

# NEW JERSEY REGISTER



*Official Publication of the State of New Jersey*

**BRENDAN T. BYRNE**, Governor  
**J. Edward Crabel**, Secretary of State  
**Thomas F. Kistner**, Director of Administrative Procedure  
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**Peter J. Gorman**, Rules Analyst

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COUNSEL TO THE GOVERNOR  
STATE HOUSE  
TRENTON N J 08625

## INDEX OF RULES IN THIS ISSUE

### BANKING

- Proposed Rule on Registrar Filings ..... 6 N.J.R. 218(a)
- Revise Government Deposit Protection ..... 6 N.J.R. 218(b)

### CIVIL SERVICE

- Revise Local Personnel Manual ..... 6 N.J.R. 218(c)
- Revise State Personnel Manual ..... 6 N.J.R. 219(a)
- Revise Personnel Awards Manual ..... 6 N.J.R. 220(a)

### COMMUNITY AFFAIRS

- Proposed Nonprofit Housing Changes ..... 6 N.J.R. 221(a)

### EDUCATION

- Proposed Research Center Rules ..... 6 N.J.R. 221(b)
- Proposed Vocational-Management Rules ..... 6 N.J.R. 222(a)
- Proposed Library Assistance Rules ..... 6 N.J.R. 223(a)
- Proposed Tuition Formula Revisions ..... 6 N.J.R. 226(a)
- Proposed School Bus Retirement Rule ..... 6 N.J.R. 227(a)

### ENVIRONMENTAL PROTECTION

- Proposed Water Meter Rule ..... 6 N.J.R. 227(b)
- Open Certain Shellfish Beds ..... 6 N.J.R. 228(a)
- Open Certain Oyster Beds ..... 6 N.J.R. 228(b)
- Delete Rule on Director's Powers ..... 6 N.J.R. 228(c)

### HEALTH

- Proposed Elements of Costs Rules ..... 6 N.J.R. 229(a)
- Proposed State Plan for Hospitals ..... 6 N.J.R. 231(a)
- Proposed Drug Facility License Rule ..... 6 N.J.R. 231(b)
- Proposed Food Licensing Revisions ..... 6 N.J.R. 232(a)
- Proposed Health Discontinuance Rule ..... 6 N.J.R. 232(b)
- Proposed Health Agencies Standards ..... 6 N.J.R. 232(c)
- Proposed Need Certification Rule ..... 6 N.J.R. 233(a)
- Proposed Shellfish Handling Rules ..... 6 N.J.R. 233(b)
- Proposed Axial Tomography Rule ..... 6 N.J.R. 241(a)
- Adopt Order on Mecloqualone ..... 6 N.J.R. 241(b)
- Add Pertussis to Reportable Diseases ..... 6 N.J.R. 241(c)

### INSTITUTIONS AND AGENCIES

- Proposed Annual State Plan Revision ..... 6 N.J.R. 241(d)
- Proposed Dental Providers Amendment ..... 6 N.J.R. 242(a)

- Proposed Recovery Payment Rule ..... 6 N.J.R. 242(b)
- Proposed Physician's Manual Revisions ..... 6 N.J.R. 242(c)
- Proposed Prosthetic Manual Revisions ..... 6 N.J.R. 243(a)
- Proposed AFDC Aid Changes ..... 6 N.J.R. 243(b)
- Proposed New Administration Manual ..... 6 N.J.R. 244(a)
- Proposed Revision to Ruling 11, Part III ..... 6 N.J.R. 244(b)
- Proposed Revisions to Parts I and II ..... 6 N.J.R. 245(a)
- Repeal Preadoption Rules ..... 6 N.J.R. 245(b)
- Adopt Provider Participation Rule ..... 6 N.J.R. 245(c)
- Revise Transportation Manual ..... 6 N.J.R. 245(d)
- Revisions for Dental Services ..... 6 N.J.R. 246(a)
- Adopt Citizenship Rule ..... 6 N.J.R. 246(b)

### INSURANCE

- Proposed Real Estate Amendments ..... 6 N.J.R. 246(c)

### LAW AND PUBLIC SAFETY

- Revise Candidate Licensing Rules ..... 6 N.J.R. 246(d)
- Revise Dental Hygiene Licensing Rules ..... 6 N.J.R. 247(a)

### TRANSPORTATION

- Proposed Senior Citizen Bus Fares ..... 6 N.J.R. 247(b)
- Proposed State Highway Speed Changes ..... 6 N.J.R. 248(a)
- Proposed One-Way Street Rules ..... 6 N.J.R. 248(b)
- Proposed Parking Restriction Rules ..... 6 N.J.R. 249(a)
- Adopt State Highway Parking Rules ..... 6 N.J.R. 249(b)
- Adopt State Highway Speed Rules ..... 6 N.J.R. 250(a)
- Adopt DOT Traffic Control Rule ..... 6 N.J.R. 250(b)

### TREASURY

- Proposed Forms Reproduction Rule ..... 6 N.J.R. 250(c)
- Adopt Floor Covering Rules ..... 6 N.J.R. 251(a)
- Adopt Investment Classification Rule ..... 6 N.J.R. 252(a)

### PORT AUTHORITY OF NEW YORK AND NEW JERSEY

- Adopt Air Taxi Permit Revisions ..... 6 N.J.R. 252(b)

ADMINISTRATIVE CODE INTERIM INDEX—Page 18

•  
NEXT RULES FILING DEADLINE—June 26

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## BANKING

### DIVISION OF BANKING

#### Proposed Rule Concerning Registrar and Transfer Agents Filings

Clifford F. Blaze, Acting Deputy Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-213, proposes to adopt a new rule concerning the filing with the Department of Banking by the registrar and transfer agents.

Full text of the proposed new rule follows:

#### SUBCHAPTER 8. REGISTRAR AND TRANSFER AGENTS

##### 3:6-8.1 Filing with the Department of Banking

A domestic or foreign corporation authorized to transact business in this State which acts as a transfer agent or registrar or both for other corporations pursuant to N.J.S.A. 17:9A-213, shall file with the Department of Banking its name, address of its main office, address of any office located in this State, recent financial statement and the names of the principle corporate officers, within 30 days from adoption of this regulation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Roger F. Wagner  
Deputy Commissioner of Banking  
Department of Banking  
Trenton, New Jersey 08625

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

Clifford F. Blaze  
Acting Deputy Commissioner  
Department of Banking

(b)

## BANKING

### THE COMMISSIONER

#### Revisions in Governmental Unit Deposit Protection

On May 16, 1974, Roger F. Wagner, Acting Commissioner

of Banking, pursuant to authority of N.J.S.A. 17:9-41 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:1-4.1 et seq. concerning governmental unit deposit protection, substantially as proposed in the Notice published April 4, 1974, at 6 N.J.R. 130(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

The changes between the proposed and adopted revisions include the substitution of the word "collateral" for "securities" in the rules, since mortgage loans are now eligible for pledging. The revisions also note procedures to be used when pledging mortgages. Also, changes were made to clarify that student loans and S.B.A. loans are eligible to be pledged under the Act (See: N.J.A.C. 3:1-4.9 (d) and 3:1-4.10(c)).

An order adopting these revisions was filed and effective May 16, 1974, as R.1974 d.119.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to Personnel Manual (Local Jurisdictions) On Discrimination

On May 7, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 21-2.101 of Part 21-2, Discrimination, of the Civil Service Personnel Manual (Local Jurisdictions).

Full text of the revised text follows:

##### 21-2.101a Subject

This subpart will define the policy of the Department of Civil Service with regard to the obligation of local government agencies to conform with State and Federal laws and regulations concerning equal employment opportunity practices.

##### 21-2.101b Procedure

State and Federal law and regulations require that employment practices of local government agencies do not discriminate against any person because of race, creed, color, national origin, ancestry, age, sex, political or re-

## NEW JERSEY REGISTER

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religious opinions or affiliations, armed forces obligations or physical handicaps.

This requirement, as well as existing Civil Service law and rules in this area, should be an integral part of the personnel policies and practices of local government agencies.

Upon request, the Department of Civil Service will:

1. Provide advice to local government jurisdictions operating under the Civil Service Act concerning the development of personnel policies and practices consistent with the principle of equal employment opportunity.

2. Provide advice to local government jurisdictions operating under the Civil Service Act in developing procedures for the reporting of statistics relating to their equal employment opportunity policies and practices.

An order adopting these revisions was filed May 14, 1974, as R.1974 d.116 (Exempt, Procedure Rule) to become effective May 30, 1974.

Such revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to Personnel Manual (State Service) On Demotional and Reemployment Rights

On May 7, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 16-5.101 of the Civil Service Personnel Manual (State Service) concerning demotional and reemployment rights.

Full text of the revised text follows:

#### 16-5.101a Subject

This Subpart will describe the procedure that will be followed by the Department of Civil Service upon receipt of a 45-day notice of layoff from an appointing authority, effective May 1, 1974.

#### 16-5.101b Definitions

1. Class level: a group of class titles with the same or similar duties, responsibilities, qualifications and the same rank, range and evaluated job content.

2. Seniority right: the right of a permanent employee to displace another employee in the same organizational unit holding a title on the same class level who has either less seniority, an unsatisfactory performance rating, or does not have permanent status on that class level. For layoff and demotion purposes, seniority is defined as the amount of time an employee has served continuously in a permanent capacity in a title or titles on the same or higher class level from which he or she is being laid off or demoted, regardless of organizational unit where served.

3. Special reemployment right: the right of a permanent employee to be certified against another employee who is serving temporarily, or provisionally pending open competitive examination in a title on the same, comparable or lower class level in any of the organizational units of the State, and those pending promotional examination in the same organizational unit. If there are no incumbents

against whom special reemployment rights can be exercised, the name of the employee so laid off or demoted will be placed on a special reemployment list for the same, comparable or lower-class level titles for appropriate certification, with the provision that certification and appointment to any position having a class title below the class level of the one from which the employee was laid off or demoted in lieu of layoff will in no way affect retention on lists for higher class level titles, nor will appointment to a title on the same class level affect retention on the list for the specific title from which the employee was laid off or demoted in lieu of layoff.

4. Demotional right: the right of a permanent employee to displace another employee in the same organizational unit who holds a title on a lower class level, regardless of the seniority held by the employee in the lower class level; however, demotional rights of professional employees shall not extend to nonprofessional titles nor shall the rights of para-professional employees extend to clerical titles except if the employee previously held such title on a permanent basis.

5. Employee's organizational unit: for layoff and demotion purposes, the organizational unit is considered to be the lawfully established Department or autonomous agency.

6. Blanket 45-day notice: a 45-day notice of layoff or demotion in lieu of layoff which is posted and/or given general distribution in the organizational unit of a layoff to notify all employees of a reduction in force and the possible application of seniority or demotional rights by those employees directly affected by the layoff.

#### 16-5.101c Procedure: Positions in the competitive division

Upon receipt of a 45-day layoff notice, the director of classification and compensation, shall act for the Chief Examiner and Secretary in determining the seniority, special reemployment and demotional rights of the employees.

1. The director of classification and compensation shall make a determination regarding:

(a) What class titles in the same organizational unit are on the same class level as the class titles affected by abolition of positions or layoffs to which seniority rights apply.

(1) The seniority rights of all permanent employees on the class level shall be reviewed to determine if the 45-day notice was in order; if not, the notice will be returned to the appointing authority for correction.

(2) Performance ratings will be used as directed in N.J.A.C. 4:1-16.3 for the establishment of the order of layoff or demotion when all employees involved were evaluated by the same rater. In cases of different raters, seniority on the class level will be used to determine the order. In cases where two employees with satisfactory or better performance ratings have the same seniority, the tie shall be broken by considering: (1) veteran's status—in such cases, the disabled veteran shall be retained in preference to the veteran and the employee with veteran's status in preference to the nonveteran; (2) performance ratings—the employee rated outstanding shall be retained in preference to the employee rated satisfactory for the 12-month period immediately preceding the date of the layoff only if both were evaluated by the same rater; (3) permanent service prior to a break in service in a title on the same or higher class level (see N.J.A.C. 4:1-16.13); or (4) the total length of continuous permanent service with the State.

(b) What class titles in the same organizational unit below the class level from which employees are being laid off will fall within the class levels to which demotional rights apply. These rights shall include demotional rights to any class title previously held on a permanent basis by an employee.

(c) When necessary, what class titles in any of the organizational units of the State will fall within the area to which special reemployment rights apply.

2. The director of classification and compensation shall act for the Chief Examiner and Secretary in notifying the appointing authority and involved employees of the determinations regarding seniority, special reemployment and demotional rights of the employees. Such determination shall be made prior to expiration of the 45-day period.

3. All administrative appeals concerning the determination of an individual's seniority, special reemployment or demotional rights shall be forwarded within ten calendar days of receipt of notification by the employee to:

Chief Examiner and Secretary  
Department of Civil Service  
Arnold Constable Building  
Trenton, New Jersey 08625

4. All probationers and permanent employees who are laid off or demoted in lieu of layoff shall have the right of appeal to the Civil Service Commission regarding such layoff or demotion, provided such appeal is received by the Commission within 20 calendar days after the date of receipt of notice of such layoff or demotion in lieu of layoff. The sole issue in such Commission hearings shall be whether the reduction in force was a "good faith" action by the appointing authority.

16-5.101d Procedure: positions in the noncompetitive and labor divisions

1. The same procedure as outlined above will be followed in effecting layoffs for employees holding permanent status in titles allocated to the noncompetitive or labor divisions of the classified service.

2. An employee having permanent status in a competitive title shall have bumping rights against noncompetitive or labor titles if he or she has more seniority than those being displaced. Seniority shall include all relevant permanent continuous service in State Government.

3. An employee having permanent status in a higher non-competitive or labor title can displace another employee in a lower title provided that the employee being displaced has less seniority than the employee in the higher title. Seniority shall include all relevant permanent continuous service in State Government.

4. At the discretion of the appointing authority, displaced competitive employees may be placed in vacant non-competitive or labor positions after notifying the Department of Civil Service of such intent.

16-5.101e Application

1. A permanent employee affected by a layoff shall be permitted to exercise his or her seniority right to displace any employee in the organizational unit in a title on the same class level with less seniority. If the employee declines to exercise the seniority right, he or she shall be permitted to exercise demotional rights against any employee in a class title to which such rights apply. In either case, the special reemployment rights of the employee remain the same and may be exercised at the employee's discretion.

2. All 45-day notices, blanket 45-day notices or other written notifications to permanent employees affected by a layoff situation shall stipulate the employee's appeal rights regarding such actions. In cases where a blanket 45-day notice of layoff is issued, the 20-day appeal period to the Commission shall start from the date the employee received individual written notification of layoff or demotion in lieu of layoff.

An order adopting these revisions was filed May 14, 1974, as R.1974 d.117 (Exempt, Procedure Rule).

Such revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### STATE EMPLOYEES' AWARDS COMMITTEE

#### Revisions to Personnel Manual (State Service) Concerning Awards

On May 7, 1974, the New Jersey State Employees' Awards Committee in the Department of Civil Service, pursuant to authority of N.J.S.A. 11:2C-8 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 22-1.101 of the Civil Service Personnel Manual (State Service) concerning awards.

Full text of the revised text follows:

22-1.101b. The Departmental committee shall make a thorough and objective investigation of the suggestion. Following investigation, the Departmental committee shall meet and, by majority vote, recommend approval or disapproval of the suggestion on a prescribed form. If the recommendation is for disapproval, a full report with supporting documents shall be made to the Secretary. If the recommendation is for adoption, the report shall be forwarded to the Department head for approval and implementation, or disapproval. The report shall then be returned to the Secretary. The identity of suggesters and evaluators of suggestions shall remain anonymous until the evaluation has been completed and shall be revealed to no source except Department heads, Departmental committees, the State Awards Committee or the staff of the State Awards Committee. The identity of the suggester can be revealed after the evaluation has been completed, but the identity of the evaluator should remain anonymous except to the above sources.

c. The Committee shall review the Departmental committee's report and recommendation and decide by majority vote whether or not an award is merited and the amount of the award.

d. When the Departmental committee recommends an award greater than 10 per cent of the maximum award, the full report will be forwarded to the budget bureau for review and then returned along with findings to the Secretary.

e. After an award is approved by the committee, the suggester's eligibility must be certified by his or her Department. Then the award must be approved by the President. The Secretary is authorized to approve for the committee all awards of \$50.00 or less.

f. When a suggestion is held beyond six months by a Departmental committee, the Secretary will advise the chairperson of the Departmental committee concerned that this suggestion will be referred to his or her department unless a report on form CS-75 or reasonable explanation for the delay is returned within two weeks.

g. Any suggestion not processed or explained satisfactorily within that period will be referred to the Department head. If no corrective action is taken by that office within

two weeks, the suggestion will be reported to the President for appropriate action.

Exceptions—No award shall be paid:

a. To any employee for any suggestions which represent a part of the normal duties of his or her position and which he or she has the authority to change. Accordingly, a supervisor could not receive an award for a suggestion to make a change in his or her section where he or she has the responsibility and authority to do so in accordance with his or her regular duties.

An order adopting these revisions was filed May 14, 1974, as R.1974 d.118 (Exempt, Procedure Rule).

Such revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Revisions Concerning Limited Dividend and Nonprofit Housing Corporations and Associations

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:16-11, proposes to revise certain definitions concerning limited dividend and nonprofit housing corporations and associations.

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

##### 5:13-1.1 Definitions

"Gross shelter rent" means the gross rent or carrying charges less the cost of utilities furnished by the project; utilities shall include gas and electricity if supplied by the project; cost of heating fuel, cost of water supplied and sewage charges, if any [.] ; except that, in the case of condominiums, "gross shelter rent" shall be determined by a formula based on what the annual interest and amortization would be when computed on the initial gross selling price of all of the condominium units at the maximum lawful rate of interest set pursuant to N.J.S.A. 31:1-1 et seq., for the number of years of the tax agreement with the municipality, plus the total annual amount of common expenses charged to the unit owners, excluding the cost of utilities furnished by the project.

"Condominium" means any project, as defined in this Section, which was created under the provisions of the Condominium Act (N.J.S.A. 46:8B-1 et seq.) or the Horizontal Property Act (N.J.S.A. 46A-1 et seq.).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Division of Housing and Urban Renewal  
P.O. Box 2768  
Trenton, New Jersey 08625

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

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Rules Concerning Educational Centers of Research and Demonstration

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-71, proposes to adopt new rules concerning educational centers of research and demonstration.

Full text of the proposed new rules follows:

#### CHAPTER 37. RESEARCH

##### SUBCHAPTER 1. EDUCATIONAL CENTERS OF RESEARCH AND DEMONSTRATION

###### 6:37-1.1 Purpose

(a) These centers, in voluntary cooperation with local school districts, are designed to concentrate upon the development, testing and installation of ideas and procedures to solve major educational problems.

(b) The centers shall be responsible to conduct projects within an experimental framework in order that unproven educational ideas can be objectively tested and evaluated and their value to local school districts demonstrated.

(c) Priority shall be given to those centers engaged in research and demonstration in one or more of the following areas:

1. Reading levels of low income children;
2. Early childhood development;
3. The gifted student;
4. Effective utilization of new materials and equipment;
5. Educational technology;
6. Patterns of school organization.

###### 6:37-1.2 Eligibility

(a) Application and authorization for funds are as follows:  
1. School districts, county community colleges, county and state institutions, private nonprofit colleges and universities, and nonprofit organizations may apply to the Commissioner of Education for funds equal to the amount of annual costs to operate centers within the scope of the approved plan.

2. In order that the Commissioner may estimate by November the amount necessary to be appropriated to carry out the provisions of the Act for the succeeding fiscal year, all plans for the succeeding fiscal year shall be received by August 1. All such plans when received will be reviewed within a reasonable time. No plan will be rejected in whole or in part without prior consultation with the applying agency.

3. The State Board of Education shall, upon recommendation of the Commissioner, approve applications and authorize award of funds.

4. The State Board of Education shall upon authorization of awards for a fiscal year, and upon recommendation of the Commissioner, establish and order priorities to be delineated in N.J.A.C. 6:37-1.1(a) for the succeeding fiscal year.

###### 6:37-1.3 Plan requirements

(a) Plan requirements are as follows:  
1. Any educational institution or nonprofit educational organization desiring to receive funds for any fiscal year pursuant to the title shall submit a plan at such time, in such detail and containing such information as the Com-

missioner and State Board of Education deem necessary, which meets the following requirements:

- i. Preparation with involved constituency;
- ii. Designates the agency for administration;
- iii. Assurance of compliance with all State Board policies, rules and regulations;
- iv. Is long-range in that the program will be operated for not more than five nor less than three years;
- v. Describes the present and projected educational research in terms of the purpose of this Title;
- vi. Sets forth a program of research objectives;
- vii. Sets forth an annual program plan which:
  - (1) Describes the allocation of all funds to programs, services and activities to be carried out under the plan.
  - (2) Indicates how and to what extent such programs, services and activities will carry out the program objectives set forth in the long-range plan.
- viii. Provides for an evaluation design;
- ix. Provides that effective use will be made of the results of evaluations;
- x. Sets forth fiscal control and fund accounting procedures which shall include periodic audits to be conducted in a manner and at the time specified in the approved plan;
- xi. Provides for making reports in the form and manner as described by the Commissioner of Education.

#### 6:37-1.4 Fiscal control and program management

(a) Notwithstanding initial application plan approval, plans shall be resubmitted to the Commissioner for approval periodically in accordance with the schedule of grant payments specified in the approved plan.

(b) Eligible agencies may contract with other agencies for specified functions with the approval of the Commissioner of Education. Overall responsibility for such contractual work shall remain with the eligible agency.

(c) Line item budget changes up to 15 per cent of the item may be effected without written agreement of the Commissioner. Changes above 15 per cent must be approved in writing by the Commissioner of Education. All personnel changes must be approved in writing by the Commissioner of Education.

(d) The eligible agency shall maintain such records and accounts, including personnel, financial and evaluation records in accordance with the approved plan and as are deemed necessary by the Commissioner of Education. Such records shall be submitted to the Department of Education on prescribed forms and on a regular schedule to be specified in the approved plan.

(e) The Commissioner shall at any time have the authority to inspect the financial and program records of the eligible agency.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Mrs. Anne Grandinetti  
Division of Controversies and Disputes  
State Department of Education  
225 West State Street  
Trenton, New Jersey 08625

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

Edward W. Kilpatrick  
Acting Commissioner of Education  
Acting Secretary, State Board of Education

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Rules Concerning Vocational-Management Services

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of P.L. 90-576, proposes to adopt new rules concerning vocational-management services.

Full text of the proposed new rules follows:

6:47-1.2(h) Reimbursement of Federal and/or State funds will be disallowed for area vocational-technical school facilities construction projects wherein such facilities and/or equipment costs are noninstructional in nature. Examples of items disallowed include the following:

1. Advertising: Costs relating to advertising or other methods of obtaining public attention for the purpose of letting bids for, but not limited to, construction, equipment and site improvement.
2. Public relations: Expenditures relating to public relations regardless of format or purpose.
3. Legal fees: Charges for all legal services.
4. Service charges and/or wages: Technical consultants, program specialists, inspectors, or others who provide services not listed in the original bid.
5. Land acquisition and related costs: Land acquisition, title transfer, taxes and/or expenses for site development that exceed an amount specifically approved by the Division of Vocational Education for any given project.
6. Supplies: All supplies, as stipulated by the "Financial Accounting for New Jersey School Districts".
7. Interest: All interest on loans and bonds.
8. Performance bonds: All costs relating to performance bonds.
9. Insurance: Insurance of all types.
10. Supervisors: Supervisors of construction including, but not limited to, clerk of the works.
11. Security: Night watchman, security personnel or electronic surveillance equipment used in the protection of property.
12. Maintenance equipment: All equipment purchased for maintenance of plant.
13. Textbooks: Textbooks and individualized instructional material.
14. Pools and sporting programs: All swimming or ornamental pools, playgrounds and sporting equipment.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Mrs. Anne Grandinetti  
Division of Controversies and Disputes  
State Department of Education  
225 West State Street  
Trenton, New Jersey 08625

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

Edward W. Kilpatrick  
Acting Commissioner of Education  
Acting Secretary, State Board of Education

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Rules on State Library Assistance Programs

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:74-14, proposes to adopt new rules concerning State library assistance programs.

Full text of the proposed rules follows:

##### 6:68-4.1 Introduction

(a) Under the provisions of the New Jersey Library Construction Incentive Act, N.J.S.A. 18A:74-14, the State Librarian, as the designated representative of the Commissioner of Education of the State of New Jersey, is authorized to supervise and administer State funds to assist in the construction and expansion of public library buildings.

(b) The following requirements are not to be interpreted as being standards. They are minimum requirements for participation in the grant program and may provide for only basic services.

##### 6:68-4.2 Definitions

"Municipal library" means a library established pursuant to N.J.S.A. 40:54-1 to 29.2.

"Joint library" means a library established pursuant to N.J.S.A. 40:54-29.3 to 29.26.

"Association library" means a library established pursuant to N.J.S.A. 15-1 et seq. and receiving public funds pursuant to N.J.S.A. 40:54-35.

"County library" means a library established pursuant to N.J.S.A. 40:33-1 to 33-13.2c.

"Regional library" means a library established pursuant to N.J.S.A. 40:33-13.3 to 33-13.18.

"Area library" means any library with which the state contracts for specialized services to all residents of an area specified in the contract.

"Central library" means the main library building of a municipality, county or other type of public library or those facilities which house the administrative headquarters of a library system, including system-wide services provided from a single location.

"Branch library" means an auxiliary public library which has all of the following but which is administered from a central unit:

1. Separate quarters;
2. A permanent basic collection of library materials;
3. A permanent staff;
4. A regular schedule for opening to the public.

##### 6:68-4.3 Eligible projects

(a) The following types of construction are eligible for a grant:

1. Construction of a new building;
2. Acquisition of an existing building adaptable to use as a public library;
3. Addition to an existing building;
4. Rehabilitation of an existing building.

(b) If the project is an addition to an existing building, the new construction for the addition must be at least 3,500 square feet. However, in determining the total square feet of floor space required to meet the minimum size criteria in N.J.A.C. 6:68-4.5 (f), the usable floor space of the exist-

ing structure plus the floor space to be provided by the new addition shall be added together.

(c) The acquisition or the substantial rehabilitation of an existing structure may be an eligible project. In order to be eligible, the acquisition or the rehabilitation must be extensive and comprehensive and shall result in a near approach to or substitute for a completely new building. In no case may costs for furnishings and equipment in excess of 30 per cent of the total acquisition or rehabilitation costs of the project be considered eligible for matching. An application may also be submitted which combines rehabilitation or construction of an addition. An acquisition or rehabilitation application must meet the minimum square footage requirements and other requirements and criteria applicable. An acquisition or rehabilitation analysis and program must be prepared by a registered architect and shall be part of the application. The architect shall also certify that the proposed acquired or rehabilitated structure and all its component parts shall have a life expectancy of 20 years or more. Studies made by the architect regarding the following shall be submitted in substantiation of the suitability and practicality of the acquisition or rehabilitation.

1. The building shall be examined to determine that it is structurally sound.
2. All interior and exterior finishes, general construction, safety factors, ceiling lights, ventilation and so forth shall be examined to determine if the existing structure is suitable for acquisition or rehabilitation and upon completion will require no more than normal, annual maintenance.
3. Careful analysis of the space requirements and allocation of space shall be made to determine if the structure, as acquired or rehabilitated, will meet the modern concepts of library services to the community it serves.
4. All mechanical aspects of construction shall be carefully analyzed as to replacement or improvement.

(d) School libraries and public-school library combinations are ineligible to receive construction grants.

(e) Minimum size for any project shall be 3,500 square feet of floor space.

(f) The library construction advisory board may accept for review preliminary applications which, while being innovative, fail to meet the criteria outlined herein. Exceptions may be considered where the public library building program demonstrates initiative and seeks to solve local problems in an original or cost-effective manner. Examples of possible exceptions to the criteria are the following:

1. A processing center serving a public library system; or
2. A public library system administrative headquarters.

(g) The signing of construction contracts before full approval by the State Librarian shall make the project ineligible for participation in the grant program.

##### 6:68-4.4 Eligible project costs

(a) Eligible project costs are enumerated under Section 7 of N.J.S.A. 18A:74-14.

(b) In addition, in order to discourage elaborate or extravagant design or materials and to promote the construction of projects in an economic manner, a ceiling periodically shall be set by the State Librarian describing a maximum per square foot project cost beyond which project costs will not be eligible in the computation of the State share of funding.

(c) Should some portion of the proposed construction be intended for use for other than library purposes, such as municipal offices, general municipal meeting room, and the like, this space may not be included in the computation of available square feet of space. Construction costs relating to these nonpublic-library-use areas are not reimbursable (that is, are not eligible to be used for matching purposes). The application must clearly designate the nonpublic-library-use areas and the related costs. Reimbursable costs must show a prorated reduction on the basis of the proration. Any shared-space costs submitted for reimbursable purposes must also be documented in detail.

**6:68-4.5 Project criteria**

(a) In order to receive approval, applications must meet the requirements and criteria enumerated in these regulations. Those interested in applying for possible changes should, by registered mail directed to the State Librarian, request an interview with the library construction advisory board and, in unusual cases, changes in the requirements and criteria may be allowed.

(b) During the calendar year prior to submission of application, a municipal joint or association library, shall have received tax support at the level equal to at least 1/3 of a mill on every dollar of assessable property within such municipality; a county or regional library, during the calendar year prior to submission of application, shall have received tax support at the level equal to at least 1/15 of a mill per dollar on the apportionment valuation.

(c) During the calendar year prior to submission of application, the library shall have met the minimum criteria for receipt of State Library Aid (N.J.A.C. 6:68-1 et seq.) or submit a plan detailing steps to meet all the criteria which is acceptable to the library construction advisory board.

(d) The applicant must be in possession of a fee simple title or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than 20 years. Ownership of site by the applicant includes ownership of the land by the municipality (municipalities) of the applicant or the county (counties) in the case of a county or regional library application, provided that such land has been formally dedicated to library use. In the case of an association library, title to the land and building shall be in the name of the municipality in which the library is located.

(e) The applicant must have local matching funds for the project (the difference between project costs and the potential grant award) before final approval can be given.

1. Construction project. Tentative approval of a project may be given to those applicants submitting a resolution by the governing body of the municipality or county demonstrating intent to provide funds for the financing of the project. However, final approval of a project shall be contingent upon submission of evidence of appropriation of funds for the financing of the project. Such evidence, which must be submitted within two months following notification of tentative approval, shall include copies of the ordinance of appropriation passed on final reading and approved. Municipal libraries shall comply with the provisions of N.J.S.A. 40:54-25, as amended, 1971.

(f) Floor space is meant to include total square footage of space available for public library purposes including outer walls. This shall include areas provided for mechanical equipment and maintenance requirements. In calculating square footage only those areas shall be included that have heat, light and ventilation adequate for public and staff usage, excepting that those areas designated for mechanical, maintenance and storage purposes

have heat, light and ventilation and square footage commensurate with their purposes.

1. Population base for size calculations. The estimated population ten years hence from the year in which application is made shall be used to determine the population base of the area served by the applicant library. For areas experiencing a population decline, the population estimate of the New Jersey Department of Labor and Industry for one year prior to the fiscal year in which the grant application is made shall be used as the population base.

2. The population base as determined above shall be used to compute the minimum project size required to qualify as an applicant for a grant, as indicated in Table A.

**Table A**

Population Base of Municipality or County (10 Year Projection)	Minimum Sq. Ft. of Floor Space
Under 10,000	3,500 sq. ft. + .7 * over 5,000 pop.
10,000 - 25,000	7,000 sq. ft. + .6 * over 10,000 pop.
25,000 - 50,000	16,000 sq. ft. + .45* over 25,000 pop.
50,000 - 100,000	27,250 sq. ft. + .35* over 50,000 pop.
100,000 - 200,000	44,750 sq. ft. + .25* over 100,000 pop.
200,000 - 500,000	69,750 sq. ft. + .2 * over 200,000 pop.
500,000+	129,750 sq. ft. + .15* over 500,000 pop.

\* square feet per capita

3. Projects for the construction, acquisition or rehabilitation of a central library building or an addition to the central library building of a municipal, joint or association library must meet the minimum floor space requirements shown in Table A. Population served by a central library is the total population of the municipality or municipalities.

4. Projects for the construction, acquisition or rehabilitation of a branch library building or an addition to a branch library building, upon submission of evidence to the library construction advisory board of the necessity and desirability of a reduction in size, may reduce the square footage requirements as determined in Table A by 15 per cent (subject to the 3,500 square foot minimum). The population to be served by a branch shall be determined by the applicant. Population of branch service area shall be identified with reference to U.S. Census tract reports when possible. Documentation of the size of the population to be served by the branch shall include a plan based on a comprehensive survey of the municipality (municipalities) showing present and future branch and main library service areas and programs. Generally, the population for a branch of a county or regional library shall not be less than 10,000 nor more than 1/4 of the population served by the county library system.

5. Application for the construction, acquisition or rehabilitation of a central library building of a county or regional library or an addition to the central library building of a county or regional library may reduce the floor space requirements in Table A by the percentages in Table B.

**Table B**

Population Served by County or Regional Library	Per Cent of Allowable Reduction
Under 40,000	25
40,000 - 50,000	26
50,000 - 60,000	27
60,000 - 70,000	28
70,000 - 80,000	29
80,000 - 90,000	30
90,000 - 100,000	31
100,000 - 110,000	32
110,000 - 120,000	34
120,000 - 130,000	36

130,000 - 140,000	38
140,000 - 150,000	40
150,000 - 160,000	42
160,000 - 170,000	44
170,000 - 180,000	46
180,000 - 190,000	48
190,000 - 200,000	50
200,000 - 210,000	52
210,000 - 220,000	54
Over 220,000	55

(g) Library buildings and facilities shall be designed in accordance with the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number 117.1 - 1961". The applicant shall also comply with the rules and regulations promulgated by the New Jersey Department of the Treasury implementing Chapter 269, Laws of 1971, "An act to provide facilities for the handicapped in public buildings".

(h) All New Jersey labor laws and regulations must be adhered to when applicable.

(i) All construction contracts (including equipment procurement over \$2,500) shall be awarded to the lowest qualified bidder on the basis of open competitive bidding as specified in the "Local Public Contracts Law" (N.J.S.A. 40A:11-1 et seq.).

(j) In developing plans for public library facilities, the local and State codes with regard to fire and safety will be observed; and in situations where local fire and safety codes do not apply, recognized codes shall be observed.

#### 6:68-4.6 Priorities for receipt of construction grants

(a) General provisions include:

1. Those applications properly submitted and found to be in an approvable form shall first be assigned to respective priority groupings. All applications of the first priority fulfilling the criteria of these regulations shall be awarded grants before applications of the second priority are funded. Similarly, all applications in the second priority shall be funded before those in the third priority are considered. Availability of funds and number of applications within each priority grouping shall, within any one fiscal year, determine the projects to be funded.

2. Within each of the three priority groupings, all applications shall be ranked in terms of municipalities' and counties' ability to pay. The ratio of the average equalized valuation<sup>1</sup> of the three years preceding the date of the application to the population estimate of the municipality (municipalities) or county (counties) by the New Jersey Department of Labor and Industry for the year preceding the date of application shall be used as the criterion determining this financial ability. The first grant within each priority grouping shall be awarded that applicant demonstrating the least financial resources through the lowest ratio of equalized valuation to population (per capita wealth). Each succeeding grant shall be awarded to the remaining applicant whose ability to pay is lowest.

<sup>1</sup>Equalized Valuation, as listed in the "Certification of Table of Equalized Valuations" promulgated annually on October 1, by the Division of Taxation, New Jersey Department of the Treasury.

(b) First priority in award of grant shall be given to applications for construction of, acquisition of a building adaptable to, or an addition to, a central building of: an area library, a developmental library which qualifies as an area library upon completion of a new or expanded building or the construction of, acquisition of a building adaptable to, or an addition to, a central or branch building of a municipal library located in a Federally designated Model City or a State designated Community Development City,

provided that the branch building is to serve a population of at least 10,000. Second priority in award of grant shall be given to applications for construction of, acquisition of a building adaptable to, or an addition to, a central or branch building of: a municipal, joint, county or regional library. Third priority in award of grant shall be given to applications for construction of, acquisition of a building adaptable to, or an addition to, a central or branch building of an association library.

(c) Any governmental jurisdiction, board of trustees, or library commission which has previously received a construction grant shall be placed automatically in the third priority and be ranked last in the priority for two fiscal years succeeding the fiscal year in which the grant was awarded, after which time it shall resume its normal status.

#### 6:68-4.7 Amount of grant and method of allocation

(a) Generally, the minimum State share of eligible project costs of any project eligible for a grant shall be no less than 20 per cent.

(b) Should funds be insufficient to allow all projects eligible for a grant to receive at least 20 per cent of eligible project costs, funds shall be distributed according to priority ranking (see N.J.A.C. 6:68-4.6) until the funds are depleted.

(c) Should funds be sufficient to allow projects to receive more than 20 per cent of eligible project costs, the 20 per cent grants shall be considered as base grants and remaining funds shall be distributed to approved applicants on the basis of the ratio of total eligible project cost to ability to pay, subject to a maximum grant of 40 per cent of eligible project cost or \$300,000, whichever is less. Ability to pay is the ratio of average equalized valuation of property to the population estimate promulgated by the New Jersey Department of Labor and Industry for one year previous to the fiscal year in which application is made.

(d) Final grants shall be based on actual contract costs. When original estimated costs exceed contract costs on which basis the grant award was made, a grant may be reduced proportionately.

(e) There shall be no grant for a specific building within five fiscal years from the fiscal year in which a library construction grant previously was awarded.

#### 6:68-4.8 Approval procedures

(a) Application for a grant, to be in approvable form must be in the completed official form NJLCIA-2, "Application for Construction Grant".

(b) The application shall be made by the body charged with the responsibility for the establishment and maintenance of the library (board of trustees or county library commission). The governing body of the municipality in which the library is located (or of the county(ies) in the case of a county or regional library) shall be co-signator of the application.

(c) If a library facility is to be constructed by a municipality with the provision that it be equipped or stocked or staffed or supported by a library not an agency of that municipality (for example, if a municipality constructs a building which will be operated by a county library as a branch library) then the application shall be in the names of both or all parties concerned.

(d) The person authorized to submit the application shall be an officer of the body named as applicant. Preferably, this shall be the president or chairman of this body. A statement to be signed and completed by the responsible officer of the applicant (for example, secretary of a board of trustees) shall certify this authorization. If the application is jointly submitted, an individual from each body shall be authorized and certified. The signature of each authorized person is required on the application.

(e) The person to whom routine inquiries may be addressed and information sent shall be designated by the application. This person shall act as the agent of the applicant, clarifying problems and responding to routine requests. All official submissions, however, should be made over the signature of the person designated: Person Authorized to Submit Application.

(f) The library construction advisory board shall make recommendations to the State Librarian concerning the award of construction grants and advise on the development and formulation of regulations and criteria for the construction grant program. The board, appointed by the State Librarian, is composed of not less than three persons who together have had wide experience relating to public library services and the construction of public library buildings. Its responsibilities include the evaluation of the applicants' building plans, building site, and program of service, and the communication of this evaluation to the State Librarian and the applicant.

(g) The review process shall consist of three phases of review. For phase 1, the basic application documents, community survey, building program and schematic plans including outline specifications and cost estimate shall be reviewed. For phase 2, preliminary plans shall be reviewed. For phase 3, final contractual documents (working drawings, specifications) shall be checked to assure their conformance with approved preliminary plans. Each applicant shall be required to appear before the library construction advisory board to present its building program and plans for review for phase 1 and may be required to appear and present phase 2 plans.

(h) Building plans shall be prepared by an architect licensed by the State of New Jersey.

(i) Any changes or revisions affecting the application shall be submitted on appropriate forms for approval. This shall include any substantial changes in the building plans. The State Librarian shall have the power to revoke approval of any application or grant for failure to submit and receive approval of substantial changes in the application.

(j) Before the project is advertised for bidding the final working drawings and specifications must be submitted to and approved by the State Librarian.

(k) Full approval of the proposed construction project must be given by the State Librarian before construction contracts are signed.

(l) Architectural or engineering supervision and inspection will be provided by the applicant at the construction site to insure that the completed work conforms to the approved plans and specifications. Representatives of the State Librarian will have access at all reasonable times for the purpose of inspection to all construction work being done under the Act, and the owner and contractor will be required to facilitate such access and inspection.

(m) Construction must be initiated and completed in a reasonable period of time. Time limit for completion shall be measured from the date of application approval. In general, construction must be completed according to the following schedule:

Total Eligible Project Cost	Maximum Construction Period
Under \$500,000	One Year
\$500,000 - \$1,000,000	One and One-Half Years
Over \$1,000,000	Two Years

(n) In general, the grant shall be paid to the applicant in four installments as shown below, but only upon receipt of satisfactory evidence of completion of each phase. Archi-

tect's certification and on-site inspection shall be considered satisfactory evidence.

1. 20 per cent upon approval of the award of construction contract(s).
2. 50 per cent when construction is 50 per cent complete.
3. 20 per cent upon final inspection (open to the public).
4. 10 per cent upon submission and acceptance of audit of expenditure, subject to adjustment to reflect the actual cost.

(o) Accounts and supporting documents of the local agency shall be adequate to permit an accurate and expeditious audit. All expenditures claimed for State financial participation shall be audited either by an independent certified public accountant or an independent registered municipal accountant licensed by the State of New Jersey. Such audits shall be in accordance with generally accepted auditing standards and shall comply with guidelines established by the State Librarian.

#### 6:68-4.9 Fair hearing

Applicants whose projects have not been approved shall be given, upon request, opportunity for an informal fair hearing before the State Librarian. In the event of an adverse decision after such informal hearing, applicants may request a formal hearing pursuant to N.J.S.A. 18A:6-9, 6-24 and 6-27.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Mrs. Anne Grandinetti  
Division of Controversies and Disputes  
State Department of Education  
225 West State Street  
Trenton, New Jersey 08625

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

Edward W. Kilpatrick  
Acting Commissioner of Education  
Acting Secretary, State Board of Education

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions Concerning Determination of Tuition Formula

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:46-15, proposes to revise N.J.A.C. 6:20-4.1 and 6:20-4.2 concerning rules for determination of tuition formula and formula for calculation of tuition rate.

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

6:20-4.1 Rules for determination of tuition formula

(a) Categories of programs as defined in this tuition formula are those given in N.J.S.A. 18A:46-1.

(b) "Similar" is defined to refer to any given category of handicap.

(c) Class size, as used in this tuition formula, is the [maximum allowable class size established by law in rules and regulations pursuant to N.J.S.A. 18A:46-15.] state mean class size in each category of the handicapped.

(d) "Incremental difference" refers to the expected percentage of annual increase or decrease in class operating costs in the public schools of New Jersey (cf. Annual Financial Report of the Commissioner of Education).

(e) In no case shall the tuition rate exceed the maximum day class cost of education per pupil of children in similar special education classes in New Jersey public schools.

#### 6:20-4.2 Formula for calculation of tuition rate

(a) The operating cost of that class which has the highest operating cost in each program category shall be obtained from the figures reported to the Division of Business and Finance for the previous year.

(b) The maximum operating cost, exclusive of capital costs, in each program category shall be divided by the [maximum allowable class size] state mean class size in that category.

(c) The amount obtained under subsection (b) of this Section shall be adjusted by an incremental difference to be determined by the Commissioner of Education for each year to which this formula is applied which is beyond the year of actual costs used in calculation.

(d) The maximum tuition rate for each category of handicap shall be the amount which applies under subsection (c) of this Section.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Mrs. Anne Grandinetti  
Division of Controversies and Disputes  
State Department of Education  
225 West State Street  
Trenton, New Jersey 08625

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

Edward W. Kilpatrick  
Acting Commissioner of Education  
Acting Secretary, State Board of Education

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Rule Concerning Standards For Retirement of School Buses

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to adopt a new rule concerning the standards for retirement of school buses.

Take notice that a prior proposal on this same subject matter was published March 7, 1974, at 6 N.J.R. 99(a). Due to comments received and proposed changes suggested to be made to that proposed rule, the new proposed text is being republished herein.

Full text of the proposed new rule follows:

#### 6:21-1.4 Retirement of school buses

School buses, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 lbs., shall not be utilized for pupil transportation purposes beyond the end of the tenth year from date noted on the vehicle registration. Implementation date is to be January 1, 1976.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Mrs. Anne Grandinetti  
Division of Controversies and Disputes  
State Department of Education  
225 West State Street  
Trenton, New Jersey 08625

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

Edward W. Kilpatrick  
Acting Commissioner of Education  
Acting Secretary, State Board of Education

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### BUREAU OF WATER CONTROL

##### Proposed Rule Concerning Meters

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 58:2-10, proposes to adopt a new rule concerning meters and public potable water supply diversions approvals.

Full text of the proposed rule follows:

#### CHAPTER 14. BUREAU OF WATER CONTROL

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### 7:14-1.1 Meters

All services shall be metered; meters shall be read at least quarterly and consumers shall be billed at metered rates at least quarterly; meters shall be maintained in operable condition at all times.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 18, 1974, to:

Department of Environmental Protection  
Division of Water Resources  
Bureau of Water Control  
Post Office Box 2809  
Trenton, New Jersey 08625

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

Ernest Segesser  
Acting Director  
Division of Water Resources  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Conservation Order Opening Certain Shellfish Beds in the Fitney Bit Bed

On April 30, 1974, Joseph T. Barber, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule which opens certain shellfish beds in the Fitney Bit bed.

Full text of the adopted rule follows:

7:25-7.7 Conservation Order; opening portions of Fitney Bit bed

(a) It is hereby ordered that the following bed in the Atlantic coast section be opened for the taking of shellfish, beginning May 1, 1974 at 7 A.M. and remain open until further notice, not to exceed May 31, 1974:

1. Fitney Bit bed.

(b) It is further ordered that this bed shall be opened daily from 7 A.M. until 3 P.M., eastern daylight savings time, except any time on Sunday.

(c) Nothing in this order shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

(d) This order shall take effect May 1, 1974, at 7 A.M.

An order adopting this conservation order was filed and effective May 1, 1974, as R.1974 d.107 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Conservation Order Opening Certain Oyster Beds

On May 20, 1974, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 50:2-7 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency conservation order opening certain oyster beds.

Full text of the adopted rule follows:

7:25-7.8 Conservation order opening certain oyster beds

(a) It is hereby ordered that all the natural seed oyster bed areas above what is commonly known as the Southwest Line shall be opened for the taking of seed oysters beginning 7:00 A.M. eastern daylight time on Monday, May 20, 1974, and shall remain open until further notice, not exceeding June 30, 1974.

(b) Physical tests of all areas opened by this order shall be made each Thursday after May 20, 1974. If these tests indicate that any or all beds should be closed because of

possible harmful effects, those areas shall be closed on the Friday immediately following the tests, at the conclusion of the working day.

(c) It is further ordered that an advisory committee shall be appointed by the Commissioner of the Department of Environmental Protection to make these tests, and it shall be composed of two members of the Maurice River Cove Council, two members of the Oyster Research Laboratory and the Director of the Division of Fish, Game and Shell Fisheries or his designate.

(d) It is further ordered that the decision of the committee to close any or all beds shall be made in accordance with that which in the committee's judgment appears to be best for the future development and rehabilitation of each bed. If the tests indicate any or all beds should be closed, the bed or beds shall be closed in accordance with the aforementioned schedule.

(e) The following areas are to be excluded from this order and shall remain closed:

1. The mouth of the Cohanse River (inside Tongers' line);
2. New Beds Sanctuary;
3. The old Cohanse Sanctuary;
4. Bennies Sanctuary as established hereunder:

Latitude	Longitude
39-16-03	75-18-48
39-15-57	75-17-32
39-15-12	75-17-14
39-14-48	75-18-20

(f) It is further ordered that there shall be a strict enforcement of N.J.S.A. 50:2-7 and N.J.S.A. 50:2-8, commonly known as the Rough Cull Law.

(g) Nothing in this order shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

(h) This order shall take effect May 20, 1974.

An order adopting this conservation order was filed and effective May 20, 1974, as R.1974 d.124 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Deletion of Rule Concerning Powers of the Director of Environmental Quality

On April 22, 1974, the Department of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-29, 13:1D-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule which deleted in its entirety the current text of N.J.A.C. 7:27-12.6 concerning the powers of the Director of the Division of Environmental Quality.

The full text of N.J.A.C. 7:27-12.6 is to be deleted and that Section will be marked as Reserved.

An order adopting this deletion was filed and effective May 20, 1974, as R.1974 d.125 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules Concerning Elements of Costs

William J. Dougherty, Acting Commissioner of Health, pursuant to the authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt new rules concerning elements of costs.

Full text of the proposed rules follows:

#### SUBCHAPTER 9. ELEMENTS OF COSTS

##### 8:31-9.1 Authority

In accordance with the provisions of N.J.S.A. 26:2H-1 et seq. the Commissioner of Health specifies the elements of costs for all health care facilities to be as follows.

##### 8:31-9.2 Patient care services

(a) Included in costs related to patient care are all costs which are necessary and proper for developing and maintaining patient care facilities and activities. Therefore, patient care includes, but is not limited to, salaries, wages, employee fringe benefits, services, supplies, insurance, normal maintenance, minor building modifications, dues, assessments, and applicable taxes. This includes the monetary value assigned to services provided through services of their members by religious orders and other organized religious groups. The amount included as representing the value of the services of members of religious orders and other organized religious groups should be equivalent to the amounts paid to employees for similar work and should be identifiable in the records of the institution.

(b) Contributions of grants and gifts restricted by the donor for paying specific patient care services should be used to reduce the cost of these patient care services.

(c) Costs not related to patient care are costs which are not appropriate or necessary and proper in developing and maintaining the operations of patient care facilities and activities. Such costs are not allowable in computing allowable costs. They include, but are not limited to, costs of meals sold to visitors or employees; cost of drugs sold to other than patients; cost of operation of a gift shop, fund raising and promotional costs and other similar items.

(d) All costs shall be determined by means of a cost study, with the final allocations made to inpatient, outpatient, and/or non-related patient services so that all proper allowable and reasonable costs will be related truly to the service provided to each service category.

(e) Any costs incurred for expansion of services, renovations/modernization, or construction are not proper costs unless prior to the expansion, renovation/modernization or construction, the facility obtained a certificate of need as defined by the Commissioner of Health in the Guidelines and Criteria for Submission of Applications for Certificate of Need.

##### 8:31-9.3 Educational programs

(a) Educational programs which have appropriate approval should be covered by tuition, scholarships, grants or other sources. Health care institutions should make every effort to support its educational programs from these sources. If these sources are inadequate, an appropriate and reasonable part of the net cost of approved educational activities is an allowable cost.

(b) Income received to finance special educational projects or salaries paid to special project employees should be deducted from program costs.

##### 8:31-9.4 Research programs

(a) Research programs which have appropriate approval should be met primarily from endowment income, gifts, grants or other sources. Health care institutions should make every effort to support its research programs from these sources.

(b) If the research does not involve patients, all costs attributable to that research are not allowable. On the other hand, where research is conducted in connection with the care of patients, the costs of usual patient care are allowable insofar as these costs have not been met by funds provided for the research.

(c) Income received to finance special research projects or salaries paid to special project employees should be deducted from program costs.

##### 8:31-9.5 Interest on borrowing

(a) Necessary and proper interest on funds borrowed from external or internal sources for operating cash needs and capital needs is recognized as a proper element of cost.

(b) Interest charges on loans for plant capital purposes should be reduced by income earned on investments of operating funds, endowments, gifts and grants when such income is not assigned for specific purposes by the donors or the governing body.

(c) Interest also must be supported by evidence of an agreement that funds were borrowed and that payment of interest and repayment of the funds are required, identifiable in the providers accounting records and related to the reporting period in which the costs are incurred.

##### 8:31-9.6 Plant capital

(a) All health care institutions can recover the historical cost of investment in their facilities, through depreciation on buildings and equipment based on asset cost or fair market value at the time of donation in the case of donated assets, and adjusted for all gains and/or losses on sale of depreciable assets as set down in the Medicare Provider Reimbursement Manual, Section 130 and 132. When an asset is acquired by means of a transfer of ownership, the Medicare Guideline as set forth in the Provider Reimbursement Manual Section 104.14 shall be adopted in the determination of the basis for depreciation.

(b) Depreciation should be prorated over the estimated useful life of the asset using the straight-line method. All facilities are encouraged to set aside in a separate fund an amount equal to the amount of depreciation expense that is included in costs per year. Such a fund, however, may be used for acquisition or replacement of depreciable assets, refurbishment or renovation of such assets, and the amortization of debt applicable to depreciation. In any event the health care facility will be accountable for depreciation dollars and an analysis of the expenditure of depreciation monies will be included in the accounting and auditing of the reasonableness of any facility's costs.

##### 8:31-9.7 Return on equity capital

(a) Voluntary health care facilities are organized and operated on a nonprofit basis. Proprietary institutions are organized and operated with an expectation of earning profit for the owners, since capital funds are provided by the owners rather than through contributions and/or governmental programs.

(b) An allowance amounting to a reasonable return on equity capital invested and used in providing patient care is an allowable cost for services furnished by proprietary providers. In determining a reasonable return the definitions and interpretations as spelled out in Chapter 12 of the Medicare Reimbursement Manual shall be used.

#### 8:31-9.8 Compensation of owners

A reasonable allowance of compensation for services of owners is an allowable cost provided the services are actually performed in a necessary function. Reasonableness of compensation may be determined by reference to, or in comparison with, compensation paid for comparable services and responsibility in comparable institutions and shall follow the definitions and interpretation as spelled out in Chapter 9 of the Medicare Reimbursement Manual.

#### 8:31-9.9 Cost related organizations

Costs applicable to service, facilities and supplies furnished to any facility by organizations related by common ownership or control are includable in the allowable cost of the facility at the cost to the related organizations. However, such cost must not exceed the price of comparable services, facilities or supplies that could be purchased elsewhere. In determining the allowable cost of related organizations the definition and interpretation spelled out in Chapter 10 of the Medicare Reimbursement Manual shall be used.

#### 8:31-9.10 Purchasers responsibility for nonpaying patients

(a) In many communities there is no satisfactory provision for paying for the care of the medically indigent, those not covered or ineligible for the New Jersey Health Service Program but whose income and resources are insufficient to meet the cost of the necessary medical services. The health care institutions are expected by the public to provide the services needed.

(b) It is often difficult to distinguish between those patients who are unwilling to pay and those unable to pay. Traditionally, many patients who have been classified as credit losses are in reality unable to pay, and therefore all patients should be classified, using acceptable and reasonable criteria approved by the Commissioner of Health, at the time of admittance, or as soon thereafter as is possible, as being charity (full or partial) or paying patients.

(c) Income from endowments or gifts that is restricted by donors or by the governing authority for services for designated charity patients should be deducted in determining the unrecovered costs from these patients. For those patients who are classified as medically indigent the cost of providing these services shall be the responsibility of all other purchasers and shall be a proper element of cost, subject to a reasonableness criteria as determined by the Commissioner of Health in light of each payor's responsibility and his already existing contribution toward this. For those patients who are classified as bad debts the responsibility for recovering the cost or the revenues shall remain with the health care facility.

#### 8:31-9.11 Recovery of expenses

All allowances and refunds of expenses are reductions in the cost of goods or services purchased and are not income. They are therefore a reduction of the costs to which they relate and should be treated as such in the determination of allowable costs.

#### 8:31-9.12 Evaluation of reasonableness

Each of the above elements of costs is subject to an evaluation of reasonableness. Health care institutions, like other entities in our economy, should be encouraged to perform efficiently. Allowable costs therefore will be limited to those costs that would be incurred by a reasonably prudent and cost-conscious management.

#### 8:31-9.13 Uniform reporting and cost accounting system

(a) The uniform system of reporting and the cost finding method approved by the Commissioner of Health will be

prepared in accordance with generally accepted accounting principles. Accordingly, Accounting Principles Board Opinions and Accounting Research Bulletins that are presently in effect or issued subsequently shall be applied in reporting operations where applicable. In designing a chart of accounts, defining and classifying cost centers, the New Jersey Department of Health will use the following base documents.

1. The American Hospital Association—  
Chart of Accounts for Hospitals (1966 revised)  
Cost Finding and Rate Setting for Hospitals (1968)
2. American Institute of Certified Public Accountants—  
The Hospital Audit Guide (1972)
3. The California Hospital Commission—  
Accounting and Report Manual for California Hospital (January 1974)
4. Maryland Health Service Cost Review Commission—  
Accounting and Reporting System for Hospitals (February 1973)

(b) Cost finding is the process of recasting the data derived from the accounts ordinarily kept by a facility to ascertain costs of the various types of services rendered. It is the determination of these costs by the allocation of direct costs and proration of indirect costs.

(c) Cost centers are a division, a department, or subdivision thereof, a group of services or employees or both, or any other unit or type of activity into which functions of a facility are divided for purposes of cost assignments and allocation. After the close of the reporting period the step-down method shall be used to determine the actual costs of services rendered for that period. This method gives recognition to the important fact that the services rendered by certain non revenue-producing centers are utilized by other non revenue-producing centers, as well as by the revenue-producing centers. The accumulated cost in a non revenue-producing center, therefore, is allocated to other non revenue-producing centers which utilize its services, as well as to the revenue-producing centers to which it renders service. Total costs incurred by the health care facility are finally allocated to the patient-related centers, inpatient and outpatient, and to all other cost centers set up to record services and/or costs related to non-patient activities. The sum total of these costs, direct and allocated for inpatient, outpatient and non-patient related activities/services, as determined by means of the cost study, are thus properly ascribed to the patient and to the non-patient activities/services.

(d) The Commissioner of Health shall require all health care facilities to file annually the necessary uniform reports, together with supporting documentation, disclosing annual costs and projected budgetary requirements. All reports are to be signed by an official of the health care facility and are subject to review and audit by the New Jersey Department of Health.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

William J. Dougherty  
Acting Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed 1974-75 State Plan for Hospitals and Related Health Care Services

William J. Dougherty, Acting Commissioner of Health, pursuant to the authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt the 1974-75 State Plan for Hospitals and Related Health Care Services covering all public and private institutions. Such rules, if adopted, will be cited as N.J.A.C. 8:32-1.1 et seq.

The proposed plan is an updating of the 1973 State Plan, which is now in effect and which is used by the State Health Planning Council, the Commissioner of Health and the Health Care Administration Board as guidelines for the issuance of certificates of need.

The proposed 1974-75 State Plan will be in effect for two years and will be updated on a semi-annual basis. The updating procedure will consist of revising the inventory of beds to reflect: the results of the issuance of certificates of need; and, decreases in beds resulting from the removal of beds from service. The updating will also incorporate any adjustments to the calculated bed need which have been recommended by the State Health Planning Council and approved by the Health Care Administration Board. The semi-annual updating of the plan will be published in accordance with the Administrative Procedure Act, 52:14B et seq.

A copy of the proposed 1974-75 State Plan is on file with the agencies listed below and available to anyone wishing to review it during business hours:

Comprehensive Health Planning Council of  
Northern New Jersey, Inc.  
265 A Route 46  
Totowa, New Jersey 07511  
Contact: A. Fiore

Hospital and Health Planning Council of  
Metropolitan New Jersey, Inc.  
2 Park Place  
Newark, New Jersey 07102  
Contact: J. Slavin

Central New Jersey Comprehensive Health  
Planning Council, Inc.  
(This Agency is in the developmental stage:  
contact New Jersey Comprehensive Health  
Planning Agency).  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, New Jersey 08625

Comprehensive Health Planning Agency  
of Southern New Jersey  
409 Delsea Drive  
Westville, New Jersey 08033  
Contact: M. Sedarat

New Jersey State Department of Health  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, New Jersey 08625  
Contact: L. DiLeo

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

William J. Dougherty  
Acting Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Rule on Licensing Of Drug-Related Facilities

William J. Dougherty, Acting Commissioner of Health, pursuant to the authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a new rule concerning the licensing of drug-related facilities.

Full text of the proposed rule follows:

##### 8:31-10.1 Licensing of drug-related facilities

(a) All health care facilities as defined in N.J.S.A. 26:2H-2(a) which primarily offer, or purport to offer, maintain or operate facilities for the residential or out-patient diagnosis, care, treatment or rehabilitation of two or more nonrelated persons who are addicted to or are suffering physically or mentally from the use, or abuse, of narcotic drugs as defined in N.J.S.A. 26:2G-22(c) shall be licensed under provisions of N.J.S.A. 26:2H-12(a)(1) through the Division of Health Facilities within the New Jersey Department of Health.

(b) For the purposes of this regulation, a certificate of approval as defined in N.J.S.A. 26:2G-23 shall constitute an approval of the content, performance and quality of the program of service provided by the facility and shall be issued by the Division of Narcotic and Drug Abuse Control.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

William J. Dougherty  
Acting Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions for Licensing of Food and Cosmetic Manufacturing And Wholesale Establishments

William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:14-13, proposes to revise a portion of the rules concerning the licensure of food and cosmetic manufacturing and wholesale establishments.

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

8:21-9.3(a) [4. Establishments engaged in the wholesale handling of raw shellfish (oysters, clams and mussels);]

[5] 4. Growers of raw agricultural commodities deliver their produce to food processing establishments.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Francis A. Timko  
Chief, Food and Milk  
State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 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.

William J. Dougherty  
Acting Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Rule on Voluntary Discontinuance of Regular and Continuing Service In Any Health Care Facility

William J. Dougherty, Acting 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 a new rule concerning the voluntary discontinuance of a regular and continuing service in any health care facility.

Full text of the proposed rule follows:

8:31-11.1 Voluntary discontinuance of a regular and continuing service in any health care facility

(a) When discontinuing a regular and continuing service in any health care facility, that health care facility, prior to discontinuing such service, shall comply with the following regulations:

1. Written assurance shall be sent to the Health Care Administration Board that an adequate regular and continuing service will be readily accessible and available to all people in the area.
2. The areawide planning council and/or the "B" agency for comprehensive health planning must be afforded an opportunity to review and comment on the proposal

to voluntarily discontinue a regular and continuing service. In its review, the planning council will receive comments from the affected facilities.

3. Hospitals: Written assurance shall be sent to the Health Care Administration Board that the affected members of the medical staff of the hospital will be afforded the opportunity of staff appointments to other hospitals in the area. Such appointments will be contingent on meeting criteria for appointments to the medical staffs of the other hospitals.
4. Once the approval has been given by the Health Care Administration Board to close a particular service, the health care facility will be notified of the closing date, after which the facility will not be permitted to render the service in question.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

William J. Dougherty  
Acting Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Manual of Standards for Licensure of Home Health Agencies And Home Health Agency Out-Patient Physical Therapy Services

William J. Dougherty, Acting Commissioner of Health, pursuant to the authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a manual of standards for licensure of home health agencies and home health agency out-patient physical therapy services.

Such rules, if adopted, will be cited as N.J.A.C. 8:42-1.1 et seq.

The proposed manual concerns definitions, applicability of other codes, rules and regulations, reports and information, organization, services and administration, professional advisory committee, acceptance of patients, plan of treatment and medical supervision, skilled nursing, physical therapy services, speech therapy or audiology services, occupational therapy services, social work services, nutrition/dietary services, homemaker-home health aide services, clinical records, agency evaluation and out-patient physical therapy services.

Full text of the 29 pages of the proposed standards may be obtained from:

Mrs. Wanda Schorn, Coordinator  
Standards and Special Studies  
State Department of Health  
John Fitch Plaza  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, 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 rules substantially as proposed without further notice.

William J. Dougherty  
Acting Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Rule on Establishment Of Axial Tomography Service

William J. Dougherty, Acting Commissioner of Health, pursuant to the authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a new rule concerning the establishment of axial tomography service.

Full text of the proposed rule follows:

#### 8:31-12.1 Establishment of axial tomography service

(a) Effective immediately and until June 1, 1976, the following regulation concerning the establishment of axial tomography services shall be applicable:

1. Certificate of need approval to either establish axial tomography services or acquire radiographic equipment for the purpose of establishing such services, shall be limited to one installation in the State.

2. During the time period this regulation is in effect, certificate of need applications for the establishment of axial tomography services or the acquisition of radiographic equipment for the purpose of establishing such services, shall not be accepted for processing by the Department of Health.

3. During the time period this regulation is in effect, the installation obtaining certificate of need approval shall provide to the Department of Health certain statistical and operational information pertaining to the utilization and provision of the tomography services. The content, format and reporting schedule for such information shall be specified by the Department.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

William J. Dougherty  
Acting Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules Governing Sanitation, Handling, Shipping and Shucking of Shellfish

William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1 and 24:15-1 et seq., proposes to adopt rules governing the sanitation, handling, shipping and shucking of shellfish.

Full text of the proposed rules follows:

#### CHAPTER 13. SHELLFISH

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 8:13-1.1 Definitions

"Shellfish" means all edible species of clams, oysters and mussels, either shucked or in the shell, fresh or frozen.

"Shellfish, market" means shellfish which are, may be, or have been harvested and/or prepared for sale for human consumption as a fresh or frozen product.

"Shellstock shipper" means person who grows, harvests, buys, and/or sells shellstock who is not authorized to act as a shucker-packer or repacker.

"Shucker-packer" means person who shucks and packs shellfish and who may act as a shellstock shipper.

"Repacker" means a person other than original shucker who packs shucked shellfish into containers for distribution or sale, but does not include retailers packing shellfish for direct sale to the consumer. A repacker may also act as a shucker-packer and/or a shellstock shipper if he has the necessary facilities.

"Reshipper" means a person who transships shucked stock in original containers, or shellstock, from certified shellfish dealers to other dealers or to the final consumer, but who is not authorized to act as a shucker-packer or a repacker.

"Digger" means a person engaged in the harvesting of shellfish for delivery to a shellstock shipper, shucker-packer, repacker, or for transplanting. This definition shall not include those persons engaged in the harvesting of sea clams or those persons harvesting shellfish for personal use only.

"Digger-retailer" means a digger who owns or operates an establishment or stand or who otherwise offers for retail sale shellfish harvested by himself. A digger-retailer is not authorized to act as a shellstock shipper. A digger-retailer may shuck shellfish for consumption on the premises.

"Certified dealer" means a shellstock shipper, shucker-packer, repacker or reshipper, holding a current certificate issued by the N.J. State Department of Health.

"Wholesale sale" means a wholesale sale is regarded as any sale to any other than the ultimate consumer or his family. All wholesalers of shellfish under this definition are required to apply for and hold a Shellfish Certificate and to use proper tags, bearing the Certificate Number assigned by the Department.

"Retail sale" means a retail sale is regarded as any sale to the ultimate consumer or his family, or to a person who will not resell the product. All retailers of shellfish under this definition are required to purchase shellfish from certified dealers only, and to retain properly completed tags attached to such purchases for not less than 90 days.

(Continued on page 22)

# 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 by the various State Departments.

The index is current, and will be adjusted the month following the mailing to Code subscribers of update

pages for all 19 Departmental Titles.

Since the most recent update, covering rules adopted up to August 15, 1973, these Departments have adopted the following additional rules—printed in the Register but not yet included in current pages of the Code:

## RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Notice of Adoption N.J.R. Citation</u>
<b>CHIEF EXECUTIVE — TITLE 1</b>			
1:6-1.1 et seq.	Rules on sale of motor gasoline	R.1974 d.33	6 N.J.R. 94(a)
1:6-1.1 et seq.	Revised rules on motor gasoline	R.1974 d.86	6 N.J.R. 162(b)
1:6-3.1	Revised alternate day gas purchase program	R.1974 d.75	6 N.J.R. 162(a)
<b>AGRICULTURE — TITLE 2</b>			
2:2-2.10	Times established for Brucellosis tests	R.1973 d.273	5 N.J.R. 327(c)
2:2-3.3	Times established for tuberculosis tests	R.1973 d.274	5 N.J.R. 327(d)
2:2-4.34(a)	Method of appraisal for indemnity purposes	R.1973 d.305	5 N.J.R. 363(b)
2:3-2.5	Requirements on equidae entering New Jersey	R.1974 d.55	6 N.J.R. 130(a)
2:5-2.1	Quarantining, handling of infected equine infectious anemia horses	R.1973 d.233	5 N.J.R. 327(a)
2:17-4.2(c)	Revisions on special exemption for Florida tomato plants	R.1974 d.41	6 N.J.R. 96(a)
2:48-6.1 et seq.	Sale of milk in new container size	R.1974 d.72	6 N.J.R. 166(b)
2:54-3.2	Suspension of portions of Milk Marketing Order	R.1973 d.257	5 N.J.R. 327(b)
2:54-3.3	Milk handling in New York-New Jersey and Middle Atlantic areas	R.1974 d.91	6 N.J.R. 166(c)
2:67-1.1	Prompt settlement	R.1973 d.355	5 N.J.R. 363(a)
2:67-1.1	Prompt settlement	R.1974 d.42	6 N.J.R. 96(b)
2:71-1.38	Labeling of eggs	R.1973 d.275	5 N.J.R. 328(a)
2:71-1.39	Labeling of eggs	R.1973 d.356	6 N.J.R. 2(a)
<b>BANKING — TITLE 3</b>			
3:1-1.1	Interest rates revised	R.1973 d.366	6 N.J.R. 50(b)
3:1-2.1(b)	Amend population estimate rules	R.1973 d.229	5 N.J.R. 328(b)
3:1-2.13(a)	Delete current text	R.1973 d.342	6 N.J.R. 3(a)
3:1-2.13(b)	Financial reports	R.1973 d.281	5 N.J.R. 364(d)
3:1-4.1 et seq.	Revisions in governmental unit deposit protection	R.1974 d.119	6 N.J.R. 218(b)
3:6-5.1 et seq.	Revisions concerning Federal funds transactions	R.1974 d.27	6 N.J.R. 97(b)
3:6-7.1	Banking offices protection	R.1973 d.344	6 N.J.R. 3(c)
3:8-3.1	Required reserve	R.1973 d.252	5 N.J.R. 328(e)
3:8-5.1	Required reserve; savings banks	R.1973 d.251	5 N.J.R. 328(d)
3:10-4.1 et seq.	Revisions in ratio of mortgage loan to appraised value	R.1974 d.78	6 N.J.R. 168(a)
3:11-1.1	Revised listing of obligations	R.1974 d.93	6 N.J.R. 168(b)
3:11-6.3	Approval of investment in Student Loan Marketing Association	R.1973 d.250	5 N.J.R. 328(c)
3:16-2.1	Revisions concerning pawnbroking service charges	R.1974 d.7	6 N.J.R. 51(a)
3:18-5.4	Prior notice to borrower; final disclosure of specific dollar amounts	R.1973 d.343	6 N.J.R. 3(b)
3:18-6.1 et seq.	Solicitation of business	R.1973 d.280	5 N.J.R. 364(c)
3:18-7.3	Delete rule on legal fees	R.1973 d.343	6 N.J.R. 3(b)
3:18-7.6	Verbal advertisement	R.1973 d.282	5 N.J.R. 365(a)
<b>COMMUNITY AFFAIRS — TITLE 5</b>			
5:10-1.1 et seq.	Revisions concerning construction, maintenance of hotels	R.1973 d.357	6 N.J.R. 5(b)
5:10-19.4(c)	Revised exterior lighting requirements	R.1974 d.14	6 N.J.R. 55(a)
5:10-19.4(1)	Revised heating requirements	R.1974 d.14	6 N.J.R. 55(a)
5:30-13.2	Form of resolution; State and Local Fiscal Assistance Act of 1972	R.1973 d.352	6 N.J.R. 5(a)
5:10-2.2	Revised definitions of building and multiple dwelling	R.1973 d.310	5 N.J.R. 369(a)
<b>EDUCATION — TITLE 6</b>			
6:1-2.2	Revisions concerning regular meetings	R.1974 d.38	6 N.J.R. 100(b)
6:2-1.3 et seq.	Revised appeal procedures	R.1973 d.329	6 N.J.R. 6(a)
6:11-12.3	Vocational-technical coordinator; co-op industrial education	R.1973 d.269	5 N.J.R. 333(c)
6:21-6.31(e)	Stanchions and guard rails	R.1973 d.267	5 N.J.R. 333(a)
6:21-7.1	Limit of apportionment of State aid	R.1973 d.267	5 N.J.R. 333(a)

6:21-8.2 et seq.	Revised rules concerning pupil transportation	R.1974 d.90	6 N.J.R. 172(c)
6:21-18.25	Stanchions and guard rails	R.1973 d.267	5 N.J.R. 333(a)
6:22-8.4 et seq.	Revised guide for schoolhouse planning and construction	R.1973 d.316	5 N.J.R. 403(b)
6:24-1.16	Additional revisions concerning written decisions	R.1973 d.266	5 N.J.R. 332(b)
6:24-1.16	Written decisions	R.1973 d.232	5 N.J.R. 332(a)
6:27-1.4	Graduation	R.1973 d.268	5 N.J.R. 333(b)
6:27-1.13	Definitions	R.1973 d.268	5 N.J.R. 333(b)
6:44-6.1 et seq.	High school equivalency	R.1973 d.317	5 N.J.R. 330(a)
6:44-7.1 et seq.	Adult high schools (accredited evening high schools)	R.1973 d.318	5 N.J.R. 331(a)
6:78-1.3	Transportation revisions	R.1974 d.70	6 N.J.R. 132(a)

#### ENVIRONMENTAL PROTECTION — TITLE 7

7:1-3.1 et seq.	Emergency rules on sulfur in fuels	R.1973 d.326	5 N.J.R. 404(a)
7:1-3.5	Extension of emergency sulfur rules, Order 39	R.1974 d.64	6 N.J.R. 134(a)
7:1-4.1 et seq.	Importation of solid and liquid waste from outside New Jersey	R.1974 d.10	6 N.J.R. 58(a)
7:2-2.8 et seq.	Revisions concerning lands, waters and facilities under jurisdiction of Bureau of Parks	R.1974 d.13	6 N.J.R. 60(a)
7:6-1.8	Reporting boat accidents	R.1973 d.367	6 N.J.R. 60(b)
7:6-1.38	Lifesaving devices	R.1973 d.271	5 N.J.R. 337(b)
7:6-5.2	Repeal rule on registration for livery vessels	R.1974 d.102	6 N.J.R. 178(a)
7:7A-1.1(a)12.	Extend wetlands order to parts of Cape May County	R.1973 d.324	5 N.J.R. 408(b)
7:7A-1.1(a)13.	Extension of wetlands order to Atlantic County	R.1973 d.364	6 N.J.R. 6(c)
7:7C-1.1 et seq.	Revised procedural rules concerning hearings	R.1974 d.32	6 N.J.R. 101(c)
7:7C-1.1 et seq.	Rules on hearings under Coastal Area Facilities Review Act	R.1974 d.26	6 N.J.R. 101(b)
7:9-9.1 et seq.	Sealing abandoned wells	R.1973 d.299	5 N.J.R. 370(b)
7:12-1.1 et seq.	Shellfish growing water classifications	R.1974 d.99	6 N.J.R. 175(b)
7:25-2.15	Rules for controlled hunting in certain areas	R.1973 d.293	5 N.J.R. 370(a)
7:25-5.27	Waterfowl hunting	R.1973 d.263	5 N.J.R. 336(b)
7:25-5.28	Use of conibear traps	R.1973 d.263	5 N.J.R. 336(b)
7:25-6.1 et seq.	1974 Fish Code	R.1973 d.265	5 N.J.R. 337(a)
7:25-6.14	Amend 1973 Fish Code	R.1973 d.264	5 N.J.R. 336(c)
7:25-6.15	Natural trout fishing areas	R.1973 d.347	6 N.J.R. 6(b)
7:25-7.1 et seq.	Revisions in shellfish-growing water classification	R.1974 d.44	6 N.J.R. 103(a)
7:25-7.1 et seq.	Delete current text and mark Subchapter as "Reserved"	R.1974 d.99	6 N.J.R. 175(b)
7:25-7.6	Conservation order; reef bed	R.1973 d.301	5 N.J.R. 370(d)
7:25-7.7	Open shellfish beds; Fitney Bit bed	R.1974 d.107	6 N.J.R. 228(a)
7:25-7.8	Conservation order opening certain oyster beds	R.1974 d.124	6 N.J.R. 228(b)
7:25-9.1(h)	Rescind portions of prior resolution	R.1973 d.303	5 N.J.R. 371(b)
7:25-10.1	Resolution dated September 19, 1973	R.1973 d.302	5 N.J.R. 371(a)
7:26-1.5	Waste collected out-of-State	R.1973 d.245	5 N.J.R. 336(a)
7:26-5.1 et seq.	Rules of practice & procedure of Bureau of Solid Waste Management	R.1973 d.300	5 N.J.R. 370(c)
7:27-12.6	Delete rule on powers of Director of Div. of Environmental Quality	R.1974 d.125	6 N.J.R. 228(c)
7:29-1.1 et seq.	Noise control regulations	R.1974 d.12	6 N.J.R. 59(b)
7:30-1.1 et seq.	Pesticides control	R.1974 d.11	6 N.J.R. 59(a)

#### HEALTH — TITLE 8

8:2-1.1	Revisions for birth records of children born out of wedlock	R.1974 d.104	6 N.J.R. 185(b)
8:30-5.1(a)1.	Revisions concerning nursing personnel	R.1974 d.88	6 N.J.R. 185(a)
8:31-7.1	Standards for boarding homes for sheltered care	R.1973 d.361	6 N.J.R. 10(e)
8:31-8.1	Criteria for evaluation of certificate of need	R.1973 d.362	6 N.J.R. 11(a)
8:31-8.1(d)	Significant change in cost of financing	R.1974 d.65	6 N.J.R. 140(c)
8:32-3.43	Uniform financial and statistical reports for New Jersey hospitals	R.1973 d.360	6 N.J.R. 10(d)
8:33-1.11	Policy on skilled nursing and intermediate care beds	R.1973 d.246	5 N.J.R. 337(d)
8:33-1.11	Skilled nursing and intermediate care beds	R.1974 d.20	6 N.J.R. 63(b)
8:36-1.1 et seq.	Standards for licensure of intermediate dialysis facilities	R.1973 d.363	6 N.J.R. 11(b)
8:37-1.1 et seq.	Manual of standards for intermediate care facilities	R.1974 d.21	6 N.J.R. 63(c)
8:48-1.1 et seq.	Revised administrative policies	R.1973 d.289	5 N.J.R. 375(d)
8:49-1.1 et seq.	Administration and supporting services	R.1973 d.288	5 N.J.R. 375(c)
8:49-2.1 et seq.	Environmental sanitation	R.1973 d.288	5 N.J.R. 375(c)
8:51-4.18	Compulsory rabies vaccination of dogs	R.1974 d.54	6 N.J.R. 140(b)
8:57-1.1(a)	Add pertussis to list of reportable diseases	R.1974 d.121	6 N.J.R. 241(c)
8:65-2.2	Revisions to physical security controls for nonpractitioners, storage	R.1973 d.358	6 N.J.R. 10(b)
8:65-2.5	Physical security controls for practitioners	R.1974 d.103	6 N.J.R. 184(b)
8:65-10.1	Revised schedules of controlled dangerous substances	R.1974 d.2	6 N.J.R. 63(a)
8:65-10.1(a)3.	Revisions concerning methaqualone	R.1973 d.359	6 N.J.R. 10(c)
8:65-10.1(a)4.	Emergency rule on control of mecloqualone	R.1973 d.325	5 N.J.R. 413(b)
8:65-10.1(a)4.	Extend emergency rule for mecloqualone on a permanent basis	R.1974 d.106	6 N.J.R. 241(b)

(Continued on next page)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

(Continued from previous page)

## HIGHER EDUCATION — TITLE 9

9:3-1.1 et seq.	Standards and approval procedures	R.1973 d.282	5 N.J.R. 376(a)
9:4-1.1 et seq.	Revised regulations and standards for Community Colleges	R.1973 d.287	5 N.J.R. 376(b)
9:9-1.12(a)d.	Student loans policies and procedures	R.1974 d.50	6 N.J.R. 141(a)
9:14-3.8	Contract performance standards	R.1973 d.346	6 N.J.R. 11(c)

## INSTITUTIONS AND AGENCIES — TITLE 10

10:35-1.1 et seq.	Standards of the Division of Correction and Parole	R.1973 d.349	6 N.J.R. 15(c)
10:37-6.1 et seq.	State aid, community mental health	R.1974 d.69	6 N.J.R. 151(a)
10:49-1.18(b)13.	Amendment concerning provider participation	R.1974 d.112	6 N.J.R. 245(c)
10:49-1.20	Multi-location providers	R.1973 d.323	5 N.J.R. 420(b)
10:49-1.21	Dental providers	R.1973 d.340	6 N.J.R. 14(d)
10:49-1.22	Prohibition on factoring	R.1973 d.313	5 N.J.R. 415(b)
10:49-1.24	Pharmaceutical providers	R.1973 d.249	5 N.J.R. 341(e)
10:50-1.1	Revised definitions in transportation manual	R.1974 d.113	6 N.J.R. 245(d)
10:50-1.1 et seq.	Revision concerning transportation services	R.1974 d.52	6 N.J.R. 150(a)
10:50-1.10	Revised loading charges	R.1974 d.113	6 N.J.R. 245(d)
10:50-1.10(g)	Payment for legend drugs	R.1974 d.19	6 N.J.R. 68(c)
10:51-1.1 et seq.	Revisions in pharmaceutical services	R.1973 d.304	5 N.J.R. 384(a)
10:54-1.1 et seq.	Revised physicians manual	R.1974 d.68	5 N.J.R. 150(c)
10:54-3.1 et seq.	Revised procedure codes	R.1974 d.84	6 N.J.R. 195(c)
10:56-1.3	Procedures not requiring prior authorization	R.1974 d.53	6 N.J.R. 150(b)
10:56-1.4	Procedures requiring prior authorization	R.1974 d.53	6 N.J.R. 150(b)
10:56-1.29(h) et seq.	Revisions concerning dental services	R.1974 d.114	6 N.J.R. 246(a)
10:56-1.42	Specialist referral	R.1974 d.53	6 N.J.R. 150(b)
10:63-1.12	Skilled nursing facility requirements	R.1974 d.29	6 N.J.R. 117(b)
10:63-3.1 et seq.	Cost study for skilled facility services; instructions	R.1974 d.43	6 N.J.R. 117(c)
10:66-1.1 et seq.	Manual for independent clinic services	R.1973 d.228	5 N.J.R. 339(b)
10:67-1.1 et seq.	Manual for psychological services	R.1973 d.368	6 N.J.R. 68(a)
10:68-1.1 et seq.	Manual for chiropractic services	R.1973 d.369	6 N.J.R. 68(b)
10:81-24.94	Eligibility for continued assistance	R.1973 d.345	6 N.J.R. 15(b)
10:81-26.9(a)3.	Child born out of wedlock; assistance	R.1974 d.22	6 N.J.R. 67(a)
10:81-26.52(d)	No denial of assistance	R.1974 d.22	6 N.J.R. 67(a)
10:81-28.1	Noncontributing person(s) in the household	R.1974 d.51	6 N.J.R. 149(a)
10:81-28.2	Citizenship and alien status	R.1974 d.120	6 N.J.R. 246(b)
10:82-1.1	Revised definition of household	R.1973 d.235	5 N.J.R. 340(a)
10:82-1.1	Revised definition of household	R.1974 d.51	6 N.J.R. 149(a)
10:82-3.2(b)	Eligible unit	R.1973 d.242	5 N.J.R. 341(b)
10:82-3.3	AFWP program	R.1973 d.239	5 N.J.R. 340(e)
10:82-4.2(a)	Extensive personal services	R.1973 d.237	5 N.J.R. 340(c)
10:82-4.3(b)	Adult eligibility	R.1973 d.315	5 N.J.R. 415(c)
10:82-5.2(e)4.	Companion cases	R.1973 d.243	5 N.J.R. 341(c)
10:82-5.4(d)	Eligible family unit	R.1973 d.239	5 N.J.R. 340(e)
10:82-5.4(e)	Calculated earned income	R.1973 d.243	5 N.J.R. 341(c)
10:82-7.1(a)6.	Delete rule on income	R.1973 d.241	5 N.J.R. 341(a)
10:82-8.1	Stepparents	R.1973 d.240	5 N.J.R. 340(f)
10:82-10.2(b)	Eligible unit; undue hardship	R.1973 d.238	5 N.J.R. 340(d)
10:82-11.6(g)12.	Subsidization of adoption	R.1973 d.235	5 N.J.R. 340(a)
10:82-11.10	Obligatory and nonobligatory contributions	R.1973 d.244	5 N.J.R. 341(d)
10:82-11.16	Revisions concerning earned income	R.1973 d.241	5 N.J.R. 341(a)
10:82-11.28	Responsible relative's obligatory support to the eligible unit	R.1973 d.244	5 N.J.R. 341(d)
10:82-12.2(f)	Child care service	R.1973 d.236	5 N.J.R. 340(b)
10:82-12.8	Temporary care arrangement for ADC children	R.1973 d.236	5 N.J.R. 340(b)
10:82-12.9(a)	Homemaker service	R.1973 d.237	5 N.J.R. 340(c)
10:98-1.4	Vocational rehabilitation services	R.1974 d.76	6 N.J.R. 195(b)
10:100-1.1 et seq.	Service programs for the aged, blind or disabled persons	R.1974 d.85	6 N.J.R. 195(d)
10:106-1.1 et seq.	Ruling Number 11	R.1974 d.23	6 N.J.R. 117(a)
10:109-1.1 et seq.	Physical facilities	R.1973 d.290	5 N.J.R. 379(b)
10:122-1.2	Standards of approval for child care centers	R.1974 d.97	6 N.J.R. 196(a)
10:122-2.1 et seq.	State plan for services to families and children	R.1973 d.279	5 N.J.R. 379(a)
10:123-1.1 et seq.	Service programs for families and children	R.1974 d.85	6 N.J.R. 195(d)
10:123-1.1 et seq.	Repeal rules concerning intercounty adoptions	R.1974 d.109	6 N.J.R. 245(b)
10:124-1.1 et seq.	Standards for shelters accepting juveniles awaiting court disposition	R.1974 d.45	6 N.J.R. 116(c)
10:140-1.1 et seq.	State plan—1974	R.1973 d.321	5 N.J.R. 415(d)

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# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

## INSURANCE — TITLE 11

11:1-1.1	Revised Departmental organization chart	R.1974 d.89	6 N.J.R. 199(a)
11:3-2.11	Classification of private passenger autos used in car pools	R.1973 d.337	6 N.J.R. 15(d)
11:3-6.2(b)4.viii.	Amend rules on insurance identification cards	R.1973 d.247	5 N.J.R. 350(b)
11:5-1.5	Examination rules	R.1973 d.306	5 N.J.R. 388(a)
11:5-1.6	Examinations; failures	R.1973 d.306	5 N.J.R. 388(a)
11:5-1.25(b)14.	Amend sales rule	R.1974 d.71	6 N.J.R. 151(b)

## LAW AND PUBLIC SAFETY — TITLE 13

13:2-1.1 et seq.	Revised rules of the Division	R.1973 d.234	5 N.J.R. 356(a)
13:2-6.3(c)	Repeal portion of ABC liquor transfer rule	R.1974 d.4	6 N.J.R. 82(a)
13:2-13.1 et seq.	Employment of convicted persons; crimes of moral turpitude	R.1974 d.40	6 N.J.R. 119(c)
13:2-34.2(j)	Cash discounts to retailers	R.1973 d.312	5 N.J.R. 426(a)
13:13-10.1	Repeal rule on notification of interstate securities offerings	R.1973 d.230	5 N.J.R. 356(b)
13:18-1.5(c)	Revised fees for overdimensional or overweight vehicles	R.1973 d.261	5 N.J.R. 357(a)
13:18-2.1	Uninsured's current financial status	R.1973 d.278	5 N.J.R. 390(b)
13:18-3.1 et seq.	Rules on overwidth vehicles	R.1974 d.30	6 N.J.R. 120(a)
13:18-4.15	Exceptions for motor fuels use tax	R.1973 d.291	5 N.J.R. 390(c)
13:20-7.1	Adjustments, corrections or repairs of motor vehicles	R.1974 d.28	6 N.J.R. 119(b)
13:21-14.8 et seq.	Bus driver licensing regulations	R.1973 d.328	6 N.J.R. 21(b)
13:30-1.12(g)	Revisions in licensure of dental candidates	R.1974 d.110	6 N.J.R. 246(d)
13:30-2.9(h)	Revisions in licensure of candidates in dental hygiene	R.1974 d.111	6 N.J.R. 247(a)
13:33-1.13 et seq.	Revised rules for ophthalmic dispensers and technicians	R.1974 d.66	6 N.J.R. 153(a)
13:37-2.7	Examinations	R.1974 d.92	6 N.J.R. 201(a)
13:37-3.7	Delete rule on Puerto Rican nurses	R.1974 d.92	6 N.J.R. 201(a)
13:37-9.5	Examinations	R.1974 d.92	6 N.J.R. 201(a)
13:39-6.7	Copies of prescriptions	R.1973 d.255	5 N.J.R. 356(e)
13:39-7.19	Requirements for permit for pharmacy in facilities not hospitals	R.1973 d.254	5 N.J.R. 356(d)
13:39-7.20	Guidelines for use of drug-dispensing devices	R.1973 d.255	5 N.J.R. 356(e)
13:39-8.4	Change of ownership	R.1973 d.253	5 N.J.R. 356(c)
13:39-8.14	Pharmacist-in-charge	R.1973 d.253	5 N.J.R. 356(c)
13:45A-5.1 et seq.	Deceptive practices in delivery of household furniture, furnishings	R.1973 d.262	5 N.J.R. 357(b)
13:45A-7.1 et seq.	Automobile repair work and advertising practices	R.1973 d.307	5 N.J.R. 390(d)
13:45A-8.1 et seq.	Deceptive practices by tire distributors or dealers	R.1973 d.309	5 N.J.R. 390(e)
13:45A-9.1 et seq.	Rules for advertising and marketing practices	R.1974 d.15	6 N.J.R. 82(b)
13:45A-10.1 et seq.	Servicing and repairing of home appliances	R.1974 d.16	6 N.J.R. 82(c)
13:51-3.5	Revise chemical breath testing rules	R.1973 d.354	6 N.J.R. 21(c)

## PUBLIC UTILITIES — TITLE 14

14:1-6.16(a)5	Revisions concerning tariff filings	R.1974 d.98	6 N.J.R. 202(a)
14:5-4.1 et seq.	Revisions concerning residential electric underground extensions	R.1973 d.335	6 N.J.R. 22(b)
14:6-1.4 et seq.	Rules on gas safety	R.1974 d.87	6 N.J.R. 201(d)
14:9-4.2	Property, equipment and facilities	R.1973 d.270	5 N.J.R. 357(d)
14:10-4.1 et seq.	Revisions concerning residential telephone underground extensions	R.1973 d.335	6 N.J.R. 22(b)

## TRANSPORTATION — TITLE 16

16:6-1.1 et seq.	Relocation assistance	R.1973 d.256	5 N.J.R. 358(a)
16:14-1.1 et seq.	Revisions to State Aid Road System Program	R.1973 d.311	5 N.J.R. 426(b)
16:38-2.2	Responsibility	R.1973 d.283	5 N.J.R. 391(a)
16:40-1.1 et seq.	Snow and ice control	R.1973 d.283	5 N.J.R. 391(a)
16:41-1.1 et seq.	Permits	R.1973 d.283	5 N.J.R. 391(a)
16:27-1.3	Reduction of rates of speed; ratification of such rules	R.1973 d.319	5 N.J.R. 426(c)
16:27-1.3	Revisions in reduction of rates of speed	R.1974 d.48	6 N.J.R. 155(a)
16:27-1.7	Control of traffic and parking on N.J.D.O.T. property	R.1974 d.122	6 N.J.R. 250(b)
16:28-1.1	Rates of speed on State highways	R.1974 d.115	6 N.J.R. 250(a)
16:28-3.1 et seq.	Restricted parking on various State highways	R.1974 d.77	6 N.J.R. 203(b)
16:28-3.12 et seq.	Restricted parking along parts of Routes 47, 77 and 7	R.1974 d.105	6 N.J.R. 249(b)
16:39-3.1 et seq.	Spilled cargo on State highways	R.1974 d.101	6 N.J.R. 203(c)
16:42-1.1 et seq.	Road equipment rental agreements	R.1973 d.283	5 N.J.R. 391(a)

(Continued on next page)

(Continued from page 17)

"Person" means a person shall mean and include an individual, firm, corporation, association, society, partnership and their agents or employees.

"Wet storage" means the temporary storage of shellfish from approved sources, intended for marketing, in tanks containing sea water or in natural bodies of water, and including storage in floats.

"Food product zone" means the parts of food equipment, including auxiliary equipment (such as blower pipes and drain valves) which may be in contact with the food being processed, or which may drain into the portion of equipment with which food is in contact.

#### 8:13-1.2 Prohibited acts

(a) No person shall sell, offer for sale or have in his possession with intent to sell without a permit from this Department, any shellfish which have been taken from a place condemned by the Department of Environmental Protection pursuant to R.S. 24:14-2, or from a place condemned by authorities having supervision at the point of origin of the shellfish, without permission from such authorities and the Department of Environmental Protection.

(b) No person shall engage in the wholesale handling of shellfish, operate or conduct an establishment for the shucking or repacking of shellfish, or act as a digger-retailer without a certificate to engage in such business

## INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

(Continued from previous page)

### TREASURY GENERAL — TITLE 17

17:1-1.1	Foreword, Chapter 1	R.1973 d.258	5 N.J.R. 358(b)
17:1-1.7 et seq.	Revised administration rules	R.1974 d.62	6 N.J.R. 158(b)
17:1-6.1 et seq.	Delete entire Subchapter	R.1973 d.258	5 N.J.R. 358(b)
17:3-1.1 et seq.	Revisions concerning Teachers' Pension and Annuity Fund	R.1974 d.24	6 N.J.R. 124(a)
17:4-1.5 et seq.	Revisions for Police and Firemen's Retirement System	R.1974 d.61	6 N.J.R. 158(a)
17:7-3.2 et seq.	Revisions concerning Prison Officers' Pension Fund	R.1973 d.314	5 N.J.R. 429(a)
17:9-3.3 et seq.	Revisions in administration of Health Benefits Program	R.1973 d.285	5 N.J.R. 393(a)
17:16-5.5(a)	Add State facilities for handicapped fund to temporary reserve	R.1974 d.126	6 N.J.R. 252(a)
17:16-27.3	Limitations regarding certificates of deposit	R.1974 d.63	6 N.J.R. 158(c)
17:16-27.3	Amendment concerning other limitations	R.1974 d.94	6 N.J.R. 205(a)
17:16-27.4	Legal Papers; certificates of deposit	R.1974 d.63	6 N.J.R. 158(c)
17:16-32.8(b)	Revisions concerning valuation of units	R.1974 d.35	6 N.J.R. 124(d)
17:16-32.9(b)	Revisions concerning admission date	R.1974 d.35	6 N.J.R. 124(d)
17:16-37.1 et seq.	Repurchase agreements	R.1974 d.36	6 N.J.R. 125(a)
17:20-5.10	Agent's compensation	R.1973 d.353	6 N.J.R. 36(a)
17:21-2.3 et seq.	Revised rules on lottery prize structure	R.1973 d.353	6 N.J.R. 36(a)
17:21-5.6(a)6.	Revisions concerning conducting drawings	R.1974 d.31	6 N.J.R. 124(b)

### TREASURY TAXATION — TITLE 18

18:3-1.1 et seq.	Revisions concerning Alcoholic Beverage Tax Law	R.1973 d.297	5 N.J.R. 393(d)
18:4-1.1 et seq.	Revisions concerning retail licenses and Alcoholic Beverage Tax Act	R.1973 d.296	5 N.J.R. 393(c)
18:12A-1.1 et seq.	Rules for county boards of taxation	R.1974 d.95	6 N.J.R. 205(b)
18:15-6.1 et seq.	Revise definitions on agricultural use	R.1973 d.295	5 N.J.R. 393(b)
18:24-5.3	Purchase of materials and supplies by contractors	R.1973 d.336	6 N.J.R. 38(a)
18:24-22.1 et seq.	Sales by floor covering dealers	R.1974 d.123	6 N.J.R. 251(a)
18:24-23.1 et seq.	Rules on bad debts	R.1974 d.96	6 N.J.R. 208(a)
18:26-8.10	Amendments concerning valuations	R.1974 d.34	6 N.J.R. 124(c)
18:26 Appendix A	Revised list of inheritance tax supervisors	R.1973 d.298	5 N.J.R. 393(e)

### OTHER AGENCIES — TITLE 19

19:2-7.1 et seq.	Purchasing regulations of Expressway Authority	R.1973 d.284	5 N.J.R. 396(a)
19:3-1.1 et seq.	Revised fee schedules, Hackensack Meadowlands	R.1973 d.334	6 N.J.R. 39(a)
19:3-1.7	Solid waste collection fee schedule, Hackensack Meadowlands	R.1973 d.333	6 N.J.R. 40(a)
19:3A-1	Indemnification for Meadowlands District	R.1974 d.83	6 N.J.R. 209(b)
19:4-4.4 et seq.	Revised Hackensack Meadowlands zoning regulations	R.1974 d.1	6 N.J.R. 87(b)
19:4-6.19	Appointment and operation of environmental design committee	R.1974 d.82	6 N.J.R. 209(a)
19:7-1.1(g)	Revised Meadowland sanitary landfill rules	R.1974 d.49	6 N.J.R. 158(d)
19:7-1.1(i)	Hackensack Meadowlands sanitary landfill operations	R.1974 d.81	6 N.J.R. 208(c)
19:8-1.2(a)	Revised Garden State Parkway speed limits	R.1974 d.6	6 N.J.R. 88(b)
19:8-31.1(b)	Revised Garden State Parkway tolls	R.1974 d.8	6 N.J.R. 88(a)
19:10-1.1	PERC amends employee definitions	R.1974 d.56	6 N.J.R. 159(a)
19:13-1.1 et seq.	Delete entire Chapter of PERC rules	R.1973 d.248	5 N.J.R. 358(c)
19:15-4.1	Motions for PERC reconsideration	R.1974 d.56	6 N.J.R. 159(a)

issued by this Department, except that shellstock harvested by a digger in accordance with the provisions of these regulations may be transported and sold to a certified shellstock skipper, shucker-packer or repacker.

(c) No person shall receive or accept any shipment of shellfish into New Jersey for shucking, repacking, distribution or sale, unless the consignor of the shellfish shall hold a current certificate or license issued by the shellfish control authority at the point of origin of the shellfish, authorizing the interstate shipment of shellfish. The control program of the shellfish control agency shall bear the endorsement of the United States Food & Drug Administration.

(d) No person shall utilize floats, tanks or basins for the storage, conditioning, purification or sterilization of shellfish without written permission from this Department.

(e) No retailer may repack shellfish without a certificate from this Department unless it is done on order from the consumer.

#### 8:13-1.3 Shellfish certificates

(a) Any person desiring to engage or continue to engage in the wholesale handling, repacking, or shucking of shellfish, or in the business of a digger-retailer, or practice wet storage, or engage in the conditioning of shellfish shall make application in writing to this Department upon forms supplied by the Department giving all requested information.

(b) Upon receipt of such application and upon approval of the facilities and sanitary condition of the establishment or area, and compliance by the applicant with other provisions of the laws and regulations, a certificate may be issued for such operation. The certificate shall expire on June 30 of each year.

(c) Current certificates shall be kept on file and open to inspection by representatives of the State or local health department.

#### 8:13-1.4 Sanitary requirements

(a) The floors of each establishment used for the storage, shucking, packing, distribution or sale of shellfish shall be properly drained and constructed of concrete, tile, laid in cement, or other suitable material which can be properly cleaned. The floors shall not be subject to flooding.

(b) The sidewalls and ceilings of each room in an establishment in which shellfish are stored, shucked, or packed shall be made of, or coated with, a clean, light-colored washable surface.

(c) All outdoor openings to toilets, wash and locker rooms, shucking, packing, shellstock storage rooms, and other portions of the establishment used for handling or storage of food or utensils shall be effectively protected against the entrance of insects, flies, vermin, rodents and other foreign or injurious contamination, and shall be free of such sources of contamination.

(d) The floor, sidewalls, ceilings, utensils, equipment, containers and other food-handling materials in every establishment shall be kept in a clean and sanitary condition, and the operations carried on therein shall be conducted in such a manner that the purity, quality or wholesomeness of the food therein stored, shucked, packed or otherwise handled, shall not be impaired. Every room shall be properly lighted, heated, drained, ventilated and plumbed.

(e) The clothing worn by all persons engaged in work in a shellfish establishment shall be in a clean condition at all times. No clothing shall be stored in the rooms used for the shucking, packing or storage of shellfish. Aprons, coats and other clothing not in use shall be stored in a room or locker provided for this purpose.

(f) Conveniently located and adequate toilet and clothing storage facilities equipped with tight-fitting and self-closing doors shall be provided for all employees and shall be kept in a clean and sanitary condition, and in good repair. Toilet rooms shall be ventilated by an opening to the outer air or by a mechanical ventilating system.

(g) Handwashing facilities shall be provided convenient to the work area in the shucking, packing and shipping areas of each shellfish shucking or shipping establishment. Facilities shall include lavatories with hot and cold water, soap, and clean individual towels, or other suitable hand-drying devices.

(h) Employees shall wash their hands with soap and water before beginning work and after each interruption. Signs requiring such handwashing shall be conspicuously posted in the toilet rooms and near handwashing sinks. Every person owning or operating a shellfish establishment shall take all reasonable means to compel such washing.

(i) Shells from which meats have been removed shall not be permitted to accumulate in the shucking room or other portion of the establishment. Such shells, if stored on premises adjacent to the shellfish establishment, shall be treated in a manner that will prevent odors, fly breeding, or other nuisance.

(j) Only new or properly sanitized containers shall be used for the storage or transportation of shellfish.

(k) All vehicles used for the transportation or storage of shellfish shall be kept in a clean condition at all times. Shellstock shall be protected from contamination by bilge water, seepage, pumpage and other filth.

(l) The food product zone of all utensils and equipment shall be of such material, workmanship and design as to be smooth, easily cleanable, resistant to wear, denting, buckling, pitting, chipping and crazing; and capable of withstanding scrubbing, scouring, repeated corrosive action of cleaning compounds, and other normal conditions of operations. Such surfaces shall be non-toxic, readily accessible for cleaning and inspection, and shall be kept in good repair.

(m) Shucking and culling benches and contiguous walls to a height of two feet above the bench tops of smooth concrete, corrosion resistant metal or other durable, non-toxic material, free from cracks shall be provided where needed. The benches shall drain completely and rapidly away from any shellfish on the benches.

(n) Water used for washing boats, trucks, floors, or other portions of a shellfish establishment or vehicle shall be from a source approved by the Department.

(o) Exterior and interior of premises shall be kept free of litter and rubbish and unused equipment shall be stored in an orderly manner. No domestic animals or fowl shall be permitted in the shellfish handling areas within the establishment.

(p) The use of dip buckets by shucking personnel is prohibited.

#### 8:13-1.5 Water

(a) An adequate supply of water shall be provided in each room used for shellstock storage, shucking, packing and utensil wash rooms, shall be easily accessible, and shall comply with all of the requirements enforced by the Department.

(b) An automatically regulated hot water system shall be provided which has sufficient capacity to furnish water with a temperature of at least 130°F. during all hours of operation of the establishment.

(c) Hot and cold water outlets with a mixing or combination valve shall be provided at each sink compartment, except that warm water only may be installed at handwashing sinks.

#### 8:13-1.6 Toilet wastes

Toilet wastes shall be disposed of in compliance with all of the requirements enforced by the State Health Department.

#### 8:13-1.7 Cleaning and bactericidal treatment of equipment and utensils

(a) Adequate facilities shall be provided for the proper washing, cleaning and bactericidal treatment of equipment, utensils and buildings. All equipment, utensils and all parts of the shucking, packing and shellstock storage rooms shall be cleaned within two hours after day's operations have ceased.

(b) All utensils and equipment which come into contact with shucked shellfish shall, after washing and cleaning, be subjected to one of the following bactericidal processes at the end of each working day:

1. Exposure for at least 15 minutes at a temperature of at least 170°F. or for at least 5 minutes at a temperature of at least 200°F. in a steam cabinet equipped with an indicating thermometer located in the coldest zone.
2. Immersion in hot water of at least 170°F. for at least two minutes. An accurate indicating thermometer shall be provided and used.
3. Immersion for at least two minutes in or exposure for at least two minutes to, a flow of a solution containing not less than 50 parts per million of free chlorine.
4. Bactericidal sprays containing not less than 100 parts per million of free chlorine may be used for large equipment.
5. Any other method demonstrated to the satisfaction of the State Health Department to be effective in rendering all surfaces of utensils or equipment free from visible soil, wash water and detergent, leaving them clean to sight and touch, and effectively subjects them to bactericidal treatment.

(c) Cleaned benches, blocks and still shall be flushed or sprayed as often as necessary, and at least once each week, with a solution containing not less than 100 parts per million of available chlorine or other disinfecting agents, in an effective concentration approved by the Department.

#### 8:13-1.8 Health of personnel

No person shall require, permit or allow any person to work, nor shall any person work in any shellfish establishment who is ill or infected with a communicable disease, as defined in Section 26:4-1 of the Revised Statutes, or with infected wounds or open lesions on the exposed portions of their bodies.

#### 8:13-1.9 Washing of shellstock

Shellstock shall be washed free of mud and other material as soon after harvesting as feasible, in water satisfactory to the State Health Department. Shellstock shall be reasonably free of mud when shucked or shipped by a certified shipper.

#### 8:13-1.10 Washing of shucked shellfish

Shucked shellfish intended for repacking within the state shall be washed free of mud, sand, grit, shell or other unwholesome or contaminating substance at the place of shucking, and shall be packed in single service containers or acceptable reusable containers. The covers of the reusable containers shall be so designed that any tampering will be evident.

#### 8:13-1.11 Packing of shucked shellfish

(a) Shucked shellfish shall not be held on the shucking bench for more than two hours, unless the shellfish have reached an internal temperature of 45°F. or less.

(b) Shucked shellfish shall be cooled to an internal

temperature of 45°F. or less within two hours after packing and shall be stored or shipped under similar temperatures. Shucked shellfish which will not be packed within one hour after delivery to the packing room shall be cooled to an internal temperature of 50°F. or less within two hours and held at such temperature until shipped.

(c) Shucked shellfish shall be packed in clean containers made of non-toxic metal, waxed paper, glass or other impervious material, so designed that the contents will be protected from contamination during shipment and storage.

(d) Each package of shucked shellfish shall be labeled in compliance with the provisions of R.S. 24:5-17 and shall also bear the certificate number, preceded by the abbreviated letters of the state, of the packer or repacker of the shucked shellfish.

(e) Reusable shipping containers shall be thoroughly cleaned as soon after emptying as is practicable.

(f) Each package of frozen shellfish shall be marked with a code indicating the date of packing, but need not appear on the outer wrap of the package.

#### 8:13-1.12 Ice

Ice, intended for use within a shellfish establishment, shall be manufactured, handled, and stored in a manner acceptable to the State Department of Health.

#### 8:13-1.13 Records

(a) Complete and accurate records of purchases and shipments of shellfish shall be kept by every certified dealer, including name, address and certificate number of vendor, date and quantities of purchase, and waters from which harvested. If purchased from a person other than a digger, the source need not be recorded. These records shall be open to inspection by representatives of the State or local health department.

(b) All persons offering shellfish for retail sale shall retain the properly completed tags attached to each purchase for not less than 90 days.

(c) A digger-retailer shall keep an accurate record of date and quantity of each harvest including waters from which harvested.

(d) Each digger shall be required to tag each container of shellfish giving his name, date, quantity and kind of shellfish and location where harvested in order that the certified dealer may have all required information.

#### 8:13-1.14 Packing and shipping of shellstock

(a) Shellstock shall be shipped in clean or sterilized containers and conveyances.

(b) All containers of shellstock and each lot or consignment of shucked stock shall bear a shipping tag at least 2 $\frac{3}{4}$ " by 5 $\frac{1}{4}$ " in size, carrying all information required by R.S. 24:5-17, together with the date of shipment, name and address of the consignee, and the kind and quantity of shellfish and a space for the date of receipt of the shellfish.

(c) Bulk shipments (loose shipments) of shellfish by a certified dealer shall be accompanied by at least one tag bearing the required information for each consignment.

(d) The stub of the tag shall not be removed from any package until the package is empty.

(e) Immediately upon receipt of a container of shellstock or a lot of shucked stock, the purchaser shall stamp the date of receipt on the tag and keep such tags on file for a period of not less than 90 days.

#### 8:13-1.15 Revocation of certificate or permit

Any certificate or permit issued pursuant to these regulations may be revoked for any violation of Title 24 of the Revised Statutes or of any rule or regulation of the Department.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Francis A. Timko  
Chief, Food and Milk Program  
1911 Princeton Avenue  
Trenton, New Jersey 08638

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.

William J. Dougherty  
Acting Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Rule Concerning Processing of Certificate Of Need Applications

William J. Dougherty, Acting Commissioner of Health, pursuant to the authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a new rule concerning the processing of certificate of need applications.

Full text of the proposed rule follows:

8:33-1.12 Processing certificate of need applications

(a) When processing a certificate of need application the State Health Planning Council, areawide planning agency or regional planning council may determine that the needs evaluation investigation requires a more intensive and prolonged work effort that would exceed the time period specified by N.J.S.A. 26:2H-10. In such case the State Health Planning Council, areawide planning agency or regional planning council may take additional time for the purpose of completing their investigation and developing a recommendation for action, whether for approval or for denial, provided that such agency or council has obtained the written concurrence of the applicant acceding to the increase in processing time.

(b) In the event that the applicant does not give written consent to the extension of the review period, the State Health Planning Council, areawide agency or regional council must develop a recommendation, whether for approval or for denial, within the time period specified by N.J.S.A. 26:2H-10.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

William J. Dougherty  
Acting Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Final Permanent Order Concerning Mecloqualone

On December 28, 1973, James R. Cowan, 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 of 1968, adopted on a permanent basis the rule concerning the control of mecloqualone which was adopted as an emergency rule on November 20, 1973, as R.1973 d.325.

Full text of the rule, cited as N.J.A.C. 8:65-10.1(a)4., was published in the December 6, 1973, issue of the New Jersey Register at 5 N.J.R. 413(b) as well as the notice of a public hearing on the emergency rule to be held on December 28, 1973.

The findings of fact respecting the control of mecloqualone as a Schedule I substance provided the Commissioner of Health with sufficient data to make the emergency rule concerning the control of mecloqualone issued November 20, 1973, a final order, effective December 28, 1973, placing mecloqualone in Schedule I of the New Jersey Controlled Dangerous Substances Act. The final order adopted the text of the emergency rule without any changes.

An order extending the emergency rule on a permanent basis was filed May 1, 1974, as R.1974 d.106.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Addition of Pertussis to List of Reportable Diseases

On May 16, 1974, Harry J. Robinson, chairman of the Public Health Council, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule adding pertussis to the list of reportable diseases under Chapter II of the State Sanitary Code in N.J.A.C. 8:57-1.1(a), as proposed in the Notice published April 4, 1974, at 6 N.J.R. 140(a).

An order adopting this addition was filed and effective May 20, 1974, as R.1974 d.121.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## INSTITUTIONS AND AGENCIES

### NEW JERSEY DEVELOPMENTAL DISABILITIES COUNCIL

#### Proposed 1975 State Plan Annual Revision

The New Jersey Developmental Disabilities Council in the Department of Institutions and Agencies, pursuant to authority of Executive Order No. 20 of 1971 and No. 49 of

1973, proposes to adopt the 1975 State Plan Annual Revision under the Developmental Disabilities Services and Facilities Construction Act of 1970 (P.L. 91-517).

Submission of the New Jersey Annual Plan Revision for planning, administration and provision of services for persons with developmental disabilities to the New York Regional Office of the Department of HEW is a condition to the certification of Federal funds under P.L. 91-517.

For the purpose of the 1975 State Plan Annual Revisions, developmental disabilities are limited to those cases where mental retardation, cerebral palsy or epilepsy, originating prior to age 18 and constituting a substantial handicap, is the primary handicap.

Full text of approximately 35 pages of the proposed State Plan Annual Revision is available for review at the office of:

New Jersey Developmental Disabilities Council  
169 West Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974 to the Council at the above address.

The New Jersey Developmental Disabilities Council, upon its own motion or at the instance of any interested party, may thereafter adopt this Plan substantially as proposed without further notice.

Catherine Rowan, Executive Director  
New Jersey Developmental Disabilities Council  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amendment to Rule Concerning Dental Providers

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt an amendment to the rule concerning dental providers and patient eligibility.

Full text of the proposed new amendment follows:

10:56-2.1(d) Notwithstanding anything in these regulations to the contrary, payment may be made for a complete denture furnished after termination of eligibility of an individual where the last tooth in a specific arch is extracted during the period of eligibility. In order to obtain reimbursement for this denture(s), the primary impression(s) must be initiated within 120 days and the denture inserted within 180 days after the extraction of the last tooth. Authorization procedures set forth in these regulations are applicable.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1974, to:

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

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

thereafter adopt this amendment substantially as proposed without further notice.

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rule on Recovery Of Payments Correctly Made

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a new rule concerning recovery of payments correctly made.

Full text of the proposed rule follows:

10:56-1.48 Recovery of payments correctly made

No lien may be imposed against the property of any individual prior to his death on account of medical assistance paid or to be paid on his behalf under the program (except pursuant to the judgment of a court on account of benefits incorrectly paid on behalf of such individual), and there shall be no adjustment or recovery of any medical assistance correctly paid on behalf of such individual under the plan, except in the case of an individual who was 65 years of age or older when he received such assistance, from his estate, and then only after the death of his surviving spouse, if any, and only at a time when he has no surviving child who is under 21 or is blind or permanently and totally disabled.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1974, to:

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

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions to Physician's Manual

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the rules regarding specialist recognition as outlined in the Physician's Manual, to include Fellows of the American Academy of Family Physicians.

Such revisions, if adopted, will be included in Chapter 54 of Title 10 in the New Jersey Administrative Code.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions to the Prosthetic and Orthotic Manual

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt revisions to N.J.A.C. 10:55-1.2 concerning prosthetic and orthotic providers.

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

#### 10:55-1.2 Eligible providers

(a) Reimbursement for custom-made prosthetic and orthotic appliances shall be made only to providers who are eligible to participate in the New Jersey Health Services program and fall into one of the following categories:

1. A provider approved for program participation consists of the following:

- i. Appliances fabricated in the facility and not jobbed out ("facility" means the area of operation of the prosthetist/orthotist);
- ii. Certified facility;
- iii. Certified personnel (owner and/or employee[s]).

If the facility restricts its appliances to prosthetics, then only a certified prosthetist is required; if orthotics, a certified orthotist; if prosthetic and orthotic, a certified prosthetist and orthotist is required.

2. A provider provisionally approved for program participation consists of the following:

- i. Appliances fabricated in the facility and not jobbed out;
- ii. Noncertified shop;
- iii. Certified personnel (owner and/or employee[s]).

3. A provider provisionally approved for program participation consists of the following:

- i. Appliances fabricated in the facility and not jobbed out;
- ii. Noncertified shop;
- iii. Noncertified personnel (neither the owner nor any employee is certified).

(b) In situations covered by paragraph 2, subparagraphs ii and iii, and paragraph 3, subparagraphs ii and iii, of this Section, provisional approval may be granted by the Division of Medical Assistance and Health Services to those facilities and personnel whose application for facility and/or personnel certification is pending.

Note: "Provisional" status for categories B and C will be approved for one year from the date that the application for admissibility to the certifying examination by the American Board for Certification in Orthotics and Prosthetics has been accepted by the Board and that all conditions for eligibility for the examination have been met. A copy of this acceptance letter with a request for "provisional" provider status with the Health Services Program must be submitted together with the provider application and agreement to:

Chief, Medical Care Administration  
Division of Medical Assistance and  
Health Services  
Post Office Box 2486  
Trenton, New Jersey 08625

"Provisional" status will automatically be dropped, as will provider eligibility, without further notification, after a one-year period if certification has not been obtained. Therefore, this will limit any "provisional" status (facility and/or personnel) to a 365-day period commencing with the date of the letter of acceptance by the designated Board under the conditions noted above.

If a certified facility loses its certified prosthetists and/or orthotists, whichever is applicable, the chief medical care administrator, Division of Medical Assistance and Health Services, must be notified within 48 hours of the loss. A grace period of 180 days from the date of such loss will be granted for replacement before provider eligibility is withdrawn. In the interval between loss and replacement of certified personnel, the minimum replacement(s) must be by personnel whose board eligibility is established.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Financial Assistance Manual Concerning AFDC Program

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise N.J.A.C. 10:82-3.2 concerning AFDC programs in the Financial Assistance Manual.

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

#### 10:82-3.2 AFDC program

(a) In AFDC, the household [necessarily] consists of one or more children, one or both parents or parent-persons, and other persons as defined in Section 111.-b. [at least two

persons, a child and a natural or adoptive parent or parent-person]. When one or both parent(s) or parent-person(s) is a recipient of SSI, however, such person is not counted in the household size; the household in this situation shall include only the eligible child(ren), or the eligible child(ren) and other persons as defined in Section 111-b. [However, all persons who are living together as a family unit shall be counted as members of the household without regard to relationship by blood or marriage].

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

1. One or more [the] eligible child(ren), and
2. The [natural or adoptive] parent(s) or needy parent-person(s) [of any one or more of the eligible children] as follows, unless such person(s) is an SSI recipient:
  - i. The natural or adoptive parent(s) of [any] one or more of the eligible child(ren), except when excluded in accordance with Section 231.2 (Step-parents);
  - ii. The stepparent (the spouse of a [any] natural or adoptive parent elects that such person shall be included, according to Section 231.;
  - iii. An eligible parent-person and his or her spouse, when such individuals claim to be needy. [any relative of the child(ren) and his (her) spouse, eligible to serve as parent-person(s), if such relative claims to be needy.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed New Manual of Administration

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt a new Manual of Administration for the Division of Public Welfare which will replace the current Manual of Administration appearing in Chapters 81 and 84 of Title 10 in the New Jersey Administrative Code.

Copies of the full text of the proposed new Manual of Administration may be obtained from:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to the Division of Public Welfare at the above address.

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

thereafter adopt this Manual substantially as proposed without further notice.

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Ruling Number 11, Part III

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, proposes to revise certain portions of Ruling Number 11, Part III, Public Assistance Staff Development Program.

Such revisions, if adopted, will be included in Chapter 109 of Title 10 of the New Jersey Administrative Code.

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

#### IV. Definitions of types of leave and related policy

##### A. Educational leave

##### 1. Full-time educational leave

b. Masters degrees in public administration, business administration.

[(1)] Full-time educational leave may be granted by the employing agency for full-time enrollment in an accredited program in public and/or business administration.

c. Masters degrees in programs other than social work, business administration and/or public administration.

As the changing program of the agency may require personnel trained in fields other than social work, business and/or public administration, the educational leave committee of the county welfare board shall present their proposal for approval of graduate programs in other fields to the E.L.C. of the Division of Public Welfare. The proposal should include the following:

(1) The name of the accredited institution offering the program;

(2) The degree program plan, giving the specific dates, time span and cost;

(3) The Civil Service title for which the program will qualify the matriculating individual.

##### c. Leave for work-study programs

Work-study describes a formally announced and prescribed educational experience in which the employee, who has permanent civil service status, undertakes, a specified program of study established by the school, while continuing performance of certain duties in the agency. Whereas, the employee may be reassigned, the position to which he is reassigned must afford comparable salary, security, and employee benefits.

Whereas, work-study leave may be granted for at least half-time during certain phases of the program and some programs may also require a certain period of full-time study, the policies pertaining to part-time and full-time leave will apply as appropriate.

County welfare boards who have the capability and resources to develop a work-study program are required to apprise the educational leave committee of the Division of Public Welfare regarding their plans prior to the finalization of the contract.

VII. Procedures toward participating in educational leave programs

D. Notification of action taken by the educational leave committee

1. Approving an applicant

In approving an applicant for educational leave such approval may be provisional, pending acceptance by a school and/or college or university and also pending continued satisfactory performance on the job.

The training supervisor of the [Division] county welfare board will advise the educational leave applicant by letter (PA-301B) of the decision of the educational leave committee regarding the granting of educational leave. Copies of the letter (PA-301B) will be directed to the:

- a. Director of the county welfare board;
- b. Deputy director of the county welfare board;
- c. Supervisor of unit to which applicant is assigned;
- d. Supervisor of applicant.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

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

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Ruling Number 11

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Ruling Number 11, Part I, Classification and Compensation Plan, and Part II, Time and Leave Regulations.

Such revisions, if adopted, will be included in Chapter 109 of Title 10 of the New Jersey Administrative Code.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, at the above address.

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

Ann Klein  
Commissioner  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Repeal of Rules Concerning Preadoption Requirements in Intercountry Adoptions

On May 1, 1974, Frederick A. Schenck, Director of the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 9:3-17 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed N.J.A.C. 10:106-1.1 through 10:106-1.5 concerning preadoption requirements applicable in intercountry adoptions, substantially as proposed in the Notice published April 4, 1974, at 6 N.J.R. 143(a).

In addition to N.J.A.C. 10:106-1.2 through 10:106-1.5 which appeared in the Notice of proposal cited above, N.J.A.C. 10:106-1.1 was also repealed. It was intended that N.J.A.C. 10:106-1.1 would appear as a proposed deletion in the initial Notice but, due to a typographical error, it was not indicated therein. Thus, all of the current rules in Subchapter 1, Chapter 106 in Title 10 of the New Jersey Administrative Code are hereby repealed.

An order repealing such rules was filed and effective May 2, 1974, as R.1974 d.109.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Rule Concerning Provider Participation

On May 6, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 10:49-1.18(b)13., concerning provider participation, as proposed in the Notice published April 4, 1974, at 6 N.J.R. 141(c).

An order adopting this rule was filed May 9, 1974, as R.1974 d.112 to become effective June 15, 1974.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Revisions to Transportation Manual

On May 6, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the

Administrative Procedure Act of 1968, adopted revisions to portions of the Transportation Manual concerning definitions and loading charges, as proposed in the Notice published April 4, 1974, at 6 N.J.R. 142(a).

The revisions concerning definitions may be cited as N.J.A.C. 10:50-1.1; the revisions concerning loading charges may be cited as N.J.A.C. 10:50-1.10(a)1. and 10:50-1.10(b)1.

An order adopting these revisions was filed May 9, 1974, as R.1974 d.113 to become effective July 1, 1974.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

**(a)**

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Revisions Concerning Dental Services**

On May 3, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:56-1.29(h), (i) and (j) concerning dental services, as proposed in the Notice published April 4, 1974, at 6 N.J.R. 141(b).

An order adopting these revisions was filed May 9, 1974, as R.1974 d.114 to become effective May 15, 1974.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

**(b)**

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

#### **Rule on Citizenship and Alien Status**

On May 10, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 10:81-28.2, concerning citizenship and alien status, as proposed in the Notice published April 4, 1974, at 6 N.J.R. 143(b).

An order adopting this rule was filed and effective May 17, 1974, as R.1974 d.120.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

**(c)**

## **INSURANCE**

### **NEW JERSEY REAL ESTATE COMMISSION**

#### **Proposed Amendments to Rules of Real Estate Commission**

Frederick A. Organ, Secretary-Director of the New Jersey Real Estate Commission in the Department of Insur-

ance, pursuant to authority of N.J.S.A. 45:15-6 et seq., proposes to amend a portion of the rules of the New Jersey Real Estate Commission.

Full text of the proposed amendments follows:

11:5-1.2(b) On and after September 1, 1967 every applicant shall present with his application for licensure examination a certificate of satisfactory completion of a course of education in real estate subjects for a minimum of 30 aggregate hours at a school approved by the Commission as prescribed under R.S. 45:15-10.1(A) and Rules and Regulations No. 27 and No. 28 hereinafter set forth, unless waived by the Commission in accordance with the provisions of R.S. 45:15-10.2.

11:5-1.2(c) All applications for salesman shall be submitted with satisfactory evidence of an eighth grade education or equivalency. Satisfactory evidence shall include but not be limited to a photo-copy of a high school diploma or transcript.

11:5-1.3(f) All applications for a broker shall be submitted with satisfactory evidence of a high school education or equivalency. Satisfactory evidence shall include but not be limited to a photocopy of a high school diploma or transcript.

11:5-1.3(g) On and after September 1, 1967 each and every applicant shall present with his application for licensure examination a certificate of satisfactory completion of a course of education in real estate subjects for a minimum of 42 aggregate hours at a school approved by the Commission as prescribed under R.S. 45:15-10.1(B) and Rules and Regulations No. 27 and No. 28 hereinafter set forth, unless waived by the Commission in accordance with the provisions of R.S. 45:15-10.2.

11:5-1.27(o) All course hours listed by subject are suggested hours and may be modified at the discretion of the director of the approved school subject to notice and approval of the Real Estate Commission.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

New Jersey Real Estate Commission  
201 East State Street  
Trenton, New Jersey 08625

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

Frederick A. Organ  
Secretary-Director  
New Jersey Real Estate Commission  
Department of Insurance

**(d)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **STATE BOARD OF DENTISTRY**

##### **Revisions Concerning Licensure of Candidates**

On April 1, 1974, Charles T. Henry, Secretary of the New Jersey State Board of Dentistry in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.A.C. 45:6-3 and in accordance

with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:30-1.12(g) concerning licensure of candidates, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 118(c).

Take notice that, in the initial Notice of proposal, this rule was erroneously indicated to be N.J.A.C. 12:30-1.12(g). The proper citation is N.J.A.C. 13:30-1.12(g) as indicated above.

An order adopting these revisions was filed and effective May 3, 1974, as R.1974 d.110.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF DENTISTRY

##### Revisions Concerning Licensure of Candidates in Dental Hygiene

On April 1, 1974, Charles T. Henry, Secretary of the New Jersey State Board of Dentistry in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-37 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:30-2.9(h) concerning the licensure of candidates in dental hygiene, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 119(a).

An order adopting these revisions was filed and effective May 3, 1974, as R.1974 d.111.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rules for Senior Citizens Half-Fare Bus Program

Alan Sagner, Commissioner of Transportation, pursuant to authority of Chapter 126, Laws of 1973, proposes to adopt new rules concerning senior citizens half-fare bus program.

Full text of the proposed rules follows:

#### CHAPTER 51

#### SENIOR CITIZENS HALF-FARE BUS PROGRAM

#### FOREWORD

In accordance with Chapter 126, Laws of New Jersey, 1973, approved May 10, 1973, the Commissioner of Transportation was authorized and directed to establish and implement, within 120 days of the effective date of this Act, a program to provide intrastate bus passenger service for persons 62 years of age or older during offpeak hours on regular routes of carriers within the State, at one-half the

adult rate of fare; the reduced fare program for senior citizens was implemented and effective on September 10, 1973. The Commissioner of Transportation was further authorized to promulgate necessary rules and regulations pursuant to provisions of this law.

The following rules and regulations will formally establish the bus transportation program and prescribe procedures for determining the eligibility of persons to receive the reduced fare, for making such reduced fares available to eligible persons and for making payments to the carriers for services provided to senior citizens under the program.

#### SUBCHAPTER 1. INTRODUCTION

##### 16:51-1.1 Definitions

The following words and terms as used herein shall have the following meanings, unless the context clearly indicates otherwise:

"Commissioner" means the Commissioner of Transportation; provided, however, that he may delegate any of his powers or duties under C.126, P.L. 1973 to any subordinate division, agency or employee of the Department of Transportation.

"Carrier" means any individual, copartnership, joint stock company, public agency, trustee or receiver operating motor buses on established routes within the State.

"Intrastate" means a passenger must board the bus and leave the bus within the State of New Jersey without leaving the State of New Jersey.

"Motor bus - autobus" means as defined in R.S. 48:4-1 and includes those autobuses commonly called jitneys, as defined in R.S. 48:16-23.

"Offpeak times" means the hours from 9:30 A.M. to 4:00 P.M. and from 7:00 P.M. to 6:00 A.M. during weekdays; and all day on Saturday, Sunday and holidays.

"Regular adult fare" means the regular adult one-way or round-trip fare as set forth in the tariffs of said carriers filed with the Board of Public Utility Commissioners or the commuter operating agency.

"Regular routes" means all routes of the carrier authorized by the Board of Public Utility Commissioners or the commuter operating agency, and all jitney routes.

"Senior citizen" means any resident of this State of the age 62 years or older.

##### 16:51-1.2 Excluded trips

Exclusions to this program are that persons 62 years or older are not permitted to ride at one-half fare on interstate, school, charter, special or excursion bus services.

##### 16:51-1.3 General information pamphlet

(a) The informational brochure contains the general provisions of the legislation, definitions and exclusions, and an application blank together with instructions for completion of the form and procedures for registration.

(b) The pamphlets are available from participating banks, bus companies and at other convenient locations throughout the State, or upon written request to the Division of Commuter Services, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

#### SUBCHAPTER 2. REGISTRATION

##### 16:51-2.1 Application

(a) In order to participate in the reduced fare program, an application form must be completed by all prospective senior citizens.

(b) Upon completion of the application, the senior citizen

shall take the application, together with the following documents, to the closest bank or county office on aging:

1. Proof of age: that is, driver's license, birth certificate, high school diploma, passport, military discharge papers (DD214) or any other valid legal document.
2. Proof of residence in New Jersey: that is, bank statements, utility bills, department store charge plates and so forth.
3. Social security card.

(c) Authorized personnel of the local bank or county office on aging will examine the required papers and will certify as to the eligibility of the applicant. The bank or county office on aging will then forward the completed application to the Department of Transportation for processing.

(d) The Department of Transportation will process the application, type a New Jersey senior citizens reduced fare card, and mail the authorized identification card to the individual senior citizens at their home address.

#### 16:51-2.2 Identification cards

(a) Senior citizens must present a properly validated identification card to the motor bus operator as proof of being qualified to participate in the reduced fare program.

(b) Upon presenting the identification card to the motor bus operator, senior citizens will pay one-half of the regular one-way adult fare, adjusted upwards to the nearest five cents, and then be transported to their destination.

(c) The New Jersey senior citizens reduced fare card, which is not transferable, may be used only by the person to whom it is issued and must be kept in that person's possession during the entire ride.

(d) If the identification card is lost or stolen, application for a new card may be made as prescribed in subsections (a), (b), (c) and (d) of Section 2.1 of this Chapter.

### SUBCHAPTER 3. AGREEMENTS WITH CARRIERS FOR SERVICE AND PAYMENT

#### 16:51-3.1 Operating contracts with carriers

The Department of Transportation shall enter into agreements with any carrier who desires to participate in the reduced fare program to provide bus passenger service for senior citizens. Each contract shall contain provisions for payments to the carriers based on data developed from a survey of senior citizen ridership.

#### 16:51-3.2 Method of payments to carriers

(a) Reimbursement to the carrier shall be an amount equal to the number of eligible trips by senior citizens participating in the program on the carrier's buses, multiplied by the average fare for such trips, provided, however, that the total payments to carriers do not exceed the total appropriation for this program.

(b) The number of senior citizens and the average fare shall be determined by a statistically validated survey of the carrier's operations.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to Robert R. Reed Jr., Administrative Practice Officer of the Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

After full consideration of all submissions respecting the proposed rules, the Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions in Rates of Speed Along Certain State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt revisions to the rules establishing legal speed zones along various State highways.

The proposed action concerns deletion of the current text of the rules on these specific highways and adopting new text in place thereof.

Listed below are the State highways affected, together with the Departmental code number for each regulation proposed to be either rescinded and/or adopted:

Route	Department Code	
	Rescinded	Adopted
U.S. 1	LS-71-17	LS-74-6
U.S. 9	LS-70-10	LS-74-8
N.J. 23	LS-71-7	LS-74-1
N.J. 35	LS-55-5A	LS-74-4
	LS-55-5	
	LS-71-16	
N.J. 42	None	LS-74-7
N.J. 49	LS-63-3	LS-74-3
N.J. 79	LS-67-2	LS-74-10
N.J. 184	None	LS-74-13
U.S. 206	LS-70-8	LS-74-9
I-295	LS-69-3	LS-74-2
N.J. 440	LS-58-24	LS-74-12
N.J. 440 Freeway	None	LS-74-11

Copies of the full text of any or all of the proposed new regulations may be obtained from:

Robert J. Nolan  
Chief, Bureau of Traffic Engineering  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to Robert R. Reed Jr., Administrative Practice Officer, Department of Transportation, at the above address.

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

Alan Sagner  
Commissioner  
Department of Transportation

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rules for One-Way Street Regulations on State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1, proposes to adopt new

rules designating certain portions of Morris Avenue westbound and Route 27 for one-way traffic.

Full text of the proposed rules follows:

#### SUBCHAPTER 4: ONE-WAY TRAFFIC

16:28-4.1 Morris Avenue westbound in Morristown, Morris County

(a) In accordance with the provisions of N.J.S.A. 39:4-85.1, those certain parts of Morris Avenue westbound described below shall be and hereby are designated for one-way traffic.

1. For westbound traffic: Morris Avenue westbound for the entire length.

16:28-4.2 Route 27 (Cherry Street) in Elizabeth, Union County

(a) In accordance with the provisions of N.J.S.A. 39:4-85.1, the certain parts of State highway Route 27 described herein below shall be and hereby are designated for one-way traffic.

1. From Rahway Avenue (Route 27) to Westfield Avenue (Route 28) in a northbound direction.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Robert R. Reed Jr.  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 08625

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

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION THE COMMISSIONER

### Proposed Rules for Restricted Parking On Routes US 40 and NJ 47

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and 39:4-139, proposes to adopt new rules concerning no parking zones along certain portions of Route numbers U.S. 40 and N.J. 47.

Full text of the proposed rules follows:

16:28-3.15 Route US 40 in Franklin Township, Gloucester County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State highway Route US 40 described herein below shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along the westbound side of Route US 40:

(1) From the prolongation of the westerly curb line of Grub Road to a point 1250 feet west of the prolongation of the westerly curb line of Grub Road.

(2) From a point 285 feet east of the easterly curb line

of Elmwood Avenue to the easterly curb line of Dutch Mill Road.

(3) From the westerly curb line of Dutch Mill Road-Defiance Road to a point 600 feet east of the easterly curb line of Oak Lane.

ii. Along the eastbound side of Route US 40:

(1) From a point 600 feet east of the prolongation of the easterly curb line of Oak Lane to the westerly curb line of Old Delsea Drive.

(2) From the prolongation of the westerly curb line of Dutch Mill Road to a point 285 feet east of the prolongation of the easterly curb line of Elmwood Avenue.

(3) From a point 1250 feet west of the westerly curb line of Grub Road to the westerly curb line of Grub Road.

16:28-3.16 Route 47 in Franklin Township, Gloucester County

(a) In accordance with provisions of N.J.S.A. 39:4-138.1, the certain parts of State highway Route 47 described herein below shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

i. No stopping or standing:

i. Along the northbound side of Route 47:

(1) From a point 350 feet south of the southerly curb line of Blackwoodtown Road to a point 500 feet north of the northerly curb line of Blacktown Road.

(2) From a point 200 feet south of the southerly curb line of Coles Mill Road to a point 250 feet north of the northerly curb line of Coles Mill Road.

(3) From a point 350 feet south of the southerly curb line of Grant Avenue to the southerly curb line of Hall Avenue - Little Mill Road.

ii. Along the southbound side of Route 47 from the southerly curb line of Little Mill Road - Hall Avenue to a point 330 feet south of the southerly curb line of Grant Avenue.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Robert R. Reed Jr.  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 08625

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

Alan Sagner  
Commissioner  
Department of Transportation

(b)

## TRANSPORTATION THE COMMISSIONER

### Rules on Restricted Parking Along Certain State Highways

On April 25, 1974, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, 39:4-139 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on restricted parking along portions of Routes 47, 77 and 7, as proposed in the Notice published April 4, 1974, at 6 N.J.R. 154(b).

Such rules may be cited as N.J.A.C. 16:28-3.12 through 16:28-3.14.

An order adopting these rules was filed and effective April 26, 1974, as R.1974 d.105.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

**(a)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Rules on Rates of Speed On State Highways**

On May 8, 1974, 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 of 1968, adopted rules on rates of speed on certain State highways, as proposed in the Notice published April 4, 1974, at 6 N.J.R. 154(c).

Such rules may be cited as N.J.A.C. 16:28-1.1 et seq.

An order adopting these rules was filed and effective May 9, 1974, as R.1974 d.115.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

**(b)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Rule on Control of Traffic And Parking on DOT Property**

On May 20, 1974, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-208 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning the control of traffic and parking on the New Jersey Department of Transportation's property.

Full text of the adopted rule follows:

16:27-1.4 Control of traffic and parking on N.J.D.O.T. property

(a) The following rules and regulations are adopted pursuant to Title 39:4-208 of the Revised Statutes.

1. Except as hereinafter provided, the operator of a vehicle shall not park the vehicle in any parking area constructed, owned and maintained at the headquarters of the N.J.D.O.T. unless such vehicle is registered with a parking permit issued by the bureau of security.
2. Applications for registration and parking permits shall be denied unless the names of those submitted are N.J.D.O.T. employees or are connected with N.J. D.O.T. in some capacity at the main headquarters.
3. Parking permits shall be serially numbered and shall bear the number of the parking area for which issued. The permit will be designed for pasting and shall be pasted on the inside of the rear window.
4. No person shall counterfeit a parking permit or make a substitute or temporary permit, or use such a permit with intent to evade or violate the requirements of these regulations.
5. To be valid, the parking permit must be on the car at all times while parked in designated N.J.D.O.T. parking areas.

6. Records of all permits issued will be kept on file at the issuing agent's office.
7. Temporary parking permits may be issued by the issuing agent for emergency purposes or for any other purpose that may be necessary for official State business. These permits will be void except for the dates mentioned thereon.
8. Reserved parking spaces may be established within the various parking areas including areas for visitor parking and will be properly marked by signs or markings and the operator of any vehicle using such areas will obey all reserved signs or markings.
9. On special or emergency occasions any N.J.D.O.T. parking area may be designated as a closed area to permit holders. On such occasions proper notice will be given to permit holders as soon as possible and such notice will designate, providing there is space, another area available to them during such time.
10. The operator of a vehicle shall not stop or stand the vehicle in the driveways or roadways marked with signs of any of the parking areas so as to interfere with the free and orderly movement of vehicles entering or leaving the areas.
11. The operator of a vehicle will park said vehicle in a proper manner in the spaces marked by white lines and they shall not park the vehicle in any other space not so marked.
12. The operator of a vehicle upon entering, remaining in or leaving the various parking areas will obey all traffic lights, signs and all Department-designated officers who may be on duty at the time.
13. The Department-designated officer on duty in any of the N.J.D.O.T. parking areas may regulate and control the traffic and parking, and all drivers of vehicles shall obey his orders and directions, notwithstanding anything contained in these rules and regulations.
14. Parking permits may be revoked by the issuing agent at anytime the holder of such permit is found to be violating any of the rules and regulations.
15. Penalty: As prescribed by Title 39:4-209 of the Revised Statutes, "Any person who shall violate any of the said regulations shall be subject to a fine of not less than \$1.00 nor more than \$10.00".

An order adopting this rule was filed and effective May 20, 1974, as R.1974 d.122 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

**(c)**

## **TREASURY**

### **DIVISION OF TAXATION**

#### **Proposed Rule Concerning Reproduction of Forms**

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J. S.A. 54:50-1, proposes to adopt a new rule concerning reproduction of forms.

Full text of the proposed rule follows:

#### **CHAPTER 2. GENERAL POLICIES AND PROCEDURES SUBCHAPTER 1. FORMS**

18:2-1.1 Reproduction of forms

(a) Subject to conditions and requirements hereinafter

described, the Director will accept, for filing purposes, reproductions of flat, printed return forms in lieu of the official forms printed and furnished by the Director. Card or tab-type return forms may not be reproduced.

(b) In order to be acceptable for filing purposes, reproductions of flat, printed return forms must meet the following conditions and requirements:

1. Reproductions must be facsimiles of the complete official forms, for the proper tax period, produced by photo-offset, photoengraving, photocopying, or other similar reproduction processes.

2. Reproductions must be on paper of substantially the same weight and texture and of a quality at least as good as that used in the official form and of any color.

3. Reproductions must be the same size as that of the official form, both as to the overall dimensions of the paper and the image reproduced thereon.

4. Format of pages shall adhere to the following:

i. It is preferable that both sides of the paper be used in making reproductions. However, reproduction on one side will be acceptable.

ii. All reproductions must result in the same page arrangement as that of the official form and the spacing of the printed matter on each page and the fold must be the same as on the official form.

iii. SEPARATE PAGES MUST BE FASTENED TOGETHER IN NUMERICAL ORDER.

iv. Each separate page must be clearly identified by listing at the top of the page the taxpayer's name, the Federal identification number, and the appropriate New Jersey serial number.

5. The quality of the reproduction of the printed matter must be substantially the same as that of the official form, and the filled-in information must be entirely legible.

6. The taxpayer's full and correct name and address and the identifying number as it appears on the form furnished by the Director must be typed or legibly printed on the reproduction.

7. Reproductions of forms may be made after insertion of the tax computations and the other required information. However, all signatures on forms to be filed must be original signatures, affixed subsequent to the reproduction process.

8. The Director does not approve or disapprove the specific equipment or process used in reproducing official forms, but requires only that the reproduced forms satisfy the stated conditions. It should be noted, however, that photostats do not meet all of the above conditions.

9. The Director does not approve or disapprove the specific writing medium or style of writing to be used, but requires that the filled-in information on the reproduced form be of good quality black-on-white, with any handwriting of satisfactory legibility.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before June 26, 1974, to:

Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08625  
Attention: Jay G. Destribats  
Telephone: (609) 292-5995

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Rules for Sales by Floor Covering Dealers

On May 13, 1974, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for sales by floor covering dealers, substantially as proposed in the Notice published February 7, 1974, at 6 N.J.R. 85(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of the Treasury.

A summary follows of the substantive changes made (deletions indicated in brackets [thus]):

18:24-22.3(a) The installation of floor covering results in a capital improvement only under certain conditions. An installation of a floor covering results in a capital improvement only where the floor covering is permanently affixed to a subfloor, [by an adhesive or by a material similar to an adhesive.]. A subfloor may be composed of any material, such as boards, plywood, underlayment or cement, which is not considered to be a material which customarily or normally serves as a finished floor. For sales tax purposes a subfloor is also a finished floor whose value is no greater than that of the conventional subfloor, because of deterioration through damage or age.

18:24-22.3(b) [2. The property owner issues a certificate of capital improvement (form ST-8) to the installer.]

18:24-22.4(a) Since it is usually difficult or impractical to determine the character and condition of a floor after a floor covering has been permanently affixed to it, an installer of floor coverings should be prepared to satisfy the New Jersey Division of Taxation, in case of audit, [as to the basis for his acceptance of a certificate of capital improvement (form ST-8)] for each job claimed to be a capital improvement.

18:24-22.5(b) The CDE Carpet Company of Millburn, New Jersey, agrees to sell 60 square yards of carpeting to Mr. Baker, and to install it wall-to-wall over the concrete floor in his basement game room in Short Hills, New Jersey. The agreement stipulates that the work performed will result in a permanent installation, [through the use of adhesives.] The costs are to be: \$10.00 per square yard for the carpet and \$2.00 per square yard for installation.

This type of installation results in a capital improvement. Therefore, there is no sales tax on the \$120 installation charge provided that Mr. Baker issues a certificate of capital improvement to CDE. The \$660.00 charge for carpet is subject to the sales tax.

(c) Mrs. Charles decides to have new vinyl tiles laid on her kitchen floor in West Orange, New Jersey. She purchases vinyl tiles from her neighborhood floor covering dealer, together with "liner," a tarred paper used between the floor and the tiles, and adhesive cement. She properly pays the sales tax on the total amount of these purchases.

Mrs. Charles then locates a floor covering installer who advertises himself as such in the Yellow Pages. This installer agrees to remove the existing floor covering and

install the liner and new tiles in a manner which will result in the permanent affixation of the tiles. No sales tax is due on the charges made for this installation, [if Mrs. Charles issues a certificate of capital improvement to the installer.]

18:24-22.5(f) The IJK Floor Covering Company of Bergenfield, New Jersey enters into a contract with Eureka Developers, a builder of tract homes, to cover by a permanent affixation the plywood subfloors of the living rooms, bedrooms and kitchens of 50 homes in construction in Ho-Ho-Kus, New Jersey with wall-to-wall carpeting and tiles. Eureka must pay to IJK the sales tax on the amounts charged for all of the carpeting and tiles used in these installations, but no sales tax is due on the installation charges, [provided that Eureka issues to IJK a certificate of capital improvement (form ST-8) specifying installation services covered in the contract.]

18:24-22.5(g) Example

To be relieved of collecting the sales tax on the installation charges where a capital improvement is performed, LMN must break out a reasonable installation charge and state it separately in its billing to the customer. For instance, if the bill read, "60 square yards of carpet at \$10.00 per square yard—\$600.00, installation at \$2.00 per square yard—\$120.00," the installation charge of \$120.00 would not be subject to tax if the installation resulted in a capital improvement [and the customer furnished a certificate of capital improvement (form ST-8).] On the other hand, if the customer was billed for "60 square yards of carpet installed at \$12.00 per square yard—\$720.00" the whole amount of \$720.00 would be subject to tax.

An order adopting these rules was filed and effective May 20, 1974, as R.1974 d.123.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Addition to Temporary Reserve Group Concerning Classification of Funds

On May 14, 1974, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule which added to the temporary reserve group in N.J.A.C. 17:16-5.5(a) the State Facilities for Handicapped Fund.

The specific citation for this new fund is N.J.A.C. 17:16-5.5(a)16. The remaining items in that list now cited as N.J.A.C. 17:16-5.5(a)16 through 17:16-5.5(a)29 are to be renumbered to reflect this new addition.

An order adopting this rule was filed and effective May 21, 1974, as R.1974 d.126 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## — Other Agencies —

### PORT AUTHORITY OF NEW YORK AND NEW JERSEY

#### Revisions to Air Taxi Permits and Speed Limits on Air Terminal Highways

On March 27, 1974, the committee on operations of the Port Authority of New York and New Jersey adopted revisions to the air taxi permits for Kennedy International and Newark International Airports and revisions of speed limits on air terminal highways at Newark International Airport.

Full text of the adopted revisions follows:

Resolved, that the acting executive director be and he hereby is authorized for and on behalf of the Port Authority to enter into agreements with the air taxi permittees at Kennedy International and Newark International Airports, whereby effective as of April 1, 1974 the \$25.00 peak hour minimum flight fee would not be applicable for their use of duty runways during the hours of 8:00 A.M. to 10:00 A.M., Monday through Friday, at both Newark International and Kennedy International Airports and during the hours of 3:00 P.M. to 8:00 P.M., every day of the week at Newark International Airport, provided that a nonduty runway is not available for use or a duty runway is being used by the air taxi operators because of instrument flight conditions or severe crosswinds; the form of the agreements to be subject to the approval of general counsel or his designated representative.

Resolved, that the resolution of the committee adopted at its meeting on August 4, 1955 (appearing at page 29 of the committee minutes of that date), as amended, establishing speed limits for the air terminal highways at LaGuardia, Kennedy International and Newark International Airports, be and the same hereby is amended by deleting the first paragraph thereof and substituting in lieu thereof the following:

"Resolved, that the Port Authority of New York and New Jersey hereby establishes speed limits for the air terminal highways at LaGuardia, Kennedy International and Newark Airports, as shown on the maps entitled 'LaGuardia Airport Map of Air Terminal Highway Speed Limits' dated May 7, 1971, 'Kennedy International Airport - Map of Air Terminal Highway Speed Limits' dated May 7, 1971, and 'Newark International Airport - Map of Air Terminal Highway Speed Limits', dated March 28, 1974, which said maps shall be filed with the secretary, and directs that appropriate signs shall be posted on the air terminal highways showing said speed limits; and be it further" the said resolution in all other respects to remain in full force and effect.

An order adopting these revisions was filed May 2, 1974, as R.1974 d.108 (Exempt, Exempt Agency).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State