 N.J.R. 262(d)
Amendments concerning corporate securities	8 N.J.R. 262(e)
Amendments on permissible corporate investments	8 N.J.R. 313(a)
Finance companies senior debt	8 N.J.R. 313(b)
Amendments on bank debentures	8 N.J.R. 314(a)
Amendments on Canadian obligations	8 N.J.R. 314(b)
Corporate securities industrial obligations	8 N.J.R. 314(c)
Revisions on certificates of deposit	8 N.J.R. 407(a)
Revisions concerning classification of funds	8 N.J.R. 492(b)
Corporate obligations legal for savings bonds	8 N.J.R. 493(a)
Exempt certificate requirements	8 N.J.R. 209(a)
Capital gains and unearned income tax	8 N.J.R. 261(b)
Revisions on imposition of penalties	8 N.J.R. 261(c)
Revisions in home improvement exemptions	8 N.J.R. 356(b)
Revisions in unincorporated business tax	8 N.J.R. 356(c)
Allowance of home improvement exemptions	8 N.J.R. 356(d)
Sales of meals to exempt organizations	8 N.J.R. 356(e)
Valuations regarding inheritance tax	8 N.J.R. 455(b)
Rules on homestead tax rebate	8 N.J.R. 582(c)
Criteria for acceptance of Rutgers HMO	8 N.J.R. 586(a)
Rules, pensioners' group health insurance	8 N.J.R. 586(b)
Filing date for homestead tax rebate claim	8 N.J.R. 586(c)

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Bid and performance bonds	8 N.J.R. 355(a)
Debarment, suspension and disqualification	8 N.J.R. 490(a)
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Definitions and enrollment dates	8 N.J.R. 537(d)
Full monthly payments	8 N.J.R. 538(a)
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**PALISADES INTERSTATE
PARK COMMISSION**

Prohibition on vehicles using park roads	8 N.J.R. 359(d)
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**PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

Charges for vehicular parking at piers	8 N.J.R. 88(c)
FMC Schedule PA-9 and special rates	8 N.J.R. 209(b)
Parcel check rate at bus terminal	8 N.J.R. 408(b)
Charges for vehicular parking at piers	8 N.J.R. 445(c)
Revisions to FMC Schedule No. PA-9	8 N.J.R. 587(b)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, covering all rules adopted through November 22. It is adjusted the month following that in

which a mailing of update pages has been completed.

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

RULES NOT YET PRINTED IN CODE

N.J.A.C. Citation		Document Citation	Adoption Notice (N.J.R. Citation)
AGRICULTURE — TITLE 2			
2:1-3.11	Fees for copies of State Board meeting information	R.1976 d.143	8 N.J.P. 268(b)
2:2-2.3(a)2.	Revisions on vaccination of female bovine animals	R.1975 d.233	7 N.J.R. 399(a)
2:3-2.3	Revisions on negative reaction of cattle and goats to t.b. tests	R.1976 d.98	8 N.J.R. 215(a)
2:5-1.15	Hog cholera quarantine; swine movement in New Jersey	R.1976 d.61	8 N.J.R. 162(a)
2:5-1.15	Stop order on swine, entire State	R.1976 d.243	8 N.J.R. 410(a)
2:5-1.15	Lift of swine stop order and impose quarantine in certain counties	R.1976 d.253	8 N.J.R. 410(b)
2:5-1.15	Revise swine quarantine	R.1976 d.268	8 N.J.R. 410(c)
2:5-1.15	Lift hog cholera quarantine and mark Section "Reserved"	R.1976 d.285	8 N.J.R. 451(c)
2:5-1.15(d)	Lift swine movement stop order; impose for certain counties	R.1976 d.82	8 N.J.R. 162(b)
2:5-1.15(e)	Amend Salem County hog cholera quarantine	R.1976 d.101	8 N.J.R. 215(b)
2:5-1.15(f)	Revisions on quarantine for movement of swine	R.1976 d.110	8 N.J.R. 215(c)
2:5-1.15(g)	Release hog cholera quarantine for Camden and Gloucester Counties	R.1976 d.132	8 N.J.R. 268(a)
2:5-1.16	Swine embargo from certain other states	R.1976 d.219	8 N.J.R. 370(a)
2:16-14.1 et seq.	Rules on certified orchids	R.1976 d.273	8 N.J.R. 451(b)
2:17-16.1	Tomato transplants moved into New Jersey	R.1976 d.30	8 N.J.R. 95(c)
2:20-3.2	Red Pine quarantine in parts of Bergen and Passaic Counties	R.1976 d.16	8 N.J.R. 54(c)
2:34-1.1	Breeder award levels	R.1976 d.202	8 N.J.R. 369(a)
2:34-1.1	Revisions on breeder award levels	R.1976 d.379	8 N.J.R. 2(a)
2:48-1.1 et seq.	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:49-1.1 et seq.	Revised rules on minimum prices for milk	R.1975 d.232	7 N.J.R. 399(b)
2:49-1.1(b)	Revised minimum milk prices	R.1975 d.272	7 N.J.R. 454(a)
2:49-1.1(b)	Revised minimum milk price	R.1976 d.311	8 N.J.R. 498(a)
2:49-1.1(b)	Revised minimum milk price	R.1975 d.303	7 N.J.R. 494(c)
2:49-1.1(b)	Revise minimum milk prices	R.1975 d.340	7 N.J.R. 539(b)
2:49-1.1(b)	Revised minimum milk prices	R.1975 d.361	8 N.J.R. 5(b)
2:49-1.1(b)	Revise minimum milk prices	R.1976 d.9	8 N.J.R. 54(b)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.45	8 N.J.R. 96(a)
2:49-1.1(b)	Revise minimum milk prices	R.1976 d.85	8 N.J.R. 162(c)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.114	8 N.J.R. 215(d)
2:49-1.1(b)	Revise minimum milk prices	R.1976 d.183	8 N.J.R. 318(a)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.272	8 N.J.R. 451(a)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.287	8 N.J.R. 451(d)
2:49-1.1(b)	Revised minimum milk prices	R.1976 d.354	8 N.J.R. 542(b)
2:54-3.7	Handling of milk in New York-New Jersey milk marketing area	R.1976 d.90	8 N.J.R. 163(a)
2:54-3.7	Revisions on milk handling in New Jersey	R.1976 d.217	8 N.J.R. 369(d)
2:54-3.8	Amend Federal Order No. 4	R.1976 d.339A	8 N.J.R. 542(a)
2:68-1.7	Feed ingredients and feed terms	R.1976 d.205	8 N.J.R. 369(b)
2:69-1.11	Revised commercial values for primary plant nutrients	R.1976 d.203	8 N.J.R. 368(a)
2:70-1.7	Inspection fee; agricultural liming materials	R.1976 d.206	8 N.J.R. 369(c)
2:71-1.23 et seq.	Revisions on shell eggs	R.1975 d.358	8 N.J.R. 3(a)
2:71-5.5	Revisions on potato labeling	R.1975 d.381	8 N.J.R. 54(a)
2:73-2.5(f)	Revisions on use of Seal of Quality	R.1975 d.356	8 N.J.R. 2(b)
2:73-2.7	Revised license fees	R.1975 d.356	8 N.J.R. 2(b)
2:90-1.1 et seq.	Rules of State Soil Conservation Committee	R.1975 d.360	8 N.J.R. 3(b)
2:90-1.12	Municipal ordinances for soil erosion and sedimentation control	R.1975 d.366	8 N.J.R. 5(a)

(Rules in print in the Administrative Code for Title 2 include all adoptions to August 1, 1975—Transmittal Sheet #8.)

BANKING — TITLE 3

3:1-1.1	Revised interest rates	R.1976 d.240	8 N.J.R. 412(a)
3:1-1.1	Revised interest rates	R.1976 d.404	8 N.J.R. 4(a)
3:1-2.1 et seq.	Adopt procedural rules	R.1976 d.83	8 N.J.R. 164(a)
3:1-2.11	Mini-branches; space limitation	R.1976 d.312	8 N.J.R. 499(b)
3:1-2.14	Revisions on priority	R.1976 d.305	8 N.J.R. 499(a)

3:1-2.23	Shared limited facility branch offices; notice; fee	R.1976 d.244	8 N.J.R. 413(a)
3:1-2.27	Officially recognized data sources	R.1975 d.155	7 N.J.R. 292(a)
3:1-7.1 et seq.	Miscellaneous fees	R.1975 d.120	7 N.J.R. 247(c)
3:1-8.1	Required information for loan applications	R.1975 d.146	7 N.J.R. 291(b)
3:6-7.1	Repeal rule on bank offices protection	R.1976 d.146	8 N.J.R. 268(d)
3:7-4.1 et seq.	Rules on notice of maturity on long-term time deposits	R.1975 d.165	7 N.J.R. 292(b)
3:7-5.1 et seq.	Rules on statements of interest	R.1975 d.185	7 N.J.R. 293(c)
3:8-3.1	Revisions in required reserve	R.1975 d.325	7 N.J.R. 539(c)
3:8-3.1(a)3.	Revisions on required reserves	R.1976 d.15	8 N.J.R. 55(a)
3:11-2.1	Revisions on exclusion from liabilities of controlling corporation	R.1975 d.226	7 N.J.R. 400(b)
3:11-3.1(a)2.	Revisions on terms of organization	R.1976 d.416	8 N.J.R. 4(b)
3:11-9.1 et seq.	Rules on standby letters of credit	R.1976 d.306	8 N.J.R. 499(c)
3:17-6.1 et seq.	Revisions to small loan law regulations	R.1975 d.147	7 N.J.R. 291(c)
3:19-1.6	License number	R.1975 d.148	7 N.J.R. 291(d)
3:27-5.3	Revisions on excludable loans	R.1975 d.249	7 N.J.R. 400(c)
3:27-6.1	Variable interest rate mortgage loans	R.1976 d.279	8 N.J.R. 453(a)
3:30-1.3	Notice of maturity of fixed-term savings accounts	R.1975 d.169	7 N.J.R. 293(a)
3:30-1.3	Revised effective date of savings account rule	R.1975 d.265	7 N.J.R. 454(b)
3:32-1.1 et seq.	Conversion of mutual association to capital stock association	R.1975 d.352	8 N.J.R. 9(c)
3:32-1.5(a)	Revisions on proxies	R.1976 d.337	8 N.J.R. 543(a)
3:32-1.7(a)	Revisions on subscription prices	R.1976 d.337	8 N.J.R. 543(a)
3:40-1.1 et seq.	Rules of State Cemetery Board	R.1975 d.184	7 N.J.R. 293(b)

(Rules in print in the Administrative Code for Title 3 include all adoptions to May 1, 1975—Transmittal Sheet #7.)

CIVIL SERVICE — TITLE 4

4:1-8.6	Revisions on promotional examinations	R.1976 d.51	8 N.J.R. 101(a)
4:1-8.8	Qualifications of applicants for open competitive examinations	R.1976 d.52	8 N.J.R. 101(b)
4:1-8.21	Make-up examinations	R.1976 d.53	8 N.J.R. 101(c)
4:1-9.6	Tie scores on examinations	R.1973 d.52	8 N.J.R. 101(b)
4:1-9.13	Additions to eligible lists	R.1976 d.53	8 N.J.R. 101(c)
4:1-10.2(c)	Revisions on appointments based on noncompetitive examinations	R.1976 d.53	8 N.J.R. 101(c)
4:1-17.11	Amount of vacation leave	R.1976 d.52	8 N.J.R. 101(b)

(Rules in print in the Administrative Code for Title 4 include all adoptions to Sept. 15, 1975—Transmittal Sheet #8.)

COMMUNITY AFFAIRS — TITLE 5

5:10-1.1 et seq.	Revisions on construction and maintenance of hotels	R.1976 d.160	8 N.J.R. 272(a)
5:17-1.3 et seq.	Revisions on retirement community full disclosure requirements	R.1976 d.126	8 N.J.R. 270(b)
5:21-3.3 et seq.	Revisions in Uniform Standards Code of Mobile Homes	R.1975 d.166	7 N.J.R. 305(a)
5:22-1.1 et seq.	Rules on tax abatement on added assessments	R.1975 d.327	7 N.J.R. 540(b)
5:22-1.1	Revised definitions on tax abatement on added assessments	R.1976 d.64	8 N.J.R. 171(b)
5:23-1.1 et seq.	New Jersey Uniform Construction Code	R.1976 d.344 through	
		R.1976 d.347	8 N.J.R. 546(a)
5:30-1.8	Emergency resolutions exceeding three per cent limitation	R.1975 d.168	7 N.J.R. 306(a)
5:30-1.9	Implementation of Housing and Community/Development Act	R.1975 d.287	7 N.J.R. 497(b)
5:30-1.10	Contracts; expenditures	R.1975 d.322	7 N.J.R. 540(a)
5:30-1.11	Rule on realized revenue	R.1976 d.91	8 N.J.R. 216(c)
5:30-1.11	Revisions on realized revenue	R.1976 d.130	8 N.J.R. 271(a)
5:30-15.1	Procedures for municipalities to exceed caps	R.1976 d.384	8 N.J.R. 10(a)
5:42-1.1 et seq.	Revisions on Federal aid project notification and review system	R.1976 d.320	8 N.J.R. 501(a)
5:71-1.1 et seq.	Rules on county offices on aging	R.1975 d.192	7 N.J.R. 355(a)
5:80-2.1	Equity syndication, agency-financed limited-dividend housing projects	R.1975 d.258	7 N.J.R. 459(a)

(Rules in print in the Administrative Code for Title 5 include all adoptions to May 15, 1975—Transmittal Sheet #6.)

EDUCATION — TITLE 6

6:3-3.1 et seq.	Rules on withdrawal from limited purpose regional school districts	R.1976 d.286	8 N.J.R. 458(a)
6:11-8.9	Amendments on teaching English as a second language	R.1976 d.288	8 N.J.R. 459(a)
6:11-8.9	Amendments on bilingual bicultural education	R.1976 d.289	8 N.J.R. 459(b)
6:11-12.24	Teacher-coordinator of cooperative vocational-technical program	R.1976 d.294	8 N.J.R. 459(c)
6:20-7.1 et seq.	Rules on debarment in contract administration	R.1976 d.388	8 N.J.R. 13(a)
6:21-1.3(a)	Revised definition of remote from the schoolhouse	R.1976 d.342	8 N.J.R. 546(b)
6:21-6.24(f)	Amendment on identification and warning lamps	R.1976 d.387	8 N.J.R. 12(c)
6:21-19.1	School bus warning lamps (strobe)	R.1976 d.386	8 N.J.R. 12(b)
6:24-1.1 et seq.	Revised rules on controversies and disputes	R.1976 d.308	8 N.J.R. 505(b)
6:26-3.1 et seq.	Approved public elementary summer schools	R.1976 d.365	8 N.J.R. 546(c)
6:27-3.1 et seq.	Revisions on approved secondary school summer sessions	R.1976 d.366	8 N.J.R. 546(d)

(Rules in print in the Administrative Code for Title 6 include all adoptions to Aug. 13, 1976—Transmittal Sheet #8.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1-5.1 et seq.	Debarment, suspension and disqualification from contracting	R.1976 d.318	8 N.J.R. 510(e)
7:7A-1.13(a)	Extend wetlands order to Middlesex and Monmouth Counties	R.1976 d.364	8 N.J.R. 548(c)
7:9-4.6 et seq.	Revise surface water quality standards	R.1976 d.349	8 N.J.R. 548(a)
7:12-1.3(a)39.	Revised rules on condemnation of shellfish beds	R.1976 d.372	8 N.J.R. 548(b)
7:13-1.11(d)9.	Amendment on delineated floodways in Raritan Basin	R.1976 d.317	8 N.J.R. 510(b)
7:25-5.27	Limitation on use of shotgun shells containing lead pellets	R.1976 d.307	8 N.J.R. 509(b)
7:25-7.12	Restricted access to Lake Musconetcong	R.1976 d.348	8 N.J.R. 547(c)
7:26-2.5 et seq.	Revision on sanitary landfills	R.1976 d.303	8 N.J.R. 509(a)
7:26-4.1 et seq.	Revised fees of the Bureau of Solid Waste Management	R.1976 d.327	8 N.J.R. 510(d)

(Rules in print in the Administrative Code for Title 7 include all adoptions to Sept. 27, 1976—Transmittal Sheet #7.)

HEALTH — TITLE 8

8:30-12.2(f)	Amendments on fire detection systems in nursing homes	R.1976 d.420	8 N.J.R. 18(d)
8:37-12.13(d)	Amendments on fire detection systems for intermediate care	R.1976 d.417	8 N.J.R. 18(a)
8:42-2.1	Revised definition of food service supervisory or dietary assistant	R.1976 d.356	8 N.J.R. 550(b)
8:43B-3.2(i)	Amendments on fire detection systems in hospitals	R.1976 d.419	8 N.J.R. 18(c)
8:43A-1.10(r)	Rules on emergency and disaster procedures	R.1976 d.357	8 N.J.R. 551(a)
8:43A-1.67	Rules on facilities providing family practice	R.1976 d.358	8 N.J.R. 551(b)
8:65-9.1 et seq.	Delete and mark Subchapter Reserved	R.1976 d.376	8 N.J.R. 17(b)

(Rules in print in the Administrative Code for Title 8 include all adoptions to Nov. 1, 1976—Transmittal Sheet #6.)

HIGHER EDUCATION — TITLE 9

9:1-1.1 et seq.	Revised rules and standards for institutions of higher education	R.1976 d.139	8 N.J.R. 282(d)
9:1-1.13(c)	Standards for courses offered in secondary schools	R.1976 d.389	8 N.J.R. 19(a)
9:2-2.27	Revise salary rate for adjunct faculty at State colleges	R.1975 d.257	7 N.J.R. 464(c)
9:2-7.1 et seq.	Revisions on appeals to Board of Higher Education	R.1976 d.322	8 N.J.R. 514(b)
9:6-1.1 et seq.	Rules implementing L.1973, c.163	R.1976 d.131	8 N.J.R. 282(c)
9:6-1.2 et seq.	Revise effective dates	R.1976 d.321	8 N.J.R. 514(a)
9:9-1.3	Revisions on loan amounts	R.1976 d.385	8 N.J.R. 18(e)
9:9-1.9	Delete rule on married students	R.1976 d.108	8 N.J.R. 228(b)
9:9-1.11(a)4.	Revisions on applicants	R.1976 d.210	8 N.J.R. 382(f)
9:9-1.31	Revisions on late charges	R.1976 d.17	8 N.J.R. 66(f)
9:9-1.33(d)	Revised procedure for filing claims	R.1976 d.17	8 N.J.R. 66(f)
9:9-4.1 et seq.	Policy governing direct public loans	R.1975 d.217	7 N.J.R. 416(c)
9:9-5.1 et seq.	Policy governing graduate insured loans	R.1975 d.217	7 N.J.R. 416(c)
9:9-6.1 et seq.	Loan refinancing, Student Loan Marketing Association	R.1976 d.209	8 N.J.R. 382(d)
9:13-2.1 et seq.	Rules on debarment, suspension and disqualification of contractors	R.1976 d.332	8 N.J.R. 514(c)

(Rules in print in the Administrative Code for Title 9 include all adoptions to Nov. 1, 1976—Transmittal Sheet #6.)

HUMAN SERVICES — TITLE 10

10:37-6.3	Revised definition of transitional services	R.1976 d.133	8 N.J.R. 286(b)
10:37-7.3	Revisions on system of per capita allocation	R.1976 d.133	8 N.J.R. 286(b)
10:49-1.8	Revisions to Medicaid manuals on out-of-State medical care	R.1976 d.151	8 N.J.R. 287(c)
10:49-1.28	Rescind rule on Medicaid payments to hospitals	R.1976 d.204	8 N.J.R. 385(a)
10:49-1.29	Reimbursement of Medicaid-approved general hospitals	R.1976 d.314	8 N.J.R. 516(a)
10:49-1.32	Medicaid childhood immunization policy	R.1976 d.189	8 N.J.R. 335(b)
10:49-5.3	Revisions on opportunity for fair hearing	R.1976 d.136	8 N.J.R. 286(c)
10:49-8.1 et seq.	Rules on demonstration projects	R.1976 d.234	8 N.J.R. 386(a)
10:51-1.4 et seq.	Revisions on Federally required prescription information	R.1976 d.414	8 N.J.R. 23(f)
10:51-1.10	Revisions on basis of payment for legend drugs	R.1976 d.278	8 N.J.R. 481(a)
10:51-1.17 et seq.	Revisions to several manuals concerning methadone	R.1976 d.215	8 N.J.R. 385(b)
10:51-2.6	Reimbursement for pharmacies	R.1976 d.259	8 N.J.R. 420(c)
10:52-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:53-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:54-1.1 et seq.	Revisions to physicians manual	R.1976 d.218	8 N.J.R. 385(d)
10:54-1.21	Revised rules on portable X-ray	R.1976 d.336	8 N.J.R. 558(b)
10:58-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:60-1.2	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:60-1.3(e)	Medical supplies	R.1976 d.182	8 N.J.R. 335(a)
10:60-1.5	Nonreimbursable home health services	R.1976 d.182	8 N.J.R. 335(a)
10:60-2.1 et seq.	Revise health services authorization and billing procedures	R.1976 d.277	8 N.J.R. 469(a)
10:63-1.15	Revised rules on portable X-ray	R.1976 d.336	8 N.J.R. 558(b)
10:63-3.1 et seq.	Revised 1976 costs study and instructions for long term care	R.1976 d.113	8 N.J.R. 232(d)
10:65-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)

10:66-1.17	Revised rules on portable X-ray	R.1976 d.336	8 N.J.R. 558(b)
10:68-1.1	Revised definition of qualified physical therapist	R.1976 d.335	8 N.J.R. 558(a)
10:69-1.1 et seq.	Rescind rules on reimbursement to pharmaceutical consultants	R.1976 d.216	8 N.J.R. 385(c)
10:69A-1.1 et seq.	Pharmaceutical Assistance to the Aged Manual	R.1976 d.102	8 N.J.R. 232(b)
10:81-2.2 et seq.	Revisions concerning pregnant women	R.1976 d.408	8 N.J.R. 23(c)
10:81-6.12(d)	Revisions on report of hearing officer and official record	R.1976 d.263	8 N.J.R. 420(d)
10:81-6.17	Emergency fair hearings	R.1976 d.144	8 N.J.R. 287(b)
10:81-7.18	Revisions on lost or stolen assistance checks	R.1976 d.138	8 N.J.R. 287(a)
10:81-7.46(b)2.	Amendment on offenses to be reported to Federal authorities	R.1976 d.137	8 N.J.R. 286(d)
10:81-8.7	Revisions on verification of unemployment/disability insurance benefits	R.1976 d.373	8 N.J.R. 558(d)
10:82-1.2 et seq.	Revisions on determination of household size	R.1976 d.406	8 N.J.R. 23(a)
10:82-1.3(a)2.	Revision concerning eligible unit	R.1976 d.407	8 N.J.R. 23(b)
10:82-2.19	Institutionalized child returning temporarily to home	R.1976 d.409	8 N.J.R. 23(d)
10:82-4.2	Revisions on self-employed	R.1976 d.410	8 N.J.R. 23(e)
10:82-5.11	Revisions on expenses incident to training	R.1976 d.405	8 N.J.R. 22(b)
10:85-1.1 et seq.	Revised general assistance manual	R.1976 d.334	8 N.J.R. 557(b)
10:87-3.18 et seq.	Revision to food stamp manual	R.1976 d.374	8 N.J.R. 558(e)
10:94-1.1 et seq.	Adopt new Medicaid only manual	R.1976 d.157	8 N.J.R. 287(d)
10:97-1.1 et seq.	Amend State plan for vocational rehabilitation of blind	R.1976 d.128	8 N.J.R. 286(a)
10:98-1.1 et seq.	Revised State Plan for Vocational Rehabilitation of blind persons	R.1976 d.106	8 N.J.R. 232(c)
10:109 Appendix I	Revisions on Ruling 11, Part I, classification and compensation plan	R.1976 d.66	8 N.J.R. 195(c)
10:109-1.1 et seq.	Revisions to Ruling 11	R.1976 d.310	8 N.J.R. 515(a)
10:120-2.1	Delete and mark Section reserved	R.1976 d.363	8 N.J.R. 558(c)

(Rules in print in the Administrative Code for Title 10 include all adoptions to April 1, 1976—Transmittal Sheet #6.)

INSURANCE — TITLE 11

11:1-7.1 et seq.	Service and placement fees	R.1976 d.266	8 N.J.R. 422(b)
11:1-8.1 et seq.	Property-casualty agents	R.1976 d.267	8 N.J.R. 423(a)
11:1-12.1 et seq.	Corporate and partnership licensee requirements	R.1976 d.412	8 N.J.R. 24(b)
11:3-8.1(g)	Rule on consent to nonrenewal of private passenger automobile coverage	R.1976 d.328	8 N.J.R. 516(e)
11:3-8.1	Revisions on nonrenewals	R.1976 d.413	8 N.J.R. 24(c)
11:3-10.4	Revisions on auto physical damage claims	R.1976 d.371	8 N.J.R. 559(c)
11:4-11.1 et seq.	Rules on life insurance solicitations	R.1976 d.329	8 N.J.R. 517(a)
11:5-1.15(e)	Area advertising	R.1976 d.276	8 N.J.R. 482(a)
11:5-1.10(b)	Revisions on salesmen's commissions	R.1976 d.254	8 N.J.R. 422(a)
11:5-1.25(a)	Revisions on sales of interstate properties	R.1976 d.275	8 N.J.R. 516(d)

(Rules in print in the Administrative Code for Title 11 include all adoptions to Aug. 13, 1976—Transmittal Sheet #7.)

LABOR AND INDUSTRY — TITLE 12

(Rules in print in the Administrative Code for Title 12 include all adoptions to Oct. 25, 1976—Transmittal Sheet #6.)

LAW AND PUBLIC SAFETY — TITLE 13

13:1-3.4(a)4	Amendment on firearms instruction	R.1976 d.35	8 N.J.R. 137(a)
13:1-4.1(a)3	Revisions on police officer certification—basic training	R.1975 d.370	8 N.J.R. 48(a)
13:1B-1.1 et seq.	Revised rules implementing the Emergency Services Act of 1972	R.1976 d.109	8 N.J.R. 251(b)
13:2-1.16	Advertising notice of application for State license	R.1976 d.72	8 N.J.R. 203(c)
13:2-2.14	Advertising notice of application for municipal license	R.1976 d.72	8 N.J.R. 203(c)
13:2-13.3 et seq.	Revisions on licensees	R.1975 d.237	7 N.J.R. 436(b)
13:2-24.2(a)	Revisions on minimum standards of fill	R.1976 d.252	8 N.J.R. 439(c)
13:2-31.3 et seq.	Revisions to retail and wholesale prices and extension of credit	R.1975 d.238	7 N.J.R. 436(c)
13:2-34.8	Revisions on wholesale prices	R.1975 d.263	7 N.J.R. 482(c)
13:2-34.14(d)	Amendment on wholesale prices of alcoholic beverages and returns	R.1975 d.353	8 N.J.R. 47(c)
13:2-34.14(d)1.	Ratify emergency rule on wholesale prices of alcoholic beverages	R.1976 d.71	8 N.J.R. 203(b)
13:4-8.3(a)	Delete text on interrogatory default procedure	R.1975 d.346	7 N.J.R. 571(b)
13:18-1.8 et seq.	Revisions on over-dimensional or overweight vehicle permits	R.1976 d.297	8 N.J.R. 483(b)
13:18-8.1	Rule on overhang standards	R.1975 d.285	7 N.J.R. 483(a)
13:18-9.1	Security deposits for uninsured motorists	R.1976 d.75	8 N.J.R. 204(a)
13:20-7.1	Revisions on automobile inspection adjustments	R.1975 d.335	7 N.J.R. 571(a)
13:20-28.6	Revisions on new car decals	R.1975 d.174	7 N.J.R. 343(b)
13:20-28.8	Revisions on new car evidence of compliance	R.1975 d.174	7 N.J.R. 343(b)
13:20-32.1 et seq.	Rules on licensing of motor vehicle reinspection centers	R.1975 d.333	7 N.J.R. 570(c)
13:20-33.1 et seq.	Standards and procedures used by licensed reinspection centers	R.1975 d.334	7 N.J.R. 570(d)
13:20-34.1 et seq.	Rules on identifying marks	R.1976 d.302	8 N.J.R. 532(a)
13:21-15.4	Revisions for rejection, suspension or revocation of motor vehicle dealer license	R.1976 d.4	8 N.J.R. 83(b)

13:21-18.1 et seq.	Rules on snowmobile registration	R.1975 d.289	7 N.J.R. 508(b)
13:27-3.4	Revisions on licensing	R.1976 d.423	8 N.J.R. 41(b)
13:27-3.13	Board of architects revised fee schedule	R.1975 d.171	7 N.J.R. 342(a)
13:27-3.13	Revised fees for architects	R.1975 d.171	7 N.J.R. 342(a)
13:29-1.2	Public school accountant's license	R.1976 d.87	8 N.J.R. 204(b)
13:29-2.1 et seq.	Revisions on registered municipal accountants	R.1976 d.87	8 N.J.R. 204(b)
13:30-8.1	Fee schedules	R.1975 d.259	7 N.J.R. 482(b)
13:30-8.1	Revised fee schedules for dentists	R.1976 d.11	8 N.J.R. 84(a)
13:30-8.2	Additional dental hygiene functions	R.1976 d.353	8 N.J.R. 561(a)
13:30-8.3	Rule on use of general anesthesia by dentists	R.1976 d.367	8 N.J.R. 561(b)
13:30-8.4	Announcement of practice in special area of dentistry	R.1976 d.370	8 N.J.R. 562(a)
13:30-8.5	Complaint review procedure	R.1976 d.422	8 N.J.R. 41(a)
13:31-1.10	Rule on electrical contracting	R.1976 d.369	8 N.J.R. 563(a)
13:34-1.2	Examination review procedure	R.1976 d.309	8 N.J.R. 532(b)
13:35-3.2	Endorsement; Federation Licensing Examination	R.1976 d.48	8 N.J.R. 137(b)
13:35-3.6	Board of Medical Examiners fee schedule	R.1975 d.172	7 N.J.R. 343(a)
13:35-3.6	Revised fees for medical examiners	R.1975 d.172	7 N.J.R. 343(a)
13:35-3.7	Endorsement; first two parts of National Board of Medical Examiners or Osteopathic Examiners and third part of FLEX	R.1976 d.48	8 N.J.R. 137(b)
13:35-3.8	Examination; third part of FLEX and first two parts of National Boards of Medical Examiners and Osteopathic Examiners	R.1976 d.48	8 N.J.R. 137(b)
13:35-7.1	Rule on major surgery	R.1976 d.255	8 N.J.R. 439(d)
13:35-8.1 et seq.	Rules on hearing aid dispensers	R.1976 d.238	8 N.J.R. 439(a)
13:36-3.6	Examination review procedure	R.1975 d.309	7 N.J.R. 509(a)
13:37-1.1	Revised definition of professional nursing	R.1976 d.368	8 N.J.R. 575(a)
13:37-9.6	Waivered practical nurses licensure by examination	R.1976 d.411	8 N.J.R. 26(c)
13:38-3.11	Revisions on written examinations for optometry licenses	R.1976 d.105	8 N.J.R. 251(a)
13:39-4.2 et seq.	Revisions on pharmacist preceptors and internships	R.1976 d.298	8 N.J.R. 483(c)
13:40-3.1(g)	Enumeration of prohibited acts	R.1976 d.228	8 N.J.R. 402(a)
13:42-1.1	Examination review procedure	R.1975 d.310	7 N.J.R. 510(a)
13:44-4.1	Revised fees for veterinarians	R.1975 d.173	7 N.J.R. 342(b)
13:44-4.1	Veterinary medical examiners fee schedule	R.1975 d.173	7 N.J.R. 342(b)
13:45A-2.1 et seq.	Revisions on motor vehicle advertising rules	R.1976 d.362	8 N.J.R. 563(b)
13:45A-12.1 et seq.	Rules on sale of animals	R.1975 d.351	7 N.J.R. 571(c)
13:45A-13.1 et seq.	Rules on delegating investigative authority to county and municipal offices of consumer protection	R.1976 d.245	8 N.J.R. 439(b)
13:45A-14.1 et seq.	Unit pricing of consumer commodities in retail establishments	R.1976 d.265	8 N.J.R. 439(e)
13:47E-2.1	Retention of public or certified weighing records	R.1976 d.421	8 N.J.R. 26(d)
13:57-1.1 et seq.	Rules on uniform crime reporting systems	R.1976 d.397	8 N.J.R. 26(b)
13:70-1.26 et seq.	Revisions to thoroughbred racing rules	R.1976 d.125	8 N.J.R. 308(a)
13:70-3.48 et seq.	Amended rules on penalties	R.1976 d.292	8 N.J.R. 483(a)
13:71-1.25 et seq.	Revisions to harness racing rules	R.1976 d.125	8 N.J.R. 308(a)
13:71-2.3 et seq.	Amended rules on penalties	R.1976 d.292	8 N.J.R. 483(a)

(Rules in print in the Administrative Code for Title 13 include all adoptions to June 15, 1975—Transmittal Sheet #7.)

PUBLIC UTILITIES — TITLE 14

(Rules in print in the Administrative Code for Title 14 include all adoptions to Aug. 13, 1976—Transmittal Sheet #6.)

STATE — TITLE 15

15:10-1.1 et seq.	Voter registration by mail	R.1974 d.270	6 N.J.R. 412(b)
15:10-1.1 et seq.	Revisions on voter registration by mail	R.1975 d.114	7 N.J.R. 278(a)
15:10-2.1 et seq.	Rules on voter declaration of political party	R.1976 d.119	8 N.J.R. 253(a)
15:10-3.1 et seq.	Rules on all election district maps	R.1976 d.375	8 N.J.R. 42(b)

(Rules in print in the Administrative Code for Title 15 include all adoptions to June 30, 1974—Transmittal Sheet #7.)

TRANSPORTATION — TITLE 16

16:3-1.1 et seq.	Uniform patent policy	R.1975 d.160	7 N.J.R. 345(b)
16:26-3.1 et seq.	Revisions on highway safety lighting	R.1975 d.288	7 N.J.R. 521(b)
16:27-1.6	Limitations on use of Parkway	R.1975 d.342	7 N.J.R. 577(b)
16:28-1.10	Revised speed limits on parts of U.S. 46	R.1975 d.95	7 N.J.R. 237(b)
16:28-1.10	Revisions to speed limits on parts of Route U.S. 46	R.1976 d.176	8 N.J.R. 352(a)
16:28-1.14	Revised rules on rates of speed on Route 33	R.1975 d.17	7 N.J.R. 118(b)

16:28-1.16	Revised rates of speed on parts of Route 35	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.18	Amend speed limits on portions of Route 34	R.1976 d.293	8 N.J.R. 489(b)
16:28-1.19	Revised rates of speed on parts of Route 5	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.24	Revised speeds on parts of Route U.S. 206	R.1976 d.324	8 N.J.R. 536(b)
16:28-1.25 et seq.	Revise rules on rates of speed along certain State highways	R.1974 d.197	6 N.J.R. 325(a)
16:28-1.26	Revised speed limits on parts of Route U.S. 206	R.1976 d.43	8 N.J.R. 139(e)
16:28-1.33	Revised speed zones on Route 41	R.1976 d.380	8 N.J.R. 42(c)
16:28-1.35	Revised speed limits on portions of Route 18	R.1974 d.340	7 N.J.R. 32(d)
16:28-1.36	Revised speed limits on parts of Route 24	R.1975 d.17	7 N.J.R. 118(a)
16:28-1.44	Revised speed limits on parts of Route 27	R.1976 d.57	8 N.J.R. 207(c)
16:28-1.49	Revise speed zones on parts of Route 35	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.50	Revised rates of speed on parts of Route 7	R.1976 d.280	8 N.J.R. 488(b)
16:28-1.51	Revised speed limits on parts of Route 55	R.1975 d.167	7 N.J.R. 346(a)
16:28-1.51	Revised speed limits for parts of Route 55	R.1975 d.254	7 N.J.R. 439(b)
16:28-1.61	Rates of speed on parts of Route 22 Freeway	R.1975 d.241	7 N.J.R. 439(a)
16:28-1.63	Revise rates of speed on Route U.S. 22	R.1974 d.326	7 N.J.R. 32(c)
16:28-1.66	Revised speed zones on Route 175	R.1976 d.380	8 N.J.R. 42(c)
16:28-1.67	Revisions to rates of speed on parts of U.S. 202	R.1974 d.325	7 N.J.R. 32(b)
16:28-1.68	Revised rates of speed on parts of Route 17	R.1975 d.153	7 N.J.R. 344(d)
16:28-1.70 et seq.	Revise speed rates on certain State highways	R.1976 d.379	8 N.J.R. 85(b)
16:28-1.72	Revised speeds on parts of Route U.S. 206	R.1976 d.324	8 N.J.R. 536(b)
16:28-1.76	Revised speed limits on parts of Route 15	R.1974 d.354	7 N.J.R. 73(c)
16:28-1.76	Revised speeds on parts of Route U.S. 206	R.1976 d.324	8 N.J.R. 536(b)
16:28-1.77	Revised rates of speed on parts of Route 29	R.1975 d.144	7 N.J.R. 344(c)
16:28-1.90	Revised rates of speed on parts of Route 166	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.96	Revise rates of speed on Route N.J. 45	R.1974 d.326	7 N.J.R. 32(c)
16:28-1.100	Revised speed limits on Route 439	R.1975 d.50	7 N.J.R. 178(c)
16:28-1.102	Revised speed limits on parts of Route 4	R.1976 d.177	8 N.J.R. 352(b)
16:28-1.106	Revised speed limits on parts of Route 31	R.1976 d.43	8 N.J.R. 139(e)
16:28-1.107	Revised speed limits on parts of Route 48	R.1975 d.294	7 N.J.R. 521(c)
16:28-1.111	Speed limits on Route 179 in Hunterdon County	R.1974 d.249	6 N.J.R. 414(a)
16:28-1.114	Revised rates of speed on parts of Route 440	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.120	Revised rates of speed on parts of Route 38	R.1976 d.140	8 N.J.R. 312(a)
16:28-1.121	Revised speed limits on parts of Route 93	R.1976 d.57	8 N.J.R. 207(c)
16:28-1.122	Revisions to rates of speeds on U.S. 1, 9 and 46	R.1974 d.291	6 N.J.R. 493(a)
16:28-1.128	Revise speed limits on parts of Route 88	R.1975 d.329	7 N.J.R. 576(c)
16:28-1.132	Revise speed zones on parts of Route 47	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.133	Delete and mark reserved	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.134	Delete and mark reserved	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.148	Revised speed limits on Route I-295	R.1975 d.24	7 N.J.R. 118(c)
16:28-1.157	Rates of speeds on Route 173	R.1974 d.291	6 N.J.R. 493(a)
16:28-1.158	Speed limits on Route 87 in Atlantic City	R.1974 d.249	6 N.J.R. 414(a)
16:28-1.159	Rates of speed on parts of Route 33	R.1975 d.17	7 N.J.R. 118(b)
16:28-1.160	Speed limits on portions of Route I-78	R.1974 d.340	7 N.J.R. 32(d)
16:28-1.162	Speed limits on Route 33 Freeway	R.1975 d.274	7 N.J.R. 488(a)
16:28-1.163	Speed limits on parts of Route U.S. 9	R.1976 d.281	8 N.J.R. 488(c)
16:28-1.164	Revised rates of speed on parts of Route 444	R.1976 d.280	8 N.J.R. 488(b)
16:28-1.165	Rates of speed on parts of Route 23	R.1976 d.324	8 N.J.R. 536(b)
16:28-2.1	Weight limit along Route 152 in Egg Harbor Township	R.1975 d.63	7 N.J.R. 178(d)
16:28-3.18	Restricted parking on parts of Route 47	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.77	Rules on restricted parking along certain State highways	R.1974 d.226	6 N.J.R. 359(d)
16:28-3.20 et seq.	Restricted parking on Routes 70, 73, U.S. 22 and U.S. 130	R.1974 d.216	6 N.J.R. 359(b)
16:28-3.24	Route number U.S. 40	R.1974 d.226	6 N.J.R. 359(d)
16:28-3.25	Route number 47	R.1974 d.292	6 N.J.R. 493(b)
16:28-3.26	No parking; Route 35	R.1974 d.292	6 N.J.R. 493(b)
16:28-3.27	No parking; Route 27	R.1974 d.359	7 N.J.R. 74(a)
16:28-3.28	Restricted parking rules on various State highways		
through 16:28-3.41		R.1975 d.16	7 N.J.R. 117(a)
16:28-3.42	Restricted parking along certain State highways		
through 16:28-3.50		R.1975 d.49	7 N.J.R. 178(b)
16:28-3.51	Rules on restricted parking on various State highways		
through 16:28-3.62		R.1975 d.143	7 N.J.R. 344(b)
16:28-3.63	Rules on restricted parking on various State highways		
through 16:28-3.67		R.1975 d.154	7 N.J.R. 345(a)
16:28-3.65	Revised restricted parking on parts of Route 47	R.1976 d.282	8 N.J.R.
16:28-3.68	Rules on restricted parking on various State highways		
through 16:28-3.71		R.1975 d.202	7 N.J.R. 387(c)
16:28-3.72	Rules on restricted parking on certain State highways		

through 16:28-3.76			
16:28-3.77	Rules on restricted parking along certain State highways	R.1975 d.269	7 N.J.R. 487(c)
through 16:28-3.83			
16:28-3.81	Restricted parking on parts of Route 31	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.84	Revised rules on no-parking zones along various State highways	R.1975 d.295	7 N.J.R. 522(a)
through 16:28-3.89			
16:28-3.85	Revised no parking zones on parts of Route U.S. 9	R.1976 d.56	8 N.J.R. 0000
16:28-3.90	No-parking zones on portions of Route 31	R.1975 d.338	7 N.J.R. 577(a)
16:28-3.91	Restricted parking on parts of Route 79	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.91	Restricted parking on parts of Routes 70, 79 and U.S. 206	R.1975 d.378	8 N.J.R. 85(a)
through 16:28-3.93			
16:28-3.94	Restricted parking along portions of various State highways	R.1976 d.42	8 N.J.R. 139(d)
through 16:28-3.100			
16:28-3.101	No parking zones on parts of Route 38	R.1976 d.56	8 N.J.R. 207(b)
16:28-3.102	No parking zones on parts of Route U.S. 9	R.1976 d.56	8 N.J.R. 207(b)
16:28-3.103	No parking zones on parts of Route 49	R.1976 d.80	8 N.J.R. 207(d)
16:28-3.104	Restricted parking on parts of Route 49	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.105	Restricted parking on parts of Route 10	R.1976 d.141	8 N.J.R. 312(b)
16:28-3.106	No parking zones on parts of Route 27	R.1976 d.180	8 N.J.R. 352(e)
16:28-3.107	No parking zones on parts of Route 3	R.1976 d.180	8 N.J.R. 352(e)
16:28-3.108	No parking zones on parts of Route 28	R.1976 d.181	8 N.J.R. 352(f)
16:28-3.109	No parking zones on parts of Route 27	R.1976 d.181	8 N.J.R. 352(f)
16:28-3.110	No parking zones on parts of Routes U.S. 202-206	R.1976 d.181	8 N.J.R. 352(f)
16:28-3.111	Rules establishing no parking zones along Routes 94 and U.S. 206	R.1976 d.170	8 N.J.R. 339(c)
through 16:28-3.113			
16:28-3.114	Restricted parking on parts of Route 20	R.1976 d.248	8 N.J.R. 443(a)
16:28-3.115	Restricted parking on portions of various State highways	R.1976 d.282	8 N.J.R. 489(a)
through 16:28-3.118			
16:28-3.119	Restricted parking on parts of Route U.S. 9, N.J. 45 and 44	R.1976 d.323	8 N.J.R. 536(a)
through 16:28-3.121			
16:28-3.122	Restricted parking on parts of Route 20	R.1976 d.274	8 N.J.R. 488(a)
16:28-3.123	Restricted parking on parts of Routes 24, U.S. 202 and 27	R.1976 d.352	8 N.J.R. 582(b)
through 16:28-3.127			
16:28-3.128	Restricted parking on Routes 82, 28 and U.S. 9	R.1976 d.382	8 N.J.R. 43(a)
through 16:28-3.130			
16:28-4.1 et seq.	One-way street regulations	R.1974 d.225	6 N.J.R. 359(c)
16:28-4.3	One-way traffic along Route 79	R.1974 d.293	6 N.J.R. 493(c)
16:28-4.4	One-way traffic on parts of Route U.S. 202	R.1975 d.255	7 N.J.R. 439(c)
16:28-4.5	One-way traffic along parts of Route 29 in Lambertville	R.1976 d.118	8 N.J.R. 258(a)
16:28-5.1	Designation of stop intersections	R.1974 d.250	6 N.J.R. 414(b)
16:28-5.2	Stop intersections on parts of Route 440	R.1976 d.44	8 N.J.R. 140(a)
16:28-6.1	No left turn rules on parts of Route U.S. 206	R.1974 d.324	7 N.J.R. 32(a)
16:28-6.1	Revisions on left turns on Route U.S. 206 in Bedminster Township	R.1975 d.48	7 N.J.R. 178(a)
16:28-6.2	Restricted left turns on portions of Route 24	R.1975 d.337	7 N.J.R. 576(d)
through 16:28-6.3			
16:28-6.4	No-left turns along parts of Route 35	R.1976 d.41	8 N.J.R. 139(c)
16:28-6.5	No-left turns along parts of Route U.S. 40	R.1976 d.41	8 N.J.R. 139(c)
16:28-6.6	No left turns on portions of Routes 88, 23, 31 and 47	R.1976 d.142	8 N.J.R. 312(c)
through 16:28-6.9			
16:28-6.7	No left turns on parts of Route 23	R.1976 d.325	8 N.J.R. 537(a)
16:28-6.10	Left turns on parts of Routes U.S. 1 and 9	R.1976 d.178	8 N.J.R. 352(c)
16:28-6.11	Left turns on parts of Route U.S. 30	R.1976 d.179	8 N.J.R. 352(d)
16:28-6.12	No left turns on parts of Route 21	R.1976 d.249	8 N.J.R. 443(b)
16:28-6.13	No left turns on parts of Route 88	R.1976 d.325	8 N.J.R. 537(a)
16:28-6.14	No left turns on Route 35 in Matawan Township	R.1976 d.381	8 N.J.R. 42(d)
16:28-7.1	Lane usage on Route 35	R.1975 d.375	8 N.J.R. 50(b)
16:28-7.2	Left turns on parts of Route 168	R.1976 d.326	8 N.J.R. 537(b)
16:28-8.1	Yield intersection on Route 71	R.1976 d.39	8 N.J.R. 139(a)
16:28-9.1	Emergency stopping only on parts of Route 55	R.1976 d.40	8 N.J.R. 139(b)
16:28-10.1	Rules on through streets	R.1976 d.55	8 N.J.R. 207(a)
16:41-1.1 et seq.	Revised fees for highway access permits	R.1975 d.13	7 N.J.R. 73(b)
16:41-2.3 et seq.	Revised fee schedules	R.1975 d.207	7 N.J.R. 387(d)
16:41-3.3 et seq.	Revised State highway application and permit fees	R.1976 d.343	8 N.J.R. 581(a)
16:41-8.4	Revised general restrictions	R.1976 d.350	8 N.J.R. 581(b)
16:41-8.6	Revised standard requirements	R.1976 d.350	8 N.J.R. 581(b)
16:50-2.6	Rule on emergency hearings	R.1975 d.199	7 N.J.R. 387(b)
16:51-4.1 et seq.	Delegation of powers for seniors half-fare bus program	R.1975 d.113	7 N.J.R. 280(b)
16:52-1.1 et seq.	Federal grant program to provide transportation services	R.1976 d.117	8 N.J.R. 259(a)

16:54-6.1 et seq.	Take-off or landing by balloons	R.1974 d.308	6 N.J.R. 494(a)
16:54-6.1 et seq.	Revised rules on ballooning	R.1975 d.131	7 N.J.R. 281(a)
16:65-2.1 et seq.	Revisions on distribution of standard specifications	R.1975 d.195	7 N.J.R. 387(a)
16:65-8.1 et seq.	Debarment, suspension and disqualification; State contracts	R.1976 d.207	8 N.J.R. 404(b)

(Rules in print in the Administrative Code for Title 16 include all adoptions to June 30, 1974—Transmittal Sheet #6.)

TREASURY-GENERAL — TITLE 17

17:1-1.8 et seq.	Revisions on general administration	R.1975 d.235	7 N.J.R. 446(a)
17:1-1.15	Revisions on endorsements	R.1975 d.385	8 N.J.R. 88(a)
17:1-1.15(b)	Revisions on endorsements	R.1976 d.95	8 N.J.R. 262(a)
17:1-1.15(e)	Compliance with endorsement requirements	R.1974 d.219	6 N.J.R. 360(a)
17:1-1.17	Revisions on administrative expenses and their proration	R.1975 d.30	7 N.J.R. 122(a)
17:1-1.21	Rules for pensioners' group health insurance plan	R.1976 d.338	8 N.J.R. 586(b)
through 17:1-1.23			
17:1-2.20	Base or contractual salary	R.1976 d.36	8 N.J.R. 140(d)
17:1-7.2	Revisions on employer payments and delinquencies	R.1976 d.212	8 N.J.R. 407(b)
17:2-1.3	Revisions concerning officers and committees	R.1976 d.383	8 N.J.R. 48(a)
17:2-1.4(b)3.	Revisions on election of public employment member-trustee	R.1976 d.213	8 N.J.R. 407(c)
17:2-1.13 et seq.	Revisions on Public Employees' Retirement System	R.1974 d.230	6 N.J.R. 361(a)
17:3-1.4 et seq.	Revise rules of teachers' pension and annuity fund	R.1975 d.140	7 N.J.R. 349(a)
17:4-1.4 et seq.	Revisions to rules of Police and Firemen's Retirement System	R.1975 d.191	7 N.J.R. 393(a)
17:4-7.1	Revisions on interfund transfers; other state systems	R.1976 d.214	8 N.J.R. 407(d)
17:4-7.2	Revisions on interfund transfers; eligibility	R.1976 d.214	8 N.J.R. 407(d)
17:5-2.2	Revisions on survivor benefits	R.1976 d.104	8 N.J.R. 262(c)
17:5-4.1	Revision on previous State service or former membership	R.1976 d.104	8 N.J.R. 262(c)
17:5-5.15	Revisions on medical examinations	R.1976 d.104	8 N.J.R. 262(c)
17:5-6.1	Revisions on interfund transfers and other State systems	R.1976 d.104	8 N.J.R. 262(c)
17:6-3.3	Revisions on survivor benefits	R.1976 d.103	8 N.J.R. 262(b)
17:6-3.9	Revisions on medical examinations	R.1976 d.103	8 N.J.R. 262(b)
17:7-1.9 et seq.	Revise parts of Prison Officers' Pension Fund rules	R.1975 d.213	7 N.J.R. 442(a)
17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R.1974 d.231	6 N.J.R. 361(b)
17:9-1.5	Revisions on voluntary termination of employer; notice	R.1976 d.124	8 N.J.R. 263(a)
17:9-2.3	Revisions on annual enrollment period	R.1974 d.228	6 N.J.R. 360(c)
17:9-2.3	Revisions on annual enrollment period	R.1976 d.124	8 N.J.R. 263(a)
17:9-2.9	Revisions on transfees	R.1976 d.124	8 N.J.R. 263(a)
17:9-2.10	HMO election; same employer	R.1976 d.124	8 N.J.R. 263(a)
17:9-2.15	Major medical; separate plans	R.1975 d.68	7 N.J.R. 181(a)
17:9-3.1 et seq.	Revisions to State Health Benefits Program	R.1976 d.313	8 N.J.R. 539(a)
17:9-4.2	Revised definition of State; full time	R.1975 d.68	7 N.J.R. 181(a)
17:9-5.4	Revisions on local employer payment of dependent charges	R.1974 d.229	6 N.J.R. 360(d)
17:9-5.5	Revisions concerning local employer resolution	R.1975 d.65	7 N.J.R. 180(c)
17:9-5.6	Health maintenance organization premiums	R.1974 d.228	6 N.J.R. 360(c)
17:9-5.10	Retroactive premiums; payment due	R.1975 d.159	7 N.J.R. 349(b)
17:9-6.3	Amend retired coverage limitations	R.1975 d.159	7 N.J.R. 349(b)
17:10-1.10 et seq.	Revisions to rules on Judicial Retirement System	R.1976 d.304	8 N.J.R. 538(c)
17:10-3.1	Revised computation of benefits	R.1974 d.335	7 N.J.R. 34(a)
17:10-5.7	Revised employer disability application; employee notice	R.1974 d.335	7 N.J.R. 34(a)
17:12-6.1 et seq.	Rules on debarment, suspension and disqualification of persons	R.1976 d.377	8 N.J.R. 47(a)
17:12-7.1 et seq.	Rules on bid and performance bonds	R.1976 d.378	8 N.J.R. 47(b)
17:13-8.1 et seq.	Rules on contract administration	R.1976 d.239	8 N.J.R. 445(a)
17:16-5.3(a)5.	Revision to static group	R.1976 d.115	8 N.J.R. 262(d)
17:16-5.4	Revised demand group	R.1975 d.11	7 N.J.R. 76(b)
17:16-5.5	Revised temporary reserve group	R.1975 d.362	8 N.J.R. 51(a)
17:16-5.5	Revised temporary reserve group	R.1975 d.278	7 N.J.R. 490(a)
17:16-5.5	Revisions on temporary reserve group; classification of funds	R.1976 d.290	8 N.J.R. 492(b)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R.1974 d.192	6 N.J.R. 328(c)
17:16-5.5	Revised temporary reserve group	R.1976 d.29	8 N.J.R. 140(c)
17:16-5.6(a)3.	Revisions to trust group	R.1976 d.115	8 N.J.R. 262(d)
17:16-6.1(a)8.	Add Federal Financing Bank to approved list	R.1974 d.323	6 N.J.R. 496(a)
17:16-6.1	Revised rules on U.S. Treasury and government agency obligations	R.1975 d.97	7 N.J.R. 241(a)
17:16-7.1	Amendments on permissible investments; corporate obligations	R.1976 d.152	8 N.J.R. 313(a)
17:16-7.3	Delete from revolving housing development grant fund	R.1974 d.191	6 N.J.R. 328(b)
17:16-7.4	Revised rule on legal papers	R.1976 d.401	8 N.J.R. 46(a)
17:16-7.4(a)	Revisions on legal papers; corporate obligations legal for banks	R.1976 d.291	8 N.J.R. 493(a)
17:16-8.1	Revisions on corporate securities industrial obligations	R.1976 d.156	8 N.J.R. 314(c)

17:16-8.1(a)5.	Amendment on corporate securities - industrial obligations	R.1976 d.116	8 N.J.R. 252(e)
17:16-8.1(a)6.	Amend permissible investment rules concerning corporate securities	R.1974 d.321	6 N.J.R. 495(b)
17:16-8.2	Revised rule on legal papers	R.1976 d.402	8 N.J.R. 46(b)
17:16-9.1(a)5.	Revision concerning finance companies—senior debt	R.1974 d.322	6 N.J.R. 495(c)
17:16-9.1(a)6.	Amendment on finance companies senior debt	R.1976 d.153	8 N.J.R. 313(b)
17:16-11.1	Revisions on applicable funds	R.1975 d.363	8 N.J.R. 51(b)
17:16-13.5	Revisions on legal papers; commercial paper	R.1974 d.218	6 N.J.R. 361(c)
17:16-13.5	Revisions on legal papers	R.1975 d.236	7 N.J.R. 442(b)
17:16-21.1(a)6.	Amendments on bank debentures; pension and annuity group	R.1976 d.154	8 N.J.R. 314(a)
17:16-23.3(c)	Amendments on Canadian obligations limitations	R.1976 d.155	8 N.J.R. 314(b)
17:16-27.4	Revisions on legal papers; certificates of deposit	R.1976 d.208	8 N.J.R. 407(a)
17:16-29.1	Revised definition for FHA mortgages	R.1975 d.364	8 N.J.R. 51(c)
17:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R.1974 d.265	6 N.J.R. 416(b)
17:16-37.1(a)6.	Addition of Federal Financing Bank to approved list	R.1974 d.264	6 N.J.R. 416(a)
17:16-38.1 et seq.	Common Pension Fund C	R.1974 d.266	6 N.J.R. 416(c)
17:16-39.1 et seq.	Rules on bankers' acceptances	R.1974 d.263	6 N.J.R. 415(b)
17:16-39.1 et seq.	Collateralized notes and mortgages	R.1975 d.67	7 N.J.R. 180(d)
17:18-1.1 et seq.	Revised rules on tax appeals administration	R.1976 d.145	8 N.J.R. 312(e)
17:19A-1.1 et seq.	Revised rules on facilities for the physically handicapped	R.1976 d.284	8 N.J.R. 492(a)
17:19A-1.3 et seq.	Revisions of facilities for physically handicapped in public buildings	R.1976 d.313	8 N.J.R. 539(a)
17:19A-1.3 et seq.	Revisions of building facilities for physically handicapped	R.1976 d.319	8 N.J.R. 539(b)
17:20-5.10	Revise agent's compensation rule	R.1974 d.329	7 N.J.R. 33(b)
17:21-1.4(b)	Revisions on special lotteries	R.1974 d.224	6 N.J.R. 360(b)
17:21-2.3 et seq.	Revised rules concerning weekly lottery	R.1974 d.329	7 N.J.R. 33(b)
17:21-6.1	Delete rules on daily lottery	R.1975 d.374	8 N.J.R. 52(a)
through 17:21-6.6			
17:21-6.9	Final drawings for daily lottery	R.1975 d.374	8 N.J.R. 52(a)
17:21-11.1 et seq.	1776 Instant Lottery rules	R.1975 d.318	7 N.J.R. 525(a)
17:21-11.5 et seq.	Revised rules on 1776 Instant Lottery	R.1975 d.330	7 N.J.R. 578(b)

(Rules in print in the Administrative Code for Title 17 include all adoptions to June 30, 1974—Transmittal Sheet #6.)

TREASURY-TAXATION — TITLE 18

18:12-7.1 et seq.	Instructions on homestead tax rebate claims	R.1976 d.333	8 N.J.R. 582(c)
18:12-7.11	Extension of filing date	R.1976 d.339	8 N.J.R. 586(c)
18:30-2.1 et seq.	Revisions for capital gains and unearned income tax	R.1976 d.399	8 N.J.R. 49(a)
18:30-15.13	Delete and mark Reserved	R.1976 d.398	8 N.J.R. 48(b)
18:30-15.13	New rule on information furnished at source	R.1976 d.400	8 N.J.R. 48(c)
18:35-1.1	Summer payment plan; gross income tax	R.1976 d.415	8 N.J.R. 52(a)
18:35-1.2	Clergymen and gross income tax	R.1976 d.424	8 N.J.R. 52(b)
18:35-1.3	Declaration of 1976 estimated tax	R.1976 d.425	8 N.J.R. 52(c)

(Rules in print in the Administrative Code for Title 18 include all adoptions to Aug. 13, 1976—Transmittal Sheet #7.)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making loans to mortgage lenders	R.1974 d.233	6 N.J.R. 370(b)
19:1-1.1 et seq.	Revised rules of Mortgage Finance Agency	R.1975 d.311	7 N.J.R. 528(a)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R.1974 d.251	6 N.J.R. 418(b)
19:1-1.4 et seq.	Revisions on requests for loans and allocation and award of loans	R.1975 d.324	7 N.J.R. 579(c)
19:3A-2.1	Required land use and control meadows; flood insurance	R.1974 d.213	6 N.J.R. 369(b)
19:3A-2.2	Securing coverage under National Flood Insurance Program	R.1974 d.212	6 N.J.R. 361(d)
19:4-6.25	Revisions on Hackensack Meadowland appeals	R.1975 d.355	8 N.J.R. 52(c)
19:7-1.1(a)1.	Revisions on permitted sites and sanitary landfills	R.1974 d.214	6 N.J.R. 369(a)
19:8-1.1	Garden State Arts Center defined	R.1975 d.145	7 N.J.R. 350(d)
19:8-1.1 et seq.	Revision on motorcycles on Parkway	R.1975 d.332	7 N.J.R. 579(b)
19:8-1.1	Revised definitions	R.1976 d.167	8 N.J.R. 359(b)
19:8-1.9	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:8-1.13	Traffic control on Garden State Parkway	R.1975 d.222	7 N.J.R. 447(b)
19:8-2.11	Rules on Garden State Arts Center	R.1975 d.145	7 N.J.R. 350(d)
19:8-2.12	Emergency service on Parkway	R.1975 d.331	7 N.J.R. 579(a)
19:8-3.1	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:8-3.1(b)	Revised toll schedule for new Union County interchange	R.1974 d.290	6 N.J.R. 496(c)
19:8-3.1(c)	Rule on automatic toll collection machines on Parkway	R.1976 d.127	8 N.J.R. 315(b)
19:8-5.1 et seq.	Central purchasing	R.1976 d.92	8 N.J.R. 315(a)
19:8-7.1 et seq.	Rules on inspection and obtaining of highway authority records	R.1976 d.168	8 N.J.R. 359(c)
19:8-6.1 et seq.	Sales of surplus personal property	R.1976 d.92	8 N.J.R. 315(a)

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

Rules on Complaint Review Procedures

On November 27, 1976, Walter G. Alexander, President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:30-8.5, concerning the complaint review procedure, substantially as proposed in the Notice published May 6, 1976, at 8 N.J.R. 248(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

An order adopting these rules was filed and became effective on December 17, 1976, as R.1976 d.422.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF ARCHITECTS

Adopt Revisions Concerning Licensing

On December 14, 1976, Herman C. Litwack, secretary-director of the Board of Architects in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:3-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:27-3.4 concerning licensing, substantially as proposed in the Notice published November 4, 1975, at 8 N.J.R. 517(c), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

An order adopting these revisions was filed and became effective on December 17, 1976, as R.1976 d.423.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

19:9-1.1	Revised Turnpike definitions	R.1974 d.227	6 N.J.R. 370(c)
19:9-1.9	Revised limitations on use of Turnpike	R.1974 d.227	6 N.J.R. 370(c)
19:9-1.9(a)26.	Delete rule 19:9-1.9 (a) 26.	R.1975 d.41	7 N.J.R. 185(a)
19:9-1.18	Noise limits on Turnpike	R.1974 d.227	6 N.J.R. 370(c)
19:9-1.18(e) and (f)	Revised citations for noise limit rules	R.1975 d.25	7 N.J.R. 122(d)
19:9-3.1	Schedule of towing charges for Turnpike	R.1975 d.221	7 N.J.R. 447(c)
19:11-1.6	Revisions in number of copies to be filed	R.1974 d.347	7 N.J.R. 36(a)
19:11-1.13	Revisions concerning intervention	R.1974 d.346	7 N.J.R. 35(d)
19:11-2.7	Rule on election eligibility lists	R.1974 d.344	7 N.J.R. 35(b)
19:12-1.1	Revisions in filing of notice of impasse	R.1974 d.347	7 N.J.R. 36(a)
19:12-1.1 et seq.	Negotiations and impasse procedures	R.1975 d.10	7 N.J.R. 78(a)
19:12-2.1	Revisions in invocation of fact-finding	R.1974 d.347	7 N.J.R. 36(a)
19:12-3.1	Revisions concerning arbitration	R.1974 d.345	7 N.J.R. 35(c)
19:13-1.1 et seq.	Scope of negotiations proceedings	R.1975 d.10	7 N.J.R. 78(a)
19:14-1.1 et seq.	Unfair practice proceedings	R.1975 d.10	7 N.J.R. 78(a)
19:14A-1.1 et seq.	Hearings	R.1975 d.10	7 N.J.R. 78(a)
19:14-1.5 et seq.	Revisions concerning processing of unfair practice cases	R.1975 d.89	7 N.J.R. 243(a)
19:14-9.1 et seq.	Interim relief	R.1975 d.90	7 N.J.R. 242(a)
19:25-1.1 et seq.	Initial rules of Election Law Enforcement Commission	R.1974 d.267	6 N.J.R. 418(a)
19:25-7.8	Revision on use of funds by political committees	R.1975 d.359	8 N.J.R. 52(b)
19:25-12.2	Revisions on political testimonial affairs	R.1975 d.359	8 N.J.R. 52(b)
19:30-1.1 et seq.	Administrative rules of Economic Development Authority	R.1974 d.332	7 N.J.R. 34(c)
19:30-2.1	Revised application fees	R.1975 d.26	7 N.J.R. 122(c)
19:30-2.2	Delete text on fees	R.1975 d.26	7 N.J.R. 122(c)
19:30-2.2	Loan and bond guarantee fees	R.1976 d.171	8 N.J.R. 359(a)
19:35-1.1	Rules on FM noncommercial radio stations	R.1975 d.118	7 N.J.R. 285(a)

(Rules in print in the Administrative Code for Title 19 include all adoptions to June 30, 1974—Transmittal Sheet #6.)

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Notice of Request for Comments Concerning Proposed Electric Tariff Designs For Solar Systems

Take notice that, the Board of Public Utility Commissioners has issued the following notice requesting comments or input involving proposed electric tariff designs for solar systems.

Full text of the Notice follows:

The Board of Public Utility Commissioners recognizes that the use of solar heating for both space and water heating or cooling systems should be encouraged as conserving nonrenewable resources, reducing pollution and promoting the health and well being of the people of New Jersey. The Board, therefore, wishes to examine rate proposals which could be implemented by electric and gas utilities within the Board's jurisdiction.

Specifically, the Board is seeking comments on the feasibility of requesting that jurisdictional electric and gas utilities submit for the Board's examination tariffs designed to implement a peak load pricing rate schedule for residential class of service containing solar heating for both space and water heating or cooling systems.

The Board requests all interested parties to limit proposals to rate design considerations. The Board further requests that this proposed electric and gas tariff design for solar systems be published in the New Jersey Register and that all comments be filed with Anthony J. Zarillo, Chief, Bureau of Rates, Department of Public Utilities, 101 Commerce Street, Newark, New Jersey 07102, within 45 days of said publication.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 14 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

STATE

SECRETARY OF STATE

Rules on All Election District Maps

On October 27, 1976, F. J. Carragher, Assistant Secretary of State, pursuant to authority of N.J.S.A. 19:4-10 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 15:10-3.1 et seq., concerning all election district maps, substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 484(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of State.

Full text of the adopted subsection affected by these substantive changes follows:

15:10-3.3(g) The boundaries of Congressional districts shall be shown by a thin broken line (- - - -) or yellow line drawn adjacent to the election district boundary line. The boundaries of State legislative districts shall be shown by a thin dotted line (.) or blue line drawn adjacent to the election district boundary line. The boundaries of county freeholder districts, where such freeholder districts are established, shall be shown by a thin broken and dotted line (- . - . - .) or brown line drawn adjacent to the election district boundary.

An order adopting these rules was filed and became effective on November 23, 1976, as R.1976 d.375.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Revisions in Speed Zones On Portions of Routes 41 and 175

On December 2, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-1.33 and 16:28-1.66 concerning speed zones along portions of Routes 41 and 175, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 533(b).

An order adopting these revisions was filed and became effective on December 3, 1976, as R.1976 d.380.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

Rule Restricting Left Turns On Parts of Route 35

On December 2, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-6.14, concerning the restriction of left turns on portions of Route 35 in the Township of Matawan, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 534(a).

An order adopting this rule was filed and became effective on December 3, 1976, as R.1976 d.381.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION THE COMMISSIONER

Rules on Restricted Parking Along Portions of Various State Highways

On December 2, 1976, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.128 through 16:28-3.130, concerning restricted parking on parts of Routes 82, 28 and U.S. 9, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 534(b).

An order adopting these rules was filed and became effective on December 3, 1976, as R.1976 d.382.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Proposed Revisions Concerning Rules on General Administration

The Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., proposes to revise several of its rules concerning general administration.

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

17:1-1.18 Manual or other charges

17:1-1.18(c) Charges for copies of pension records which have been deemed to be public information will be made in accordance with the provisions of N.J.S.A. 47:1A-2.

17:1-2.2 Salary reduction agreements authorized

The participating institutions are authorized to enter into agreements with alternate benefit program participants for basic and/or voluntary salary reductions, to a maximum of five and ten per cent, respectively, of the employee's base salary, to purchase from the Teachers' Insurance and Annuity Association and the College Retirement Equities Fund annuities which are tax deferred under Section 403(b) of the Federal Internal Revenue Code, as amended.

17:1-2.12 Interprogram transfers

If an alternate benefit program participant terminates employment in a covered institution and becomes employed in an eligible position in another New Jersey public institution, the Division of Pensions will, upon the filing of the required forms with the division, continue all of the participant's rights and obligations in the [appropriate] New Jersey alternate benefit program.

17:1-2.17(a) A participant may withdraw his contributions held in escrow only if he terminates all employment subject to coverage by [an] the Alternate Benefit Program.

17:1-2.17(b)2. The participant or his employer certifies that his employment contract has not expired, or that he has executed another contract to work in a position subject to coverage by [an] the Alternate Benefit Program; or

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Division of Pensions
20 West Front St.
Trenton, N.J. 08625

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

Clifford A. Goldman
Acting State Treasurer
Department of the Treasury

(c)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Proposed Revisions Concerning Informalities in Bidding

Clifford A. Goldman, acting State Treasurer, pursuant to authority of N.J.S.A. 52:34-13, proposes to revise N.J.A.C. 17:12-6.4 concerning informalities in bidding.

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

17:12-6.4 Informalities in bidding

(a) The Director reserves the right to waive any minor informalities in the compliance [of] with the terms and conditions of the invitations to bid [.] , including, but not limited to:

1. Failure to attend a non-mandatory bidders' conference or site inspection;
2. Failure to submit bid samples or furnish sufficient product description when that information is not required to evaluate the bid;
3. Failure to return a manufacturer's certificate, affirmative action statement, statement of origin or certificate of insurance. These items will be accepted prior to issuance of a contract or purchase order.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Clifford A. Goldman
Acting State Treasurer
State House
Trenton, N.J. 08625

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

Clifford A. Goldman
Acting State Treasurer
Department of the Treasury

(a)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Proposed Rule on Automatic Rejection of Bids

Clifford A. Goldman, acting State Treasurer, pursuant to authority of N.J.S.A. 52:34-12, proposes to adopt a new rule concerning automatic rejection of bids.

Full text of the proposed rule follows:

17:12-6.5 Cause for automatic rejection of bids

(a) Pursuant to N.J.S.A. 52:34-12, the State Treasurer has determined that it is in the public interest to establish grounds for automatic rejection of bids which fail to conform with the requirements of the request for proposal in the following respects:

1. No signature in the bid document: If the vendor has not affixed his signature anywhere in the bid document, that is, on any of the documents he returns in response to a request for proposal. Signature on an enclosed bid deposit check (where bid security is required) will not suffice, since bid security is not considered part of the bid document;

2. Bid not received on or before the time and date specified on the bid request form;

3. If a bid fails to provide price information;

4. Failure to provide bid security when it is required;

5. Failure to attend a mandatory bidders' conference or site inspection;

6. Failure to initial price alterations: If a unit price in the bid has been altered by any method, for example, by being crossed out and reentered, or through erasure, use of correction fluid or use of a self-correcting typewriter, and so forth, the vendor's initials must appear adjacent to the alteration. If the alteration has not been so initialed, that particular item only in the bid will be automatically rejected. If the extended total price does not contain alterations and the altered unit price is not initialed, the extended total price is considered as the bid price. In the event of an automatic rejection and the bid contains multiple items, the remainder of the bid will be evaluated.

(b) The Director may, in his discretion, reject bids for other major deviations from the request for proposal.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Clifford A. Goldman
Acting State Treasurer
State House
Trenton, N.J. 08625

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

Clifford A. Goldman
Acting State Treasurer
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

Proposed Revisions to Rules On Sales and Use Tax Act

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to revise two rules regarding the Sales and Use Tax Act.

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

18:24-9.12 Sales of meals and rental of rooms to exempt organizations

(a) Receipts from the sale to exempt organizations of food and drink, except alcoholic beverages as defined in the Alcoholic Beverage Tax Law, in or by restaurants, taverns or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers and rental of rooms to exempt organizations in a hotel shall be treated in the following manner:

1. Whenever there is such a sale of food or drink, the vendor shall charge and collect the sales tax thereon unless, on and after July 1, 1976, an organization holding a valid exempt organization permit (form ST-5A) furnishes the vendor with a valid properly executed exempt organization certificate (form ST-5) (4-76, R-3) which has the name, address and registration number of the exempt organization imprinted on the certificate by the Division of Taxation along with the signature of the Director.

2. Whenever there is a room occupancy, the hotel shall charge and collect the sales tax thereon unless, on and after February 1, 1977, an organization holding a valid exempt organization permit (form ST-5A) furnishes the vendor with a valid properly executed exempt organization certificate (form ST-5) (4-76, R-3) which has the name, address and registration number of the exempt organization imprinted on the certificate by the Division of Taxation along with the signature of the Director.

3. In all cases, the exempt organization must pay the bill on its own voucher, there must be no reimbursement by the individual to the organization and the organization must hold a valid exempt organization permit (form ST-5A) as of the date of the transaction.

[2] 4. Any organization holding a valid exempt organization permit (Form ST-5A), which has paid the sales tax in accordance with the foregoing procedure, may apply to the New Jersey Division of Taxation for a refund of the tax if:

i. All the charges on which the tax was calculated were paid by the organization using organizational funds; and

ii. There was or is to be no reimbursement to the organization for the said charges.

18:24-9.13 [Rental of rooms to exempt organizations (Special Ruling No. 9)²] (Reserved)

[Rents charged to exempt organizations for the occupancy of a room or rooms in a hotel shall be treated in the following manner:

(a) Whenever there is a room occupancy the hotel shall charge and collect the Sales Tax thereon.

(b) Any organization holding a valid exempt organization permit (Form ST-5A), which has paid the Sales Tax in accordance with the foregoing procedure, may apply to the New Jersey Sales Tax Bureau for a refund of the tax if:

1. All the charges on which the tax was calculated were paid by the organization using organizational funds; and
2. There was not or is not to be any reimbursement to the organization for the said charges.]

[¹ This ruling is promulgated to clarify the taxable status of meals sold to exempt organizations.

² This ruling is promulgated to clarify the taxable status of the rent for room occupancy in a hotel when charged to exempt organizations.]

Note: This Section is repealed, effective February 1, 1977.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

HEALTH BENEFITS COMMISSION

Notice Regarding Health Maintenance Organization

Take notice that William J. Joseph, secretary of the Health Benefits Commission has issued the following Notice concerning Health Maintenance Organizations.

A Health Maintenance Organization can be accepted under the State Health Benefits Program, but subject to the following conditions:

1. It is certified by the State's Health and Insurance Departments.
2. Its rates are approved by the Health and Insurance Departments.
3. Coverage includes supplemental coverage providing for major medical benefits paralleling those of the traditional program.
4. The Commission approves a waiver of the annual enrollment periods to give the organization full opportunity to contact all State and local government employers and eligible employees in the area covered by the HMO in order to present them with the information concerning the HMO alternative. It must be understood, however, the coverage will not be extended to any employee in any specific HMO area until such time as this educational program has been completed, so that all employees in the area will be enrolled on the same effective date. This will allow for the establishment of the necessary administrative machinery in order to certify the rates, the additional deductions from salary, where necessary, and ex-

plain to employers, personnel officers, and payroll clerks the necessary administrative machinery to make the option available not only to all present employees but to new employees in the future.

After the initial educational program, the annual enrollment period will again become the opportunity to alter coverage from the traditional program to the HMO option, or vice versa, and this will encompass the 30-day period during which an educational program can be activated for all eligible employees.

5. During the presentation to groups of employees, no management or union representative should appear in order to coerce or influence employees into or out of HMOs. Employees must be able to make an informed decision on their own.

6. The office of the secretary shall review and approve the material to be used in each HMO area and this will therefore require that the booklet be tailored to the particular HMO, as distinguished from groups of HMOs. We want the rates to become part of the booklet (and if a separate sheet is necessary, such sheet must accompany each booklet) so that it is clear what the employer, State or local, will be paying and what the employee will be required to pay based on the different types of coverage. The employee's deductions should be stipulated as bi-weekly (State) or monthly (local employers).

7. The rates will be subject to change only once a year and at the same time each year coincident with the change in rates for the traditional program.

8. Employees will be permitted to continue HMO participation into retirement.

9. All members of the family must have the same coverage so that the employee's decision pertains not only to his own coverage but to those of his family.

10. With respect to the Medicare problem, all employees, regardless of age or Medicare status, must have the opportunity to enroll in the designated HMO in their area. At present such individuals shall be permitted to pay on a fee-for-service basis covered by the traditional program, pending the issuance of final regulations by the Federal Government which will permit the use of a capitation rate. The rate structure in this interim period will reflect capitation for other members of the family not covered by Medicare. The HMO must stipulate in its contract the intention to cover Medicare beneficiaries on the same basis as other individuals as soon as possible following necessary Federal action.

11. Maternity benefits are delimited to employees or spouses of employees but do not include other dependents for otherwise the result would be to consider the coverage of grandchildren and they are not specified in the statute as eligible dependents.

12. Where the Health Maintenance Organization electing to participate in the State Health Benefits Program could overlap an area previously covered by another HMO, already under contract with the State program, and where the nature of both HMOs are the same (group or individual practice plans) the overlapping area will be covered by both HMO's only if the area is truly a border zone and services can be properly delivered.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 17 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

INVESTMENT COUNCIL

Revisions Concerning Corporate Obligations Legal for Savings Banks

On December 13, 1976, Clifford A. Goldman, Deputy 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 revisions which replaced the current text of N.J.A.C. 17:16-7.4 regarding legal papers and corporate obligations legal for savings banks.

Full text of the new rule follows:

17:16-7.4 Legal papers

(a) Prior to any commitment to purchase obligations of the type described in this article, the Director shall have obtained, in all cases, a certification signed by a member of the Division's staff and endorsed by the Director stating that, in their opinion or in the opinion of Standard and Poor's as contained in the Bond Guide, the security under consideration qualifies as a legal investment for savings banks in the State, and:

1. With respect to issues registered with the Securities and Exchange Commission:

- i. On new issues, a prospectus describing the issue;
- ii. On existing issues, a copy of the description of the issue as contained in Moody's Manuals or in the Standard and Poor's manuals or in any other publication or service published for the use of and accepted as reliable by investors in such obligations.

2. With respect to issues not registered with the Securities and Exchange Commission:

i. On new issues, in the case of public offerings, a prospectus or offering circular describing the terms of the issue and the business and operation of the issuer;

ii. On new issues, in the case of private placements:

(1) An offering memorandum describing the terms of the issue and the business and operations of the issuer;

(2) A written approving opinion from the Attorney General to the effect that the purchase agreement is satisfactory as to form and substance;

(3) At the closing for the purchase of the private placement legal opinions of counsel for the purchaser and counsel for the issuer, which opinions shall include a statement to the effect that the bonds are properly authorized and valid obligations of the issuer.

iii. On existing issues, in the case of issues which were originally offered to the public:

(1) A copy of the description of the issue as contained in Moody's Manuals or Standard and Poor's manuals or in any other publication or service published for the use of and accepted as reliable by investors in such obligations.

iv. On existing issues, in the case of issues which were originally placed privately:

(1) A copy of the original offering memorandum describing the terms of the issue and the business and operations of the issuer at the time of the original issue;

(2) A copy of the purchase agreement for the issue, together with all amendments thereto;

(3) A copy of the form 10-K of the issuer which was most recently filed with the Securities and Exchange Commission, or if the company does not file form 10-K reports, then the most recent audited financial statement;

(4) Copies of interim quarterly reports of the issuer and any offering prospectus issued since the date of the most recent form 10-K or audited financial statement;

(5) Representations, in writing, from the seller to the Division to the effect that there are no restrictions on the sale of the bonds to the Division; no registration of the issue with the Securities and Exchange Commission is required if the bonds are sold to the Division; and the seller purchased the bonds directly from the issuer when the issue was originally placed. In the event other owners have intervened between the issuer and the seller, the seller must substitute for the last requirement mentioned in the first sentence herein the representation that no such intervening transaction required registration of the securities with the Securities and Exchange Commission. The seller may substitute for these representations a no action letter of the Securities and Exchange Commission regarding any requirements to register the bonds;

(6) A written approving opinion from the Attorney General to the effect that the representations or no action letter in the paragraph above are satisfactory.

An order adopting these revisions was filed and became effective on December 14, 1976, as R.1976 d.401 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

INVESTMENT COUNCIL

Revisions to Rules on Corporate Obligations and Legal Papers

On December 13, 1976, Clifford A. Goldman, Deputy 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 revisions to N.J.A.C. 17:16-8.2 concerning legal papers and corporation obligations. The current text of N.J.A.C. 17:16-8.2 is to be deleted and replaced with new text therein.

Full text of the new rule follows:

17:16-8.2 Legal papers

(a) Prior to any commitment to purchase obligations of the type described in this article, the Director shall have obtained, in all cases, a certification signed by two members of the Division's staff and endorsed by the Director stating that each proviso enumerated under Section 1. of this Subchapter had been checked by them and that in their opinion the security under consideration qualified as a satisfactory investment as outlined by Section 1. of this Subchapter; and

1. With respect to issues registered with the Securities and Exchange Commission:

- i. On new issues, a prospectus describing the issue;
- ii. On existing issues, a copy of the description of the issue as contained in Moody's Manuals or in the Standard and Poor's manuals or in any other publication or service published for the use of and accepted as reliable by investors in such obligations.

2. With respect to issues not registered with the Securities and Exchange Commission:

i. On new issues, in the case of public offerings, a prospectus or offering circular describing the terms of the issue and the business and operation of the issuer;

ii. On new issues, in the case of private placements:

(1) An offering memorandum describing the terms of the issue and the business and operations of the issuer;

(2) A written approving opinion from the Attorney General to the effect that the purchase agreement is satisfactory as to form and substance;

(3) At the closing for the purchase of the private placement legal opinions of counsel for the purchaser and counsel for the issuer, which opinions shall include a statement to the effect that the bonds are properly authorized and valid obligations of the issuer.

iii. On existing issues, in the case of issues which were originally offered to the public:

(1) A copy of the description of the issue as contained in Moody's manuals or Standard and Poor's manuals or in any other publication or service published for the use of and accepted as reliable by investors in such obligations.

iv. On existing issues, in the case of issues which were originally placed privately:

(1) A copy of the original offering memorandum describing the terms of the issue and the business and operations of the issuer at the time of the original issue;

(2) A copy of the purchase agreement for the issue, together with all amendments thereto;

(3) A copy of the form 10-K of the issuer which was most recently filed with the Securities and Exchange Commission, or if the company does not file form 10-K reports, then the most recent audited financial statement;

(4) Copies of interim quarterly reports of the issuer and any offering prospectus issued since the date of the most recent form 10-K or audited financial statement;

(5) Representations, in writing, from the seller to the Division to the effect that there are no restrictions on the sale of the bonds to the Division; no registration of the issue with the Securities and Exchange Commission is required if the bonds are sold to the Division; and the seller purchased the bonds directly from the issuer when the issue was originally placed. In the event other owners have intervened between the issuer and the seller, the seller must substitute for third item set forth in the first sentence above the representation that no such intervening transaction required registration of the securities with the Securities and Exchange Commission. The seller may substitute for these representations a no action letter of the Securities and Exchange Commission regarding any requirements to register the bonds;

(6) A written approving opinion from the Attorney General to the effect that the representations or no action letter in the paragraph above are satisfactory.

An order adopting these revisions was filed and became effective on December 14, 1976, as R.1976 d.402 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Rules on Bid and Performance Bonds

On December 1, 1976, Clifford A. Goldman, Deputy State

Treasurer, pursuant to authority of N.J.S.A. 52:34-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 17:12-6.1 et seq., concerning bid and performance bonds, substantially as proposed in the Notice published July 8, 1976, at 8 N.J.R. 355(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of the Treasury.

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

17:12-6.2 Bid bonds

[(a) Bid security is required on all bids for line item purchases of \$10,000 or more, or for term contracts when the amount of purchases during the term is estimated at \$10,000 or more.] Deleted.

[(b)] (a) The Director or his designee may [waive] require in writing [the requirements for] a bid deposit or bond prior to bid solicitation where in his or her opinion it is determined that security is [not] warranted [.] , based upon a review of market conditions and an evaluation of potential risk to the State.

[(c)] (b) Bid security, in such amount as the Director or his designee deems necessary, shall consist of a certified or cashier check drawn to the order of the Treasurer of the State of New Jersey, or an individual or annual bid bond issued by an insurance or security company authorized to do business in the State of New Jersey.

An order adopting these rules was filed on November 30, 1976, as R.1976 d.377 to become effective on December 1, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Rules on Debarment, Suspension And Disqualification of Persons

On December 1, 1976, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of Executive Order No. 34 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 17:12-7.1 et seq., concerning the debarment, suspension and disqualification of persons, substantially as proposed in the Notice published October 7, 1976, at 8 N.J.R. 490(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of the Treasury.

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

17:12-7.2(a) 9. Willful failure to perform in accordance with contract specifications or within contractual time limits [;] , including, but not limited to, failure to accept purchase orders and maintain prices or any terms and conditions as bid;

An order adopting these rules was filed on November 30, 1976, as R.1976 d.378 to become effective on December 1, 1976.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Revisions Concerning Officers and Committees

On November 29, 1976, A. Steven LaBrutte, secretary of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:2-1.3 concerning officers and committees, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 537(c).

An order adopting these revisions was filed and became effective on December 6, 1976, as R.1976 d.383.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Emergency Revisions in Information Returns Of Payers of Interest or Dividends

On December 10, 1976, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:8B-19 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions which deleted the current text of N.J.A.C. 18:30-15.13 concerning information returns of payers of interest or dividends.

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

18:30-15.13 [Information return of unearned income; interest, dividends and so forth]

(a) Every person, co-partnership, corporation, fiduciary or any other individual or entity who makes payments of interest or dividends in excess of \$250.00 during any calendar year, or of any other item of unearned income, as defined in subchapter 3. of these regulations, in excess of \$600.00 during a calendar year, to any resident of this State including a person acting in a fiduciary capacity for a resident of this State shall, for the calendar year 1976 and thereafter, make a return according to forms prescribed by the Director which shall set forth the aggregate of such payments, the name of the person to whom paid, and any other information which the Director may require. Until such forms are prescribed by the Director, such payor shall file a copy of the appropriate information return filed for Federal income tax purposes (Federal form 1087, 1096, 1099 or other appropriate form).

(b) Nothing in this Section shall be construed to limit the requirement of partnerships, fiduciaries, corporations or any other person or entity from filing a copy of Schedule K-1, Federal form 1041, 1965 or 1120S.]

An order adopting these revisions was filed and became effective on December 14, 1976, as R.1976 d.398 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Emergency Rules on Information Furnished at Source

On December 14, 1976, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:8-6(c) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new, emergency rules concerning information returns to be supplied to the Division of Taxation by payers of dividends and interest.

Full text of the adopted rules follows:

18:30-15.13 Information furnished at source

(a) Payers of interest and dividends, including banks, savings and loan associations, building and loan associations and savings banks, are required, under N.J.S.A. 54A:1-1 et seq., to provide the Director, Division of Taxation, with information returns which shall include the amounts paid to or credited to the accounts of all recipients for the period from July 1, 1976, to and including December 31, 1976. Such information returns must be filed on or before February 15, 1977. In the event it is not practicable to furnish the information for the required period, this requirement may be satisfied by each payer of interest and dividends by providing the Director with any of the following, with preference in the order listed below:

1. A copy of the magnetic tape provided to the Internal Revenue Service (with the same specifications) in lieu of form 1099's for the full year of 1976, edited to delete all listings of recipients of less than \$1,000; or

2. A copy of the tape provided to the Internal Revenue Service (as above) without deleting recipients of less than \$1,000; or

3. Copies of all form 1099's submitted to the Internal Revenue Service for the full year 1976, on amounts of \$1,000 or more (either an additional carbon or photocopy of the form 1099); or

4. Copies of all form 1099's submitted to the Internal Revenue Service for the full year 1976.

An order adopting these rules was filed and became effective on December 14, 1976, as R.1976 d.400 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Emergency Revisions in Capital Gains And Other Unearned Income Tax Rules

On December 14, 1976, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:8B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to many of the rule concerning the capital gains and other unearned income tax.

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

18:30-2.1 Definitions

“Resident individual” means:

1. General: An individual may be a resident of New Jersey for unearned income tax purposes, and taxable as a resident, even though he would not be deemed a resident for other purposes. As used in these regulations, the term “resident individual” includes all persons domiciled in this State, subject to the exceptions set forth in paragraph 2. of this subsection, and any individual, other than a member of the Armed Forces of the United States [during an induction period,] on active duty who is not domiciled in this State but who maintains a permanent place of abode in the State and spends in the aggregate more than 183 days of the taxable year in the State. (See Subchapter 17 for change of residence and rules for days within and without the State.)

2. Certain persons not deemed residents although domiciled in New Jersey: Any person domiciled in New Jersey is a resident for unearned income tax purposes for a specific taxable year, unless for that year he satisfies all three of the following requirements:

- i. He maintains no permanent place of abode in this State during such year;
- ii. He maintains a permanent place of abode elsewhere during such entire year; and
- iii. He spends in the aggregate not more than 30 days of the taxable year in this State.

Example: An individual, although retaining his New Jersey domicile [for legal reasons (such as for voting purposes),] may maintain his only permanent place of abode in Maryland where he is employed. As long as he continues to meet all three of the conditions stated above, he will be a nonresident of New Jersey for unearned income tax purposes. However, if for any taxable year he fails to meet any one of these three conditions, he is subject to tax as a resident for that year. Where an individual domiciled in New Jersey claims to be a nonresident for any taxable year, the burden is upon him to show that during that year he satisfied all three of the requirements set forth above.

“Taxable year” means the same accounting period as the taxpayer’s taxable year for Federal income tax purposes or that portion of such year [as commences] after December 31, 1974.

18:30-3.1 (a) A resident individual is subject to tax on all his unearned income regardless of whether it is derived from sources within New Jersey or outside of New Jersey:

18:30-3.5 Dealers in securities and financial businesses

Unearned income shall not include interest and dividends of a person who is regularly engaged, as a [merchant,] dealer, in purchasing stock or debt obligations and selling them to customers with a view to the gains and profits which may be derived therefrom, or of any business enterprise [which employs] regularly engaged in employing moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange, making of or dealing in secured or unsecured loans and discounts; or investing and reinvesting marketable obligations evidencing indebtedness in the form of bonds, notes or debentures or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them. Where, in any case, a trader or other person subject to tax under this Act is required to report interest [and dividends] he shall, in the case of margin transactions, be permitted to deduct interest incurred by reason of margin transactions. Such interest may only be deducted from interest realized through margin transactions.

18:30-4.1 Interest defined

“Interest” means that interest taxable for Federal income tax purposes, except that it shall not include interest which the State is prohibited from taxing under the Constitution or the statutes of the United States or on obligations of the State of New Jersey or its political subdivisions. Interest on obligations of other governments or political subdivisions thereof are subject to tax. A list of such exempt obligations, although not complete, follows:

1. Federal securities:

Security

Asian Development Bank	T
Bank for Cooperatives	E
Environmental Financing Authority	T
Export-Import Bank of the United States (“Eximbank”)	
a) Series 1978—B debentures	E
b) Participation certificates (reversal of Counsel opinion dated 8/29/67	T
Federal Housing Authority (F.H.A.)	E
Farmers Home Administration	E
Federal Financing Bank	E
Federal Home Loan Bank	E
Federal Home Loan Mortgage Corporation	T
Federal Intermediate Credit Banks	E
Federal Land Banks	E
Federal National Mortgage Association (Fannie Mae)	
a) Interest on bonds and debentures	T
b) Guaranteed Participation Certificates	E
General Services Administration	E
Government National Mortgage Association	E
Grace Lines, SS Santa Lucia Bonds	T
H.U.D./New Communities	E
H.U.D. Public Housing Notes and Bonds (Tax-free in State of issuance. If issued (In state of issuance) in the District of Columbia, Puerto Rico, the Virgin Islands, they are exempt from (If issued in other states) all State tax.	T
Inter-American Development Bank Bonds	T
International Bank for Reconstruction & Development (International Bank Bonds) (World Bank)	T
International Monetary Fund and Bank for Recon- struction and Development (World Bank)	T
Jonathan Development Corp. (Obligations guaranteed under New Communities Act of 1968)	T

Merchant Marine	E
Panama Canal Zone Bonds specifically exempt from tax by 31 U.S.C. S744 and S745	E
Production Credit Associations	E
Puerto Rico Water Resources—4.2 per cent bonds due 1/1/89—Interest on Bonds	E
R.F.K. Stadium Bonds	T
Small Business Administration	E
Student Loan Marketing Association	E
Tennessee Valley Authority	E
U.S. Postal Service	E
U.S. Treasury	E
U.S. Treasury Bills	E
USAVE Certificates—Farmers Home Administration Insured Loan Notes	Partially
Washington Metropolitan Area Transit Authority Bonds	T
2. Bonds Issued by New Jersey Authorities:	
Name of Authority	
Convention Hall Authorities	E
County & Municipal Sewerage Authorities	E
County Improvement Authorities	E
County Solid Waste Disposal Financing	E
County Solid Waste Management Authorities	E
Delaware Memorial Bridge	E
Delaware River & Bay Authority	E
Delaware River Joint Toll Commission	E
Delaware River Port Authority	E
Economic Development Authority	E
Educational Facilities Authority	E
First Class County Recreation Authority	E
Hackensack Meadowlands	E
Health Care Facilities Financing Authority	E
Highway Authority (includes N.J. Garden State Parkway and Cape May—Lewes Ferry)	E
Industrial Pollution Control Financing Authority	E
Incinerator Authorities	E
Municipal Utilities Authorities	E
N.J. Building Authority	E
N.J. Expressway Authority	E
N.J. Housing Finance Agency	E
N.J. Mortgage Finance Agency	E
N.J. Turnpike Authority	E
Parking Authorities	E
Port Authorities	E
Port of Authority of New York and New Jersey	E
Sanitary Sewer District Authorities of 1st and 2nd Class Counties	E
South Jersey Port Corporation	E
Sports & Exposition Authorities	E

18:30-4.1 Note: For the purposes of the Act, enabling legislation of the State of New Jersey which exempts interest income of authorities, instrumentalities and agencies as well as political subdivisions from all State taxes shall exempt such income from tax.

18:30-4.5 Foreign interest

Where foreign taxes have been withheld from foreign interest, the net amount realized is subject to tax.

18:30-5.1 (e) As a rule, a stock dividend or stock right distributed is not taxable. However, there are situations where such distributions are subject to tax. These occur generally when the distribution does not bear equally upon shareholders. A stock dividend or stock right is taxable under the Act when it is taxable for Federal income tax purposes.

18:30-5.3 (b) Distributions out of [current earnings] earnings and profits are taxable to the shareholders as dividends. Thus, they are taxable at one-half the rates set forth in Section 3a. of the Act. However, to the extent that distributions are treated as capital gains for Internal Revenue purposes they shall be treated as short-term gains for New Jersey tax purposes.

18:30-5.5 Foreign dividends

Where foreign taxes have been withheld from foreign dividends, the net amount realized is subject to tax.

18:30-6.1 (g) In the case of an installment sale, except in the case of a dealer, "unstated" interest shall be deemed to be included in each installment payment. This applies where no provision for the payment of interest is made or where provision is made for an interest rate of less than [four] six (four per cent for pre-July 24, 1975, sales or contracts) per cent per annum simple interest. In such event, interest must be computed at [five] seven (five per cent for pre-July 24, 1975, sales or contracts) per cent per annum compounded semi-annually. Before the "unstated" interest rule shall apply, the following conditions must be met: (a) The sale must have occurred after June 30, 1963; (b) The sales price must exceed \$3,000; (c) One or more of the payments must be due more than one year after the date of sale and (d) The foregoing interest conditions must be met.

18:30-6.2 Nonrecognition of gains or loss

(a) [In general, any] Any gain from the sale or exchange of capital assets which is treated as a nonrecognized gain for Federal income tax purposes, shall also be treated as a nonrecognized gain for New Jersey tax purposes [.] to the extent not recognized for Federal income tax purposes.

18:30-6.2 (b) 1. Exchange of property held for productive use or investment (IRC, sec. 1031), involuntary conversions (IRC, sec. 1033), sale or exchange of residence to the extent not recognized for Federal income tax purposes (IRC, sec. 1034), certain exchanges of insurance policies (IRC, sec. 1035), stock of same corporation (IRC, sec. 1036) [, and sale or exchange of agricultural animals].

2. The sale or exchange of agricultural animals. An agricultural animal is defined for this purpose to be any animal intended for use, kept for use or formerly used in the conduct of any activity related to the science or art of cultivating the soil, harvesting crops or raising livestock, the product of which is either useful or beneficial to man in furtherance of his welfare.

18:30-6.5 Sale of a principal residence

(a) A tax on a portion or all of the gain from the sale of a principal residence may be deferred. The entire gain realized on the sale or exchange of a principal residence is not taxed at the time of sale if within 18 months before or 18 months after the sale of another principal residence is purchased and occupied, the cost of which equals or exceeds the adjusted sales price of the old residence. A deferment is also allowed if construction of a new residence is begun within 18 months before or 18 months after the date of sale and taxpayer occupies it as his residence not later than 24 months after the date of sale. These rules apply also in the case of purchase of a cooperative apartment or a condominium.

(b) The principal residence means the home that the person or persons actually live in. If there is more than one home, only the sale of the principal one qualifies. Thus, if one owns a house but actually lives in another, rented residence, the rented home is the principal resi-

dence and the gain from the sale of the owned house will not be deferred.

18:30-6.5 (c) A cooperative or a condominium may qualify as a principal residence. Personal property such as furniture and appliances which do not qualify as fixtures are not considered to be part of the residence for tax purposes. Gain on such property may be taxable even if reinvested in a new residence.

(d) If more than one qualified residence is purchased during the 18 month time limit (24 months in the case of new construction), only the last is considered as the replacement residence.

18:30-6.13 Federally approved pension and profit-sharing plans

Both periodic payments and lump sum distributions from an approved pension and profit sharing plan for Federal income tax purposes are treated as deferred compensation to the retired employee and are not subject to the unearned income tax.

18:30-7.1 (c) Payments described in subsections (a) and (b) of this Section to authors, inventors or others from property created by the personal efforts of such persons are not subject to tax under this Act.

18:30-7.2 Expenses

(a) Expenses attributable to property which is held for the production of royalties are deductible. These deductions include for example, interest, taxes, depreciation and so forth. Property held for the production of royalties includes intangible as well as tangible property, so that depreciation on a patent, copyright and so forth, may be deducted. Thus, an operating owner, lessee, sublessor or sublessee, purchaser of royalty interests and so forth, can deduct his share of a depletion allowance on natural resources.

(b) A loss from one royalty arrangement may be offset against the income of another royalty arrangement.

18:30-8.1 (b) Any guardian, receiver, referee, trustee, assignee or other fiduciary, or any officer or agent appointed by any court to conduct the business or conserve the assets of any taxpayer, shall be subject to the tax imposed by this Act in the same manner and to the same extent as a taxpayer hereunder. Such [person] fiduciaries shall be required to report unearned income and pay the tax whether or not acting in a corporate capacity. The liability for tax by such guardian, receiver, referee, trustee, assignee or other fiduciary shall be limited to the business or assets which are held through court appointment.

18:30-8.1 (c) Any pledgee, assignee, receiver, referee, trustee, conservator, guardian or other fiduciary, whether or not court appointed, shall report any funds which are taxable under the Act but said funds shall be taxed to the beneficiary or equitable owners hereof, when received or when the right to receipt accrues. Such [persons] fiduciaries shall be required to file a copy of Schedule K-1, Federal form 1041 for each beneficiary which shall set forth the name and address of the beneficiary or equitable owner and the amount of unearned income paid or payable and the nature of such income.

18:30-8.2 (a) Beneficiaries of an estate or trust are subject to tax on unearned income derived from an estate or trust. [In general, a] A beneficiary is required to report the unearned income derived from an estate or trust in the same year that he is required to report such income for Federal income tax purposes. He shall attach to his return a copy of Schedule K-1, Federal form 1041.

18:30-8.4 Pensions and annuities

Income derived from pensions and annuities [are] is not considered to be income derived from an interest in an estate or trust and [are] is not, therefore, subject to tax. However, interest or dividends received on a return of contributions from a pension fund [is] are subject to tax [if such] where interest or dividends [is] are: 1. Paid as a result of either a withdrawal from or termination of a pension plan; or 2. If paid to a beneficiary as part of the return of the contributions because the employee's death occurred prior to the time that the pension benefits could become operative.

18:30-9.1 (b) 4. In the event the partner or stockholder is involved in more than one partnership or corporation, the first \$25,000 shall apply to the excess compensation from each such partnership or corporation.

18:30-13.1 (a) The term "partnership" means and shall include [an individual,] two or more individuals, an association, a syndicate, group, pool, joint venture, or any other unincorporated organization through or by any means of which any business, financial operation, or venture is carried on and which is not a corporation or a trust or estate within the meaning of the Internal Revenue Code.

18:30-14.5 Residency

The residency or nonresidency of an estate or trust shall be determined by the domicile of the decedent or the settlor or the person of whose property the trust consists [,] ; the residency or nonresidency of the beneficiaries who are taxable on the distributions to them is to be determined as provided for individual taxpayers in Subchapter 2.

18:30-15.1 Returns and liabilities; general provisions [In general,] Unless otherwise provided for herein, the rules and tests described in the Federal Internal Revenue Code and its applicable regulations with respect to the requirements for filing income tax returns and liabilities for payment of tax of any individual, also apply in determining the filing requirements and tax liabilities for the tax on capital gains and other unearned income.

18:30-16.4 Mailing of returns; timely filing

(a) If a return is placed in the mails, it must be properly addressed, postage paid, and posted in ample time to reach, under ordinary handling of the mails, the prescribed office of the Division of Taxation on or before the due date.

(b) The date of the United States postmark stamped on the envelope in which the return is mailed shall be deemed to be the date of delivery or date of payment, as the case may be. Where the United States postmark on the envelope does not contain a date the director in his discretion may request a properly executed affidavit as to timely filing.

(c) Payments should be made by check or money order—made payable to State of New Jersey—TUI and mailed with the tax return to the Division of Taxation, P.O. Box 1478, Trenton, N.J. 08625.

18:30-17.2 (c) The return for the period prior to a change from resident to nonresident status may be filed without the special accruals referred to in subsections (a) and (b) of this section if the taxpayer files with the director a surety bond or other security acceptable to the director, in an amount not less than the amount of additional tax which would be payable if no such bond or security were filed. Such a bond must be conditioned upon the inclusion of amounts accruable in subsections (a) and (b) of this section in New Jersey taxable unearned income as if the

taxpayer had not changed his resident status. The additional tax which is considered in determining the amount of the surety bond or other security which the taxpayer will be required to furnish, is computed at the rates which he would have been obliged to pay if no bond or other security had been filed. The taxpayer shall file in a subsequent year or years an amended return to his taxable year return filed prior to his change of status from resident to nonresident for all amounts ordinarily accruable received by the taxpayer during the portion of the year or years subsequent to his change of resident status.

An order adopting these revisions was filed and became effective on December 14, 1976, as R.1976 d.399 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Emergency Rule on Summer Payment Plans And the Gross Income Tax Act

On December 16, 1976, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:9-17(a) and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new, emergency rule concerning summer payment plans and the Gross Income Tax Act.

Full text of the adopted rule follows:

CHAPTER 35. GROSS INCOME TAX

SUBCHAPTER 1. GENERAL PROVISIONS

18:35-1.1 Summer payment plan

(a) Certain deferred payments, authorized under a so-called "summer payment plan" under N.J.S.A. 18A:29-3, whereby an amount equal to ten per cent of the employee's salary is withheld and paid to the participant in the plan at a later date are subject to tax under the New Jersey Gross Income Tax Law, P.L. 1976, c. 47, at the time withheld and not at the time paid, provided that a similar treatment is given under the Internal Revenue Code and regulations thereunder for Federal income tax purposes.

(b) Section 54A:8-3 of the Gross Income Tax Act, Chapter 47, Public Laws of 1976, provides that a taxpayer's accounting method under this Act shall be the same as his accounting method for Federal income tax purposes. Therefore, if for Federal income tax purposes an employee who participates in such a deferral plan is deemed to have received the salary at the time that the salary was withheld and placed into a deferred salary escrow fund, such income will also be deemed to have been received and subject to tax for New Jersey gross income tax purposes at that time. Such salary would not then be subject to Gross Income Tax when the employee receives a payment from the deferred salary escrow fund.

An order adopting this rule was filed and became effective on December 16, 1976, as R.1976 d.415 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Emergency Rule Concerning Clergymen And the Gross Income Tax

On December 16, 1976, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning clergymen and the New Jersey gross income tax.

Full text of the adopted rule follows:

18:35-1.2 Clergymen; self-employed; income; expenses

Duly ordained clergymen are considered to be self-employed individuals for the purposes of the Gross Income Tax Act. Accordingly, salaries, fees, honorariums, allowances and other remuneration paid to clergymen for services rendered are not subject to withholding. Therefore, income does not include the rental value of a residence provided for a clergyman by his church or congregation.

An order adopting this rule was filed and became effective on December 17, 1976, as R.1976 d.424 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Adopt Emergency Rules on Preparing Declaration of Estimated Income Tax

On December 16, 1976, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning the declaration of estimated tax regarding the Gross Income Tax Act.

Full text of the adopted rules follows:

18:35-1.3 Declaration of estimated tax; 1976

(a) A declaration of estimated tax for 1976 must be made if your total New Jersey estimated tax is more than \$100.00. "Estimated tax" means the amount which an individual estimates to be his income tax for the taxable year less the amount which he estimates to be the sum of any credits allowable against the tax.

(b) In general, a declaration is not required to be filed if you expect that your 1976 tax return form, N.J. 1040, will show a tax refund, or a tax balance due to be paid to New Jersey of \$100.00 or less in excess of any credits.

(c) Calendar-year taxpayers should determine their expected gross income, deductions, and credits upon the basis of the facts and circumstances existing at the time prescribed for filing the 1976 declaration as well as those reasonably to be anticipated for 1976. Use the worksheet below as a guide for computing your estimated tax. (See Ed. Note):

OTHER AGENCIES

(a)

DELAWARE RIVER BASIN COMMISSION

Adopt Rules on Flood Plains

On November 10, 1976, the Delaware River Basin Commission, pursuant to its authority under the Delaware River Basin Compact (75 Statutes at Large 688) and the Laws of 1961, Chapter 13 adopted new flood plain regulations.

Full text of the adopted rules follows:

FLOOD PLAIN REGULATIONS

Article 6-1

Generally

Section 6-1.1 Short Title. This Article shall be known and may be cited as the "Flood Plain Regulations".

Section 6-1.2 Definitions. For the purposes of this Article, except as otherwise required by the context:

"Project" means the same word as defined by section 1.2(g) of the Compact.

"Floodway" means the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regulatory flood. For this purpose the limit of the floodway shall be established by allowing not more than a one-foot rise of the water surface elevation of the regulatory flood as a result of encroachment. Wherever practical, equal conveyance reduction from each side of the flood plain shall be used. (See Figure 1)

Editor's Note: Figure 1, although filed with these rules is not reproduced herein.

"Flood fringe" means that portion of the flood hazard area outside the floodway.

"Flood hazard area" means the area inundated by the regulatory flood.

"Flood plain" means the area adjoining the channel of a stream which has been or hereafter may be covered by flood water.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

"Flood protection elevation" means one foot above the elevation of the flood that has a one per cent chance of occurring in any one year (the 100-year flood).

"Major tributary" means the mainstem of the following streams:

Pennsylvania	New York
Brandywine Creek	East Branch
Brodhead Creek	Mongaup
Big Bushkill Creek	Neversink
Lackawaxen	West Branch
Lehigh	
Schuylkill	New Jersey
Neshaminy	
Delaware	Assunpink
	Musconetcong
	Paulins Kill
Brandywine Creek	Rancocas
Cristina	Pequest

1. Calendar-year taxpayers should estimate their tax for the period July 1, 1976, to December 31, 1976. Exemptions and credits shall be one-half of the full amount. The allowance to each personal exemption is \$500.00. The tenant's homestead credit is generally \$32.50 (\$50.00 for taxpayers 65 or over, permanently or totally disabled, or certain surviving spouses). Fiscal-year taxpayers should estimate their tax from July 1, 1976, to the close of their fiscal year. Exemptions and credits shall be prorated accordingly.

(d) A declaration of estimated tax must be filed for 1976 on or before January 15, 1977. If a final return is filed on or before February 15, 1977, no declaration need be filed.

(e) A declaration of estimated tax shall be filed with the Division of Taxation, Post Office Box 1848, Trenton, New Jersey 08625.

(f) The estimated tax shall be paid at the time the declaration is filed. Make your checks or money orders payable to State of New Jersey-TGI. An individual may elect to pay his estimated tax prior to the date prescribed for its payment.

Note: You should check your income tax to be withheld in computing your estimated tax.

(g) Failure to file declaration or underpayment of estimated tax. If any taxpayer fails to file a declaration of estimated tax or fails to pay all or any part of an installment of estimated tax, he shall be deemed to have made an underpayment of estimated tax.

Editor's Note: In addition to these rules, a declaration of estimated tax, form NJ-TGI 1040-ES, was filed but is not reproduced herein. Further information on this form is available from the Division of Taxation, P.O. Box 1848, Trenton, N.J. 08625.

(h) Rules on penalties are:

1. If the amount paid with the declaration of estimated tax paid on or before January 15, 1977, is at least 80 per cent of the taxpayer's tax liability, no penalty will be imposed for underpayment.

2. As an alternative to paragraph 1 above, no penalty will be imposed for underpayment of final tax liability if the estimated tax paid with the declaration of estimated tax is less than 50 per cent of taxpayer's adjusted gross income reportable and reported on his personal 1975 Federal income tax return (Federal form 1040), multiplied by 75 per cent and the applicable New Jersey gross income tax rate:

i. Example:

- (1) 1975 Federal adjusted gross income: \$15,000.00;
- (2) 50 per cent of Federal adjusted gross income: 7,500.00;
- (3) Multiply item (2) above by 75 per cent: 5,625.00;
- (4) \$5,625 times two per cent: 102.50.

(5) In this example, a tax paid of less than \$102.50 will be subject to penalty.

3. If the taxpayer does not meet either of the tests described above, there shall be added to the tax for the taxable year an amount at the rate of nine per cent per annum upon the amount of the underpayment for the period of the underpayment but not beyond the fifteenth day of the fourth month following the close of the taxable year. No underpayment shall be deemed to exist with respect to a declaration or installment otherwise due on or after the taxpayer's death.

An order adopting these rules was filed and became effective on December 17, 1976, as R.1976 d.425 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

"Official flood plain map" means a map showing the flood plain area of a community prepared pursuant to the National Flood Insurance Act, or a map recognized by the executive director as meeting equivalent hydraulic or engineering criteria.

"Regulatory flood" means the flood which has a one per cent chance of occurring in any one year (the 100-year flood).

"Structure" means any assembly of material above or below the surface of land or water, including but not limited to, buildings, dams, fills, levees, bulkheads, dikes, jetties, embankments, causeways, culverts, roads, railroads and bridges.

Section 6-1.3 Purpose and Findings.

(A) The Commission hereby finds and determines that the use of flood plains is affected with a public interest due to:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others.
3. The requirements of a facility for a waterfront location.

(B) In order to protect the public interest, the following principles and goals have been determined:

1. The overall goal is prudent land use within the physical and environmental constraints of the site.
2. The principle of equal and uniform treatment shall apply to all flood plain users who are similarly situated.
3. Flood plain use shall not result in nuisance to other properties.
4. Flood plain use shall not threaten public safety, health and general welfare.
5. Future land uses in private flood plains shall not result in public expense to protect the property and associated public services from flood damage.
6. All future public and private flood plain users shall bear the full direct and indirect costs attributable to their use and actions.
7. Restrictions on flood plain use, and flood hazard information shall be widely publicized.
8. Land and water use regulations of responsible units of government shall not impair or conflict with the flood plain use standards duly adopted for the basin, except as provided for in Section 6-4.3(A) hereof.
9. Plans for land and water use adopted by responsible agencies shall not impair or conflict with these flood plain use standards.
10. No action of any unit of government shall impair or conflict with these flood plain use standards.

Article 6-2

Types of Projects and Jurisdiction

Section 6-2.1 Class I Projects. Projects described in subparagraphs A and B below shall be subject to review by the Commission under standards provided by this Article and in accordance with the provisions of Section 6-3 hereof, as follows:

(A) All projects subject to review by the Commission under Section 3.8 of the Compact and the regulations thereunder.

(B) State and local standards of flood plain regulation.

Section 6-2.2 Class II Projects. Class II projects, subject to review in accordance with Article 6-4 hereof, include all projects other than Class I projects, in nontidal areas of the basin, which involve either:

(A) A development of land, either residential or nonresidential within a flood hazard area which:

(1) Includes one or more structures covering a total land area in excess of 50,000 square feet; or

(2) Contains in excess of 25 residential building lots or 25 dwelling units as part of an integrated development plan whether or not such development is included in a single application; or

(B) A development of land in the flood hazard area to mine, manufacture, process, store or dispose of materials which, if flooded, would pollute the waters of the basin or threaten damage to off-site areas, including, without limitation thereto, materials which are poisonous, radioactive, biologically undesirable or floatable.

Article 6-3

Standards

Section 6-3.1 Regulations Generally. The uses of land within a flood hazard area shall be subject to regulation within one of the following categories:

- (A) Prohibited uses
- (B) Permitted uses generally
- (C) Uses by special permit

Section 6-3.2 Prohibited Uses.

(A) Within the floodway, except as permitted by special permit, the following uses are prohibited:

1. Erection of any structure for occupancy at any time by humans or animals.
2. Placing, or depositing, or dumping any spoil, fill or solid waste.
3. Stock piling or disposal of pesticides, domestic or industrial waste, radioactive materials, petroleum products or hazardous material which, if flooded, would pollute the waters of the basin.
4. The storage of equipment or of buoyant materials, except for purposes of public safety.

(B) Within the flood fringe, except as permitted by special permit, the following uses are prohibited:

1. Stock piling or disposal of pesticides, domestic or industrial waste, radioactive materials, petroleum products or hazardous material which, if flooded, would pollute the waters of the basin.
2. Any use which will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility.

Section 6-3.3 Permitted Uses Generally.

(A) Within the floodway, the following uses are permitted to the extent that they do not require structures, fill or storage of materials or permanently installed equipment, and do not adversely affect the capacity of the floodway:

1. Agricultural uses such as general farming, livestock and dairy farming, horticulture, truck farming, sod farming, forestry, wild crop harvesting, and normal operating practices associated therewith.
2. Industrial-commercial uses such as loading areas, parking areas and airport landing strips.
3. Private and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
4. Uses such as lawns, gardens, parking areas and play areas.

(B) Within the flood fringe, the following uses are permitted:

1. Any use permitted in the floodway.
2. Residences and other structures constructed so that the first floor, including basement, is above the flood

protection elevation. When fill is used the finished fill elevation shall be no lower than the flood protection elevation for the particular area and shall extend at least 15 feet beyond the limits of any structure or building erected thereon.

Section 6-3.4 Uses by Special Permit.

(A) Within the floodway the following uses by special permit may be authorized under the standards hereinafter provided:

1. Uses or structures accessory to open space use.
2. Circuses, carnivals and similar transient enterprises.
3. Drive-in theaters, signs and billboards.
4. Extraction of sand, gravel and other nontoxic materials.
5. Marinas, boat liveries, docks, piers, wharves and water control structures.
6. Fish hatcheries.
7. Railroads, streets, bridges, utility transmission lines and pipelines.

(B) Within the flood fringe the following uses by special permit may be authorized under standards hereinafter provided:

1. Nonresidential uses generally. Structures other than residences shall ordinarily be elevated as herein provided but may in special circumstances be otherwise flood proofed to a point above the flood protection elevation.

2. Commercial uses. Commercial structures shall be elevated so that no first floor or basement floor is below the flood protection elevation; or such structures may be flood proofed to the flood protection elevation. Accessory land uses, such as yards, railroad tracks and parking lots may be at lower elevations. However, a permit for such facilities to be used by the general public shall not be granted in the absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the regulatory flood.

3. Manufacturing and industrial uses. Manufacturing and industrial buildings, structures, and appurtenant works shall be elevated so that no first floor or basement floor is below the flood protection elevation; or such structures may be flood proofed to the flood protection elevation. Measures shall be taken to minimize flood water interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses as yards and parking lots may have lesser protection subject to the flood warning requirements set out in 2 above.

4. Utilities, railroad tracks, streets and bridges. Public utility facilities, roads, railroad tracks and bridges shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans to the extent applicable. Protection to the flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety, or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads or utilities.

5. Water supply and waste treatment. No new construction, addition or modification of a water supply or waste treatment facility shall be permitted unless the lowest operating floor of such facility is above the flood protection elevation, or the facility is flood proofed according to plans approved by the Commission, nor unless emergency plans and procedures for action to be taken in

the event of flooding are prepared. Plans shall be filed with the Delaware River Basin Commission and the concerned state or states. The emergency plans and procedures shall provide for measures to prevent introduction of any pollutant or toxic material into the flood water or the introduction of flood waters into potable supplies.

Article 6-4

Administration

Section 6-4.1 Administrative Agency.

(A) Class I projects as defined by Section 6-2.1 hereof shall be subject to review and approval by the Commission.

(B) Class II projects as defined by Section 6-2.2 shall be subject to review and approval by a duly empowered state or local agency; and if there be no such state or local agency at any time on and after January 1, 1978, and only during such time, the Commission may review any such project which has been identified by the Executive Director as having special flood hazards, and: (i) is located along the mainstem Delaware River or a major tributary thereof, or (ii) an agency of a signatory party requests such review.

Section 6-4.2 Special Permits. A special permit may be granted, or granted on stated conditions, provided:

(A) There is a clear balance in favor of the public interest in terms of the following environmental criteria:

1. The importance of a facility to the community.
2. The availability of alternative locations not subject to flooding for the proposed use.
3. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
4. The relationship of the proposed use to any applicable comprehensive plan or flood plain management program for the area.
5. The safety of access to the property in times of flood for ordinary and emergency vehicles.
6. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
7. The degree to which the proposed activity would alter natural water flow or water temperature.
8. The degree to which archaeological or historic sites and structures, endangered or rare species of animal or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land types would be degraded or destroyed.
9. The degree to which the natural, scenic and aesthetic values at the proposed activity site could be retained.

(B) The project shall not:

1. Endanger human life.
2. Have high flood damage potential.
3. Obstruct flood flows nor increase flood heights or velocities unduly whether acting alone or in combination with other uses.
4. Degrade significantly the water carrying capacity of any delineated floodway or channel.
5. Increase significantly the rate of local runoff, erosion, or sedimentation.
6. Degrade significantly the quality of surface water or the quality or quantity of ground water.
7. Be susceptible to flotation.
8. Have service facilities installed below the elevation of the regulatory flood without being adequately flood proofed.

Section 6-4.3 Technical Standards.

(A) Standards used by state and local governments

Enforcement

shall conform in principle to Commission standards but may vary in detail provided that resulting flood plain use will not be less restrictive than would result from the application of Commission standards. The Commission will review proposed state and local flood plain regulations to determine their compliance with Commission standards.

(B) Because of the variety and diversity of presently recognized hydrologic procedures, no one procedure or method is prescribed for determining the peak flow in cubic feet per second for the 100-year storm (Q 100) on which profiles for the delineation of flood hazard areas are based. The following may be used:

1. A uniform Technique for Determining Flood Flow Frequencies—Bulletin No. 15—Water Resources Council, December 1967.

2. Basin-Wide Program for Flood Plain Delineation—Delaware River Basin Commission—Anderson-Nichols and Co., Inc., June 1973.

3. Magnitude and Frequency of Floods in New Jersey with Effects of Urbanization—Special Report 38 U.S.G.S.—New Jersey Department of Environmental Protection, 1974.

4. Guidelines for Determining Flood Flow Frequency—Bulletin No. 17—Water Resources Council, March 1976.

State and local agencies may use methods resulting in Q 100s which are in reasonable agreement with those of the Commission. Any significant difference shall be reviewed with and subject to approval by the Executive Director.

(C) Methods and procedures shall be uniform, so far as practicable, within subbasins which have a major effect on the larger basins of which they are a part. To assist in achieving this objective the Commission staff will periodically provide to the various interested governmental agencies and others Q 100 data as developed by the Delaware River Basin Commission Hydrology Coordinating Committee for key locations in the Delaware River Basin. These will be based on a Log Pearson Type 3 analysis of data from the U.S.G.S. gaging stations using station skew, regional skew, or weighted skew, depending on the scope of data at each station.

Section 6-4.4 Mapped and Unmapped Delineations

(A) Whenever an official flood plain map providing the pertinent information is available with respect to a given project, the map shall be used for the delineation of the flood hazard area, floodway, flood fringe and determination of flood protection elevation.

(B) Whenever an official flood plain map providing the required information is not available with respect to a given project, the administrative agency shall require the project landowner to submit details concerning the proposed uses as needed to determine the floodway and flood fringe limits at the proposed site, including: cross-sections of the stream channel and overbanks, stream profile, and factors involved in determining obstructions to flow. From the data submitted, soil surveys, historic flood maps, high water marks and other empirical data, the applicant, subject to verification by the administrative agency, shall calculate flood hazard areas and establish the flood protection elevation for the particular site.

(C) Pending the preparation and completion of flood plain mapping, a "general flood plain" area shall be prescribed by the administrative agency to delineate for public guidance the area limits of site locations which are required to be submitted for review under this regulation.

Section 6-5.1 General Conditions. On and after January 1, 1978, where: (i) the flood hazard at the site is clear, present and significant, or the local government having jurisdiction has special flood hazard areas identified pursuant to the National Flood Insurance Act; and (ii) the site is not subject to an approved state or municipal regulatory system having the same or similar effect on the flood hazard as this regulation, the Commission may condition its approval on any local governmental project under Section 3.8 of the Compact upon the adoption and enforcement of flood plain regulations, approved hereunder, by the state or local government having jurisdiction.

Section 6-5.2 Prior Nonconforming Structures. A structure which was lawful before the adoption of this regulation but which is not in conformity with the provisions hereof, shall be subject to the following conditions (to be enforced by the appropriate authority as to Class I and Class II projects, respectively, under Article 6-4 hereof):

(A) A nonconforming structure in the floodway may not be expanded, except that it may be modified, altered or repaired to incorporate flood proofing measures provided such measures do not raise the level of the 100-year flood.

(B) A nonconforming structure in the floodway which is destroyed or damaged by any means, including a flood, to the extent of 50 per cent or more of its market value at that time may not be restored, repaired, reconstructed or improved except in conformity with the provisions of these regulations.

Section 6-5.3 Any violation of this regulation shall be subject to penalties imposed by the Compact.

2. This regulation shall become effective on January 1, 1977.

An order adopting these rules was filed on December 14, 1976, as R.1976 d.403 (Exempt, Exempt Agency). Take notice that these rules are not subject to codification and will not appear in the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TURNPIKE AUTHORITY

Proposed Revisions to Rules on Control Of Traffic on the Turnpike

The Turnpike Authority, pursuant to authority of N.J. S.A. 27:23-29, proposes to revise a portion of its rules concerning the control of traffic on the New Jersey Turnpike.

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

19:9-1.1 Definitions

"Abandoned vehicle" shall be defined as any vehicle whose occupants leave the vehicle unattended on the New Jersey Turnpike for any reason.

“Construction equipment” shall be defined as all vehicles, machinery and equipment enumerated in N.J.S.A. 39:4-30.

19:9-1.2(b) Vehicles shall not be operated elsewhere on the New Jersey Turnpike at a speed in excess of [60] 55 miles per hour except at such locations as shall be designated for test purposes.

19:9-1.3 Traffic control

(a) The regulating, warning or guiding of all traffic on the New Jersey Turnpike shall be governed by official traffic control devices.

(b) No vehicle shall operate an emergency flashing light of any color on the New Jersey Turnpike except State Police vehicles, the Authority’s maintenance and official vehicles, authorized contract vehicles in performance of Turnpike duties, vehicles on the New Jersey Turnpike for the purpose of furnishing towing and other services to disabled vehicles, and all other vehicles performing emergency services, such as ambulances and fire engines, when they are properly in use in the performance of authorized Turnpike duties.

(c) All signs, signals and markings on the New Jersey Turnpike shall be obeyed by the operators of all vehicles unless a State Police officer or authorized New Jersey Turnpike Authority personnel directs otherwise.

19:9-1.5(d) The making of a “U” turn on a toll plaza shall be done only at the direction of and under the supervision of toll plaza personnel.

Editor’s Note: The current text of N.J.A.C. 19:9-1.6(h) is to be deleted and replaced with the following new text:

19:9-1.6(h) In addition to the foregoing provisions of this regulation, under no circumstances shall any vehicle or person be parked, stopped or allowed to stand upon the New Jersey Turnpike: 1. For the purpose of selling food products, beverages or any other goods, wares, merchandise or services, or for the distribution of samples, pamphlets or advertising matter of any sort, or for the solicitation of funds or services for any purpose; 2. Alone or with one or more other parked vehicles as part of a demonstration or protest; or 3. For the purpose of taking on or discharging passengers.

19:9-1.6(k) No person shall be permitted to take photographs or motion pictures on the New Jersey Turnpike except as authorized by the Authority.

19:9-1.9(a) 11. Construction equipment other than motor trucks or truck cranes capable of maintaining 45 miles per hour.

19:9-1.9(a) 12. Vehicles or combinations of vehicles, including any load thereon, exceeding the following extreme overall dimensions* or weights:

- i. Height—13 feet, 6 inches;
- ii. Width—8 feet;
- iii. Length—55 feet;
- iv. Gross weight—80,000 lbs.;
- v. Single axle—22,400 lbs.;
- vi. Tandem axle—34,000 lbs.

*No private utility, house-type semitrailer or trailer with a maximum length for a single vehicle of more than 35 feet, a maximum length for a semitrailer and its towing vehicle of more than 45 feet and a maximum length for a trailer and its towing vehicle of more than 50 feet shall be operated on the New Jersey Turnpike.

[iv.] vii. No commercial motor vehicle drawing or having attached thereto any other such vehicle shall be oper-

ated on the Turnpike in excess of a total overall length inclusive of load of 55 feet.

19:9-1.9(a) 12. [v.] viii. Notwithstanding the above limitations, a combination of vehicles designed, built and used to transport other motor vehicles may carry a load which exceeds the 55 feet overall length, provided, however, the total load overhang shall be limited to five feet and may not exceed three feet at either the front or rear and that the overhang shall be above the height of the average passenger car.

ix. Commercial vehicles with tandem trailer combination, commonly known as “double bottoms”, with overall length not exceeding 55 feet are permitted to travel on the New Jersey Turnpike provided a written permit has been secured from the director of operations of the Turnpike Authority.

19:9-1.9(a) 16. [Commercial] Vehicles with improperly secured loads;

19:9-1.9(a) 17. [Commercial] Vehicles so loaded or operated that the contents or any part thereof may be scattered on the Turnpike roadway.

19:9-1.9(a) 21. i. With an axle or combination of axles, raised off the ground and supported by cable, chains, rope or other devices.

19:9-1.13 Hitchhiking [and], loitering, soliciting and distributing prohibited

(a) The soliciting of rides commonly known as “hitchhiking” at or near the toll booths and on all other portions of the New Jersey Turnpike is prohibited.

(b) Loitering, soliciting funds or services, selling of goods, distributing pamphlets and literature in or about the toll booths, service areas and all other portions of the New Jersey Turnpike is prohibited.

19:9-1.14(a) Subject to the provisions of N.J.A.C. 19:9-1.6, a vehicle which becomes disabled while using the New Jersey Turnpike may be repaired by the occupants thereof providing the occupants can complete repairs within a two-hour period from the time of disablement and occupants do not leave vehicle unattended. A vehicle disabled and abandoned by its occupants will be removed immediately by an authorized service of the Turnpike Authority at the expense of the owner.

19:9-1.14(d) A truck or bus company may obtain a private mechanical and towing service permit providing they conform to the rules and regulations governing said permits. (Applications and rules and regulations may be obtained from the office of the director of operations.)

(e) A truck or bus company may obtain a permit to perform their own tire service or designate a prearranged tire service. Said permits are obtainable from the office of the director of operations. Truck or bus companies not holding a private tire service permit will receive tire service from a service agency authorized by the Turnpike Authority to furnish such service on the Turnpike.

19:9-1.15 Transportation of [explosive and other dangerous articles] hazardous materials

Editor’s Note: The current text of this Section is to be deleted and replaced with the following new text:

(a) The transportation or shipment upon the New Jersey Turnpike of any hazardous materials, as defined in part 172 of the regulations of the United States Department of Transportation (49CFR172), shall be subject to the requirements of parts 171 to 178 inclusive of such regulations (49CFR171 to 178) governing the preparation

of the materials for transportation, construction of containers, packing, weighing, marking, labeling, billing and certification of such materials.

(b) The transportation or shipment upon the New Jersey Turnpike of radioactive materials or devices, as defined in part 173 of the regulations of the United States Department of Transportation (49CFR173), shall be subject to the prior written approval of the Turnpike Authority. All applications for such approval shall be made in writing, addressed to the director of operations and shall provide, to the satisfaction of the Authority, that the shipment shall comply in all respects with the provisions of parts 171 to 178 inclusive of the regulations (49CFR171 to 178).

(c) The Authority reserves the right to withhold the approval required in subsection (b) of this Section, and to prohibit entry to the Turnpike of any carrier of any hazardous materials, despite compliance with the aforementioned regulations of the United States Department of Transportation or any other pertinent regulations or law, if in its opinion, the transportation or shipment will be likely to endanger life or property.

(d) No person shall transport gasoline or other flammable liquids in containers in private vehicles. Commercial vehicles carrying flammable liquids shall be appropriately labeled.

19:9-1.17 Operations of vehicles on Turnpike project; care required

No vehicle shall be operated carelessly, without due caution or prudence, or in a manner so as to endanger persons or property, or while the operator is under the influence of intoxicating liquors or any narcotic or habit forming drug.

19:9-1.19 Tolls; payment required

No vehicle shall be operated on the New Jersey Turnpike except upon the payment of such tolls as are required by the Turnpike Authority.

19:9-1. [17] 20 Records

(a) Every person driving any commercial motor vehicle, omnibus, motor bus or tractor in interstate commerce upon the New Jersey Turnpike shall keep records showing the day and hour when, and the place where he went on and was released from duty, whether in or outside of this State, and in case such driver went on duty at a place outside of this State, he shall immediately upon entering the New Jersey Turnpike, certify upon such records that they are correct.

(b) Such records shall be exhibited to any State Police officer who shall demand to see the same.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 26, 1977, to:

William J. Flanagan
Executive Director
Turnpike Authority
Administration Building
New Brunswick, N.J. 08903

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

William J. Flanagan
Executive Director
Turnpike Authority

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

STATE CRACKING DOWN ON COLLECTING CORPORATE DOCKETED JUDGMENTS

A special task force has been established by the office of the Attorney General and the Secretary of State for corporate crackdown on collecting docketed judgments.

Secretary of State J. Edward Crabiel announced formation of the task force as a result of a conference with Attorney General William F. Hyland. Crabiel said the task force would be a pilot project to determine if the docketed judgments are collectible. He estimated more than \$1.3 million in docketed judgments have been issued against corporations during the past 21 months.

A docketed judgment is a court order against a corporation for failure to file an annual report. The corporation is precluded from selling any of its assets until the judgment is vacated.

"It is my firm belief that many of the corporations are unaware that there are docketed judgments against them for failure to file their annual reports with our office, while others may have ignored our notice that an annual report is due," Crabiel said.

Crabiel said that Attorney General Hyland has assigned an additional Deputy to his office to oversee the project and that the State Department has added additional staff as well as retained the service of an investigator to track down companies for failure to pay the docketed judgment.

The Secretary of State said he is exploring the possibility of attaching corporate bank accounts against companies that have failed to remove a docketed judgment.

"It is our intent to let it be known that we are pursuing collection of docketed judgments and I am totally convinced that once corporations are aware, there will be less people attempting to evade payment of a docketed judgment who would promptly file their annual reports," said Secretary Crabiel.

\$280 MILLION FEDERAL SEWERAGE FUNDS AID IN FIGHT AGAINST WATER POLLUTION

Governor Brendan Byrne recently announced approval of New Jersey's plan to allocate \$280 million in Federal water pollution funds to construction-ready projects of 61 municipalities and sewerage authorities.

Byrne directed the State Department of Environmental Protection to certify the individual projects promptly. "We shall advance the cure for pollution of New Jersey streams and the Atlantic Ocean", Byrne said, "by putting all our remaining Federal funds to use and marshalling the work efforts of over 20,000 people—many now unemployed".

The \$280 million of remaining Federal funds will cover 75 per cent of engineering and construction costs, with the projects also eligible for a State grant of eight per cent under the new Clean Water Bond Act once construction begins, Byrne said.

Projects for treating sewage in 19 of the 21 counties of the State are among those approved by Gerald M. Hansler, regional administrator for the U.S. Environmental Protection Agency. They include the Camden City's pilot

project to turn sewage sludge into compost for use on land, as well as 11 other projects to plan practical alternatives to the ocean dumping of sewage sludge.

These 11 projects are for West New York, Kearny, Passaic Valley Sewerage Commission, Bergen County Sewerage Authority, Wood-Ridge Borough, Rahway Valley Sewerage Authority, Joint Meeting—Essex and Union, Linden-Roselle Sewerage Authority, Northeast Monmouth County Sewerage Authority, Middlesex County Sewerage Authority and Middletown Township Sewerage Authority.

Most of the funds, \$201,688,000, go to the Passaic Valley Sewerage Commission for treating sewage from Essex, Passaic, Bergen and Hudson Counties, where pollution directly affects the Atlantic Ocean as well as the Hudson River and Newark Bay.

APARTMENT LEASES WILL NOW REFLECT ALL NEW TENANT RIGHTS

The one million New Jersey residents living in apartment buildings have been guaranteed that all new leases will reflect the full range of tenant rights.

Public Advocate Stanley C. Van Ness disclosed that his Department and the printers of lease forms used in the State have reached a settlement under which the printers will eliminate a number of illegal provisions.

"In the past ten years, there have been a great number of tenant victories in the Legislature and in the courts, but you would never know it when reading the leases," Van Ness said. "The lease forms that tenants have been obligated to sign do not acknowledge that these tenant rights exist."

Van Ness said leases throughout the State contain such illegal provisions as:

- Authorized lockouts for unpaid rent.
- Waiving landlord liability for injuries caused by their negligence.
- Allowing eviction without good cause.
- Waiving the right to an appeal of an eviction.
- Avoiding the return of security deposits with interest and without specifying damages.

Van Ness said that tenants unfamiliar with the many changes in the law, particularly in the past five years, felt they were bound by the terms of their leases. He said many landlords were similarly unfamiliar with the law.

The Department acted in the wake of the Truth-in-Renting law which took effect August 19 by warning the only three printers which furnish lease forms that injunctions would be sought against the further sale of illegal form leases.

All three cooperated fully, Van Ness said. The law makes a landlord liable to a \$100 penalty if he includes a lease provision which clearly violates the established rights of a tenant. Only exclusions are buildings with only one or two apartments.

\$3,138 EMPLOYEE SUGGESTION AWARD

Governor Brendan Byrne last month presented an Employee Suggestion Award in the amount of \$3,138 to Joseph Haas, of the Division of Pensions, at a ceremony in the Governor's office.

Haas designed a new mailing operation, performed by mentally-retarded patients at the Johnstone Research and Training Center, which will save the State \$31,370 per year.

CORPORATE RECORDS COMPUTERIZATION TO BE COMPLETED TWO YEARS EARLY

Secretary of State J. Edward Crabiel reports that an accelerated timetable will enable his office to complete computerization of corporate records two years ahead of schedule.

Crabiel said he expected the \$340,000 computer program to be in effect before the end of the current fiscal year. Originally, the computer program was not to become operational until 1979.

"This is a significant modernization which will vastly improve the efficiency and morale of our Department while providing our clients with a dramatically improved service," said Crabiel. He noted that nearly 450,000 documents are filed manually each year with the Department of State.

Crabiel credited the accelerated timetable to the "tremendous cooperation" his office has received from the Treasury Department's Data Processing Division as well as State Budget Director Edward G. Hofgesang.

"This computerization program was sorely needed by our Department to keep pace with the ever-increasing volume of filings," said the Secretary.

Crabiel pointed out that the Commercial Recording Section in his Department produces revenue in excess of \$5.5 million annually to the State.

He pointed out that a number of studies for computerization had been made in the past, but only within the past two years has there been the necessary impetus given for the program.

He said that the antiquated central index file operation has been constantly under heavy criticism, both internally in the office of the Secretary of State and externally by other State operating units and the general public.

The Secretary of State said he believes computerization will eliminate many of the difficulties the Department has encountered with the manual system and enable it to provide rapid service with increased accuracy.

He said the computer system will highlight the use of 14 on-line terminals which will provide immediate access to the latest information on the corporate entity.

Additionally, Crabiel said certain historical data will be available almost instantaneously.

"The 'look-up time' will be greatly reduced and individuals receiving the information can be assured of its validity since the master file will be constantly updated as new information is received," he said.

Another benefit for lawyers and other individuals filing documents will be the increased ability for a fast turnaround.

"Our system is predicated on the idea of being able to audit all documents through the system yet maintain a turnaround time of one day or less," he said.

\$11 MILLION CONSTRUCTION JOB LOANS

Acting Commissioner of Labor and Industry John Horn announced approval of ten new monthly financings by the Economic Development Authority involving \$11,765,000 in low-interest loans and expected to create 311 permanent jobs and 208 construction jobs.

The loans, arranged through the sale of Authority tax-exempt bonds, are for the construction of facilities and purchase of machinery for projects in seven counties. Individual loans range from \$3.5 million down to \$300,000 and include land and construction costs for research, office, medical, chemical, freight terminal, food market and manufacturing buildings, plus a pollution control project.

1976 REGISTER BOUND VOLUME AGAIN AVAILABLE AT \$14

Orders are being accepted from subscribers for the annual bound volume of 1976 issues of the New Jersey Register. Delivery will not be until a month later.

In addition to the 12 issues, the 600-page volume contains an index of all rules adopted during the year—and of rules proposed but not yet adopted at year-end. A similar cumulative index for 1975 is included.

Price is \$14 per copy, payable in advance, with shipment postpaid. Similar bound volumes for preceding years are available at the same price.

Checks should be made out to, and orders placed with: Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608.

NEW PHONE NUMBERS FOR "ACTION LINE"

The Division of Consumer Affairs "Action Line" has new telephone numbers. Action Line provides callers with information on past complaints made against companies doing business in New Jersey.

The new numbers in Newark are (201) 648-3295 and 648-3296.

Action Line operators are able to advise callers of consumer rights protected by State law, but cannot endorse one company over another. Action Line also refers callers to other State agencies when complaints are in areas outside their jurisdiction.

Robert Lee, confidential assistant to Consumer Affairs Director Virginia Long, and Action Line coordinator, said the service receives about 30 calls a day from consumers.

McLAIN NEW DEPUTY DIRECTOR OF FISH AND GAME DIVISION

Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, recently named Paul D. McLain of Toms River to the new post of deputy director of the Division.

Cookingham explained that "the ever-increasing number of programs, functions and responsibilities of the Division require the services of a deputy director familiar with all aspects of activities and programs".

McLain, a 26-year veteran, had served the State as Federal aid coordinator the past five years and was previously a principal, senior and assistant wildlife biologist.

McLain's duties include assisting the director in the daily operations of the Division and the supervision of endangered and nongame species, wildlife education, planning and Federal aid.

McLain was graduated with a degree in wildlife management from Cornell University and first started with the Division as a summer assistant in 1948, joining full-time in 1950.

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