

NEW JERSEY REGISTER



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(a)

BANKING

DIVISION OF ADMINISTRATION

Rules Concerning Fees

On August 9, 1974, Roger F. Wagner, Deputy and Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning fees, substantially as proposed in the Notice published July 11, 1974, at 6 N.J.R. 254(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Such rules may be cited as N.J.A.C. 3:1-6.1 et seq.

Following are the substantive changes made:

3:1-6.3 Payment dates

(a) The fees so assessed shall be made payable to the Treasurer of the State of New Jersey and paid on or before March 31 and September 30 of each calendar year.

(b) The payment on or before March 31 shall apply to the fees assessed for the first half of the calendar year.

(c) The payment on or before September 30 shall apply to fees assessed for the second half of the calendar year.

An order adopting these rules was filed and effective August 9, 1974, as R.1974 d.221.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (State Service)

On August 1, 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 the Civil Service Personnel Manual (State Service).

The revisions concern the recession of the cross reference and Subparts 3-8.101, 6-5.101, 6-5.102, 8-4.101, 8-6.103, 11-1.101 (first and second pages), 11-7.101,

20-1.103 (two pages) and 20-3.101 (five pages) as well as the adoption of revised text for Subpart 20-1.101, Employee performance evaluation and improvement system regulations, 20-1.102, Processing of increments under the Employee performance evaluation and improvement system, and 20-1.104, EPEIS Program; granting of increments.

Full text of the 20 pages of adopted revisions may be obtained from:

Department of Civil Service
East State and Montgomery Streets
Trenton, New Jersey 08625

An order adopting these revisions was filed August 6, 1974, as R.1974 d.217 (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

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (State Service)

On August 6, 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 the Civil Service Personnel Manual (State Service).

Such revisions concern the recession of the cross reference, Subparts 3-8.101, 6-5.101, 6-5.102, 8-4.101, 8-6.103, 11-1.101 (first and second pages), 11-7.101, 20-1.103 (two pages), 20-3.101 (five pages), and Appendix A (correction sheets 1, 2, 3 and 4) in the Civil Service Personnel Manual (State Service) as well as the adoption of revised text for Appendix A Supplementary Subpart 20-5.103.

Copies of the 12 pages of the revised Appendix A mentioned above may be obtained from:

Department of Civil Service
215 East State Street
Trenton, New Jersey 08625

An order adopting these revisions was filed August 8, 1974, as R.1974 d.220 to become effective August 19, 1974. Such revisions are not subject to codification and will not

NEW JERSEY REGISTER

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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 to Uniform Standard Code for Mobile Homes

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:2D-25.1 et seq., proposes to revise the rules concerning the Uniform Standard Code for Mobile Homes.

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

5:21-2.1(a)2. American National Standard A119.1 - [1972] 1974.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 1974, to:

Director, Division of Housing and Urban Renewal
363 West State Street
Post Office 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)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Proposed Designation of Certain New Jersey Counties as Air Quality Maintenance Areas

DEP-2-74

Take notice that David J. Bardin, Commissioner of Environmental Protection, after evaluating each county in the State, proposes to nominate the counties of Bergen, Essex, Hudson, Middlesex, Monmouth, Somerset, Union and Warren as Air Quality Maintenance Areas for total suspended particulates, and the counties of Bergen, Burlington, Camden, Essex, Gloucester, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Salem, Somerset and Union as Air Quality Maintenance Areas for photochemical oxidants. No counties are proposed for maintenance area designation for sulfur dioxide, carbon monoxide or nitrogen dioxide.

Air Quality Maintenance Areas are those in which projected growth and/or other factors pose a potential threat to the achievement or maintenance of any national air quality standard during the July, 1975, through June, 1985, decade. All nominations for designation based on suspended particulates are proposed because of actual projections of air quality in the indicated counties during the stated period. All

proposals based on photochemical oxidants are made because of the initial selection criterion which require the nomination of any area for which a transportation control plan is necessary.

New Jersey is required to propose its nominations by 40CFR51.12(e). Following final designation of Air Quality Maintenance Areas by the Federal Environmental Protection Agency, the State will be required to develop, in coordination with interested local, regional and other State agencies, appropriate control strategies for each area and to conduct a public hearing on each plan, in which the participation of all interested parties will be solicited. Strategies may relate to such factors as transportation, energy supply, growth factors, stationary sources of air pollution, land use management and the like.

All interested parties are invited to participate in a public hearing regarding the proposed designations, which will be held September 25, 1974, from 10:00 A.M. until completion of testimony at:

State Museum Auditorium
State Cultural Center
West State Street
Trenton, New Jersey

A document setting forth the proposed designations and reasons therefore will be distributed to all mayors and county boards of chosen freeholders. Copies of this document may be obtained by writing:

John Serkies
Supervisor of Planning and Evaluation
Bureau of Air Pollution Control
P.O. Box 2807
Trenton, New Jersey 08625

All testimony offered orally or in writing at the hearing, and written testimony submitted to the Commissioner of Environmental Protection at P.O. Box 1390, Trenton, New Jersey 08625 received in advance of the hearing termination, will be considered. The record will be closed at the end of the hearing.

David J. Bardin
Commissioner
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions in Rules of Bureau of Solid Waste Management

On August 21, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rules of the Bureau of Solid Waste Management.

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

DEP-1-74

Whereas, on June 28, 1974, David J. Bardin, Commissioner of the Department of Environmental Protection, adopted new rules of the Bureau of Solid Waste Management, (N.J.A.C. 7:26-1 et seq.) effective July 1, 1974, and

Whereas, said rules require persons who collect, haul or

dispose of solid wastes in New Jersey to register with the Department, and further require the payment of registration fees in accordance with a fee schedule made a part of those rules, and

Whereas, N.J.A.C. 7:26-3.3, a subsection of said rules, specifically exempts persons hauling their own household waste, in automobiles, from the registration requirements of the rules, and

Whereas, it has come to the attention of the Department that numerous persons use light vehicles other than automobiles and station wagons for the purpose of hauling their own household and agriculturally generated wastes, and

Whereas, it has come to the attention of the Department that a number of municipalities and nonprofit making municipal organizations, have established composting facilities to serve the municipal residents through composting their leaf and other vegetative yard wastes, and

Whereas, it is not the intent of the Department to require the registration of persons hauling household or agriculturally generated wastes in light vehicles, nor is it the intent of the Department to inhibit municipal composting as a method of resource recovery, and

Whereas, the adoption of the following rules as normal rules, in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), cannot be accomplished in sufficient time to provide relief from the registration requirement to those persons using a vehicle other than an automobile to haul their own household wastes, nor to provide relief from the fee requirement to those municipalities providing compost services to their residents:

Now, therefore, under the powers and duties conferred upon me by the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-4(c) and N.J.A.C. 15:15-4.18 et seq. which empowers the Commissioner of the Department of Environmental Protection to adopt, amend or repeal an administrative rule whenever the Commissioner determines that an imminent peril to public health, safety or welfare exists, I do hereby amend the rules of the Bureau of Solid Waste Management as follows:

7:26-2.5(t) Operators of sanitary landfills may elect to provide one or more containers of sufficient capacity within a designated secure area under the landfill's control (located a safe distance from the active working face and the movement of associated landfill equipment and commercial type collection and haulage vehicles) so that waste may be unloaded from [noncommercial automobiles and station-wagons] **vehicles exempt from the registration requirements of N.J.A.C. 7:26-3.2** and deposited therein under supervision of landfill personnel. Provision for bulky items may also be provided. The landfill operator shall be responsible for the sanitary condition and orderly appearance of the designated area. It shall be the operator's responsibility to remove the waste from the containers and to deposit it in the active working face and/or remove the bulky items from the area and deposit them in the designated landfill area at such frequency so as not to exceed the capacity of the area or containers. Scavenging is prohibited.

7:26-2.11(j) Operators of solid waste facilities may elect to provide one or more containers of sufficient capacity within a designated secure area under the facility's control (located a safe distance from the tipping area and the movement of associated equipment and commercial type collection and haulage vehicles) so that waste may be unloaded from [noncommercial automobiles and station-wagons] **vehicles**

exempt from the registration requirements of N.J.A.C. 7:26-3.2 and deposited therein under supervision of facility personnel. Provision for bulky items may also be provided. The facility operator shall be responsible for the sanitary condition and orderly appearance of the designated area. It shall be the operator's responsibility to remove the waste from the containers and to deposit it in the tipping area and/or remove the bulky items from the area and transfer them to the appropriate unloading area at such frequency so as not to exceed the capacity of the area or containers. Scavenging is prohibited.

7:26-3.3 [Domestic refuse] **Exceptions and conditions**

(a) The provisions of this Subchapter shall not be applicable to [haulage in family passenger automobiles or station-wagons of family garbage or refuse off the premises where the family resides nor shall the provision of these rules be interpreted as permitting the haulage of domestic sewage in any manner other than that prescribed by law. Vehicles not registered with the Bureau of Solid Waste Management are not permitted to discharge solid wastes at or near areas where commercial type collection or haulage vehicles are unloading or where heavy equipment is operating.] **the following:**

1. Persons hauling only their own household refuse in vehicles bearing passenger license plates.

2. Persons hauling refuse in vehicles registered with the New Jersey Division of Motor Vehicles as having a maximum gross weight of 5,000 pounds.

No provision of these rules shall be interpreted as permitting the haulage of domestic sewage in any manner other than that prescribed by law.

Vehicles not registered with the Bureau of Solid Waste Management are not permitted to discharge solid wastes at or near areas where commercial type collection or haulage vehicles are unloading or where heavy equipment is operating.

7:26-4.1 General provisions

In accordance with Chapter 461, P.L. 1971, there is hereby established a Fee Schedule. Said schedule shall apply to all sanitary landfill operations, incinerators, transfer stations, processing facilities, resource recovery facilities or any other method of **collection or disposal** requiring registration with the Department. [, and shall include but not be limited to all vehicles used in collection and/or haulage of solid wastes.]

7:26-4.5 Exemptions

(a) **Any solid waste facility operated only for the purpose of composting leaf and other vegetative yard waste is exempt from the requirements of this Subchapter, provided that:**

1. No fee or other compensation is received for the composting service performed at the facility; and

2. The operator of the facility certifies to the Department, on forms supplied by the Department, that the facility qualifies for an exemption under the conditions set forth above;

3. An updated registration form (N.J.B.S.W.M.-41) is executed.

An order adopting these revisions was filed and effective August 21, 1974, as R.1974 d.234 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Revisions in Collection, Processing Storage and Distribution of Blood

Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-1 et seq. and on behalf of and with the approval of the Public Health Council, proposes to revise certain Sections in Chapter X of the State Sanitary Code concerning the collection, processing, storage and distribution of blood.

Such revisions, if adopted, will be included in Chapter 8 of Title 18 of the New Jersey Administrative Code.

The proposed revisions concern definitions, records, physical examinations, medical history, physical requirements, collection of blood plasmapheresis and serumphe- resis, serological tests, determination of RH types, nongroup specific blood, antibody detection and identification, expira- tion date, sterility testing and examinations.

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

Dr. Martin Goldfield
Assistant Commissioner
Laboratories and Epidemiology
P.O. Box 1540
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held on Monday, September 23, 1974, at 10:00 A.M. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before Sep- tember 25, 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 revisions substantially as proposed without further notice.

Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Rule on Reporting of Abortions Performed in Hospitals

Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt a new rule, concerning the reporting of abortions performed in hospitals.

Full text of the proposed rule follows:

SUBCHAPTER 5. GENERAL PROVISIONS

8:40-5.1 Reporting abortions performed in hospitals

(a) Abortions performed in hospitals must be reported to the State Department of Health on the form provided by that Department for that purpose within ten days following the performance of the abortion.

(b) Supplies of the necessary forms and additional infor- mation, concerning reporting, may be obtained from the Parental and Child Health Services Unit of the New Jersey State Department of Health, P.O. Box 1540, Trenton, New Jersey 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before Sep- tember 25, 1974, to:

Bernard N. Millner
Director
Parental and Child Health Services
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 this rule substantially as proposed without further notice.

Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Interim Regulations for Abortion Facilities Receiving Temporary Licensure

On August 5, 1974, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administra- tive Procedure Act of 1968, adopted emergency interim regu- lations for abortion facilities receiving temporary licensure.

The interim regulations concern definitions, applicability of other codes, rules and regulations, reports, governing au- thority, services, staff of the abortion facility, admission and examination procedures, operative and post-operative re- quirements, medical records and physical facilities, equip- ment and supplies.

Copies of the full text of 23 pages of these regulations may be obtained from:

Watson E. Nieman
Deputy Commissioner
Department of Health
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

Such regulations may be cited as N.J.A.C. 8:40-4.1 et seq.

An order adopting these regulations was filed and effec- tive August 5, 1974, as R.1974 d.215 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Guidelines for County Colleges Under Chapter 163 of Laws of 1973

On July 30, 1974, Thomas D. Truitt, Acting Chancellor of Higher Education and Acting Secretary of the State Board of

Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted guidelines concerning tenure and related matters at county colleges under Chapter 163, Laws of 1973, substantially as proposed in the Notice published January 10, 1974, at 6 N.J.R. 11(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Higher Education.

Under the original notice, the proposed guidelines were to cover State and community colleges. However, the Board of Higher Education has adopted guidelines only for community colleges and is still considering such guidelines for State colleges.

Such adopted guidelines for community colleges may be cited as N.J.A.C. 9:4-7.1 et seq.

An order adopting these guidelines was filed and effective July 31, 1974, as R.1974 d.210.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions in Special Provisions for General Hospitals

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 the rule regarding hospital benefits for psychiatric treatment in approved general hospitals under the New Jersey Health Services Program.

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

10:52-1.4(a)5. **Psychiatric treatment in an approved general hospital:**

i. **Length of stay: Reimbursement for inpatient care is based upon the medical necessity of the admission and may not exceed 20 days unless supported by a medical recertification. (Form MC-2)**

ii. **Medical recertification:**

(1) **Whenever the span of inpatient days exceeds 20, the attending physician is required to certify the necessity of continued hospitalization on or before the expiration of the 20th day. The maximum number of days allowed on the recertification is 20 days. ONLY ONE RECERTIFICATION IS ALLOWABLE FOR EACH ADMISSION.**

(2) **In extremely unusual situations where one recertification has been submitted but where more than 40 days inpatient care is deemed necessary by the attending physician, a special request for prior authorization for the continued stay must be submitted no later than the 30th hospital day. The request must specify in detail why continued hospitalization is necessary for the patient and is to be submitted to:**

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

(3) **The request must specify the actual number of days for which authorization is requested.**

(4) **Failure to obtain prior authorization will result in nonpayment of the hospital's claim for all days beyond the 40th day and all physicians's claims for the corresponding period will also be denied for payment.**

[5] 6. The hospital is required to meet the requirement of Title XVIII concerning utilization review of all medical assistance patients.

[6] 7. Discharge planning is as follows:

i. When an inpatient is to be discharged from the hospital and continuing medical care is required, either in another medical facility (that is, extended care facility, skilled nursing home, special hospital) or by a community health agency (for example, home health agency), the hospital is responsible for providing the facility or agency with a legible abstract or summary of the patient's care while hospitalized and recommendations for further medical care. This information shall be provided at the time of hospital discharge and must be signed by the attending physician.

Copies of the transfer form shall also be sent to the local medical assistance unit. The Patient Information Transfer form, Hospital and Nursing Home, adopted by the New Jersey Hospital Association and the New Jersey Nursing Home Association, or equivalent transfer form, may be used.

ii. When an inpatient is to be discharged from the hospital to an extended care facility or skilled nursing home, the Health Services Program will reimburse the receiving facility for up to 30 days without prior authorization by the Program.

iii. When the inpatient is 65 years of age or older, transfer must be made to [an extended care] **a skilled nursing facility** if Medicare (Title XVIII) benefits are available.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 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 this action substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Institution and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions for Hospital Services

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt revisions concerning hospital services.

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

10:52-1.2(a)18. Inpatient hospital services rendered after the day it is medically necessary, except when special cir-

circumstances prevent the discharge or transfer of the patient.

NOTE: The contractors may reimburse a hospital up to 12 calendar days following the period established as being medically necessary if special circumstances (social necessity) prevent the discharge or transfer of the patient to his/her home or sheltered boarding home [or intermediate care facility] and the hospital has taken effective action to stimulate placement of the patient.

Effective action is defined as telephone notification to the county welfare board, [Bureau of Childrens Services], **Division of Youth and Family Services** district office or other responsible officials within one working day of the time that the stay has been determined to be no longer medically necessary. This telephone contact must be then confirmed in writing.

A copy of the written notification must be submitted with all claims for which reimbursement is claimed for special circumstances (social necessity).

(b) Payment for special circumstances (social necessity) is specifically precluded for:

1. [Patients awaiting placement in an Extended Care Facility. Exception: Payment for three calendar days of inpatient hospital services after the date the hospital utilization review committee notifies the attending physician and patient that further stay is not medically necessary is allowed if effective action, as defined above, is demonstrated]. [2.] Patients awaiting placement in a skilled nursing home or **intermediate care facility**;

[3] **2.** Patients for whom a claim has been denied for lack of medical necessity;

[4] **3.** Patients who were not eligible recipients as of the date of admission.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before September 25, 1974, to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendment to Definition Of Eligible Pharmacies in New Jersey

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend the definition of eligible pharmacies in New Jersey in the Pharmacy Manual.

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

10:51-1.2 Definitions

"Eligible pharmacies" means all pharmacies located in

New Jersey and operating under a valid retail permit or a valid institutional permit from the Board of Pharmacy of the State of New Jersey, having filed an application and agreement with the State Department of Institutions and Agencies, shall be eligible to participate in the New Jersey Health Services Program upon acceptance of said agreement by the State Department of Institutions and Agencies.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 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 Revisions for Out-of-State Clinics

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 the rule concerning out-of-State clinics.

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

10:66-1.3 Out-of-State clinics

(a) In general, no ongoing relationships will be established with out-of-State independent clinics. As such, none of these clinics will be added to the directory of independent clinics eligible to participate in the New Jersey Health Services Program. However, such clinics **approved by Title XIX in their own state** which are voluntary, nonprofit organizations and make a charge to the patient may be reimbursed for services provided under the following circumstances:

1. If the services are provided to Division of Youth and Family Services children residing out-of-State;

2. If the services are provided in an emergency; or

3. If the provider submits an acceptable claim to the appropriate contractor (Prudential).

(b) Out-of-State clinics will be reimbursed on the same basis as in-State clinics of the same discipline or specialty. In the absence of a negotiated rate for a certain specialty clinic, reimbursement will be made at the rate of \$5.00 per diem per patient.

Interested persons may present statements or arguments

in writing relevant to the proposed rule on or before September 25, 1974, to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions for Multi-Location Providers

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt revisions concerning multi-location providers. Revisions to this rule were initially proposed May 9, 1974, at 6 N.J.R. 187(a) but are being republished to reflect additional changes.

Full text of the proposed revised rule follows:

10:49-1.20 Multi-location providers

(a) The New Jersey Health Services Program requires that all independent clinics, pharmacies, hearing aid dealers, skilled nursing facilities, independent laboratories, transportation carriers, physicians, opticians, optometrists, dentists, orthotists, podiatrists, prosthetists, chiropractors, psychologists, hospitals, home health agencies and medical suppliers applying to participate in the program or presently participating in the program identify each and every branch or satellite location from which they will provide services to Medicaid eligible individuals.

(b) Each separate location must meet all required standards for Health Services Program participation and that location will receive a Health Services Program provider number if approved for participation. Services rendered to Medicaid eligibles at an unapproved satellite may not be billed under the approved parent organization's provider number.

(c) All approved providers who have, to date, been billing through the parent organization for their nonapproved branch/satellite locations by utilizing the parent organization's provider number may make application for Medicaid approval for such facilities within 60 days following adoption of this change in rule without penalty.

(d) Failure to make application within this 60-day period and continued billing on behalf of nonapproved facilities will result in action by the New Jersey Health Services Program to recover funds paid as the result of improper billing and will subject the approved parent organization to suspension from the program. (See Chapter I, Section 116-A.7 of the New Jersey Health Services Program provider manual).

(e) Provider applications may be obtained by contacting:
Chief, Medical Care Administration
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

(f) Billing through a central location for approved multi-location providers is allowable; however, the provider must

utilize the preaddressed claims for each office location as they reflect the proper address and provider number for that location. Selection of central or localized billing is left to the provider, who states the preference on the application.

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before September 25, 1974, to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Overpayments and Underpayments

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 revised rules concerning overpayments and underpayments. The Department published proposed changes on this subject in the May 9, 1974 issue of the New Jersey Register at 6 N.J.R. 194(a); such proposed changes are being withdrawn and replaced with these new proposed revisions. The proposed changes involve the Manual of Administration and the Financial Assistance Manual.

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

10:81-28.3 **Recoupment of overpayments**

(a) Overpayments may occur through administrative error; failure of a client to inform the county welfare board of a change in income, resources or circumstances; or when the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision:

1. When overpayment(s) results from willful withholding of information by the client, the county welfare board may recoup such overpayment(s) from current assistance payments and from available income or resources as set forth in Financial Assistance Manual Section 251;

2. Overpayment(s) due to any other reason may be recouped only when the recipient has available income and resources which exceed the current assistance payment, such as disregarded or reserved income (see Financial Assistance Manual Section 251).

(b) Any recoupment of overpayments other than for reason of willful withholding of information is limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.

(c) Willful withholding of information means:
1. Either oral or written deliberate or intentional misstatements made by a recipient in response to oral or

written questions from the CWB, including understatements of the amount of income or resources or omission of an entire category of income or resources; or

2. When the CWB has clearly notified the recipient of the obligation to report such changes, a deliberate failure by the recipient to so report; or

3. Deliberate or intentional failure by the recipient to report receipt of a check in an amount which he/she knew represented an erroneous overpayment or to which the recipient had previously been informed that he/she would not be entitled.

10:81-28.4 Periodic notice to client

(a) The client shall be informed periodically (at least once every six months) of his/her continuing obligation to furnish accurate and timely information to the CWB concerning changes in income, resources or other circumstances which may affect the amount of the grant. Such information shall be given to the CWB as soon as possible but in no event later than two weeks after the change takes place. Failure of the client to so inform the CWB shall constitute willful withholding of information.

(b) The notice shall also instruct the client that, if an assistance check exceeds the amount of the payment received the previous month and no notice of change has been received, such check should not be cashed but the CWB should be contacted immediately so that corrective action can be taken.

(c) The client is required to formally acknowledge the notice of continuing obligation with a signed statement that such notice is understood.

(d) The notice, Form PA-911 Important Reminder of Your Obligation to Report Changes, shall be given to the client at the time of application and at each redetermination thereafter, when the worker explains the client's obligations. The client will sign two copies of Form PA-911, retaining one for his/her future reference; the second copy will be attached to the application form and placed in the case record.

10:82-10.1 Overpayment; underpayments

(a) In situations where an administrative error or failure of a member of an eligible unit to inform the county welfare board of any change in income, [or] resources or **circumstances** results in an overpayment or underpayment in the **monthly grant**, the county welfare board shall proceed as follows:

1. Immediately upon discovery of the overpayment or underpayment, inform the [eligible unit] **client** in writing that such error in payment has occurred, its amount, and that it will be taken into consideration in [issuing] **determining the amount of** the next payment(s) of assistance, if any [subject to subsection b-1 below]; and

2. [The County Welfare Board shall] Correct the monthly grant for the period of assistance next following the discovery of the overpayment or underpayment, unless in the case of an underpayment an immediate additional payment is issued pursuant to Section 252.-b; and [as follows]

3. **When there has been overpayment, recoup the amount of overpayment in accordance with the following:**

i. [Overpayment - Only income and resources actually available shall be considered in determining the amount of the corrected grant. Reductions in the monthly grant may be made only subject to advance notice in accordance with Manual of Administration Section 2910.] **Overpayments shall be recouped only in the following situations:**

(1) When overpayment has resulted from the willful withholding of information by the client; or

(2) In all other situations, including administrative error or where the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision, only when the client has available resources such as disregarded or reserved income.

ii. Recoupment shall be limited to the following methods:

(1) In the event of overpayment due to willful withholding of information, deduct from the adjusted allowance an amount not to exceed 10 per cent of such adjusted allowance; and, in addition, proceed as in 2 below.

(2) In all other situations involving overpayments:

(A) When there is earned income currently available and subject to disregards, deduct from the adjusted allowance the amount of the overpayment(s) but not exceeding 20 percent of the eligible unit's total gross earnings (such deduction shall at no time be in excess of the 30 and 1/3 disregard); or

(B) When the client has reserved income or other available resources, develop a mutually agreeable arrangement with the client for recoupment of the overpayment.

iii. Recoupment of overpayments, even when encompassing the total monthly payment, shall not affect Medicaid eligibility so long as all other factors of eligibility continue to exist.

iv. When the overpayment has been satisfied, the amount of the assistance payment must be immediately adjusted so that no further reductions for recoupment are made.

[ii.] v. Underpayment procedures shall be as follows:

[(A)] (1) When underpayment was due to failure of a member of the eligible unit to provide appropriate information, the next regular payment shall reflect the corrected grant for that payment period and the amount necessary to correct the payment for the period immediately preceding.

[(B)] (2) When underpayment was due exclusively to administrative error by the agency, corrective payment shall be made retroactively to that month, within the 12 [six] months immediately preceding the discovery of the underpayment, in which the administrative error first occurred. **Corrective payment resulting from a fair hearing decision shall be retroactive to the date the incorrect action was taken.**

(A) Such retroactive adjustment shall be made as an additional payment as promptly as possible but in no event later than the time of the next regular payment.

(B) **For purposes of determining continuing eligibility or the amount of assistance, retroactive corrective payments shall not be considered as income or resource to the eligible unit either in the month paid or in the following month(s).**

[(b) When administrative error occurred earlier than within the preceding six months, a report of all relevant facts and recommendation for corrective action shall be submitted to the State office. Corrective payment for any period greater than six months shall not be issued without approval and authorization by the State office.]

[iii.] (b) No further or subsequent adjustments in the grant **other than those recognized in subsection (a) of this Section** are authorized to account for the overpayment or underpayment.

[3.] (c) In all situations of overpayments, the facts and

circumstances in each case shall be evaluated and, where indicated, action taken as appropriate in accordance with regulations pertaining to fraudulent receipt of assistance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 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 Concerning Expenses of Employment

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 the rule concerning expenses of employment in AFDC.

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

10:82-11.14 Expenses of employment in AFDC

(a) Expenses of employment in AFDC programs are as follows:

[(b)] **(a) A standard allowance** [The appropriate amount] for expenses of employment shall be deducted from the **recognized earnings** [earned income] of each employed member of the **AFDC** eligible unit, whether working full or part time and regardless of age.

[(a) 1. The expense-of-employment standard is the amount which is allowed for all expenses of employment other than costs of child care and mandatory payroll deductions.]

[(a) 2.] **(b) The standard allowance** [The monthly amount recognized for expenses of employment in all programs except AFWP] is \$50.00 per month and is intended to cover all expenses attributable to employment other than costs of child care and mandatory payroll deductions:

1. **When a member of the eligible unit has employment related expenses which exceed the standard allowance and which can be verified as actual, reasonable and necessary to his/her employment, the allowance for expenses of employment shall be increased accordingly.**

2. **Expenses related to employment may include, where applicable, cost of transportation by the most economically practical means available; essential tools, uniforms or special clothing; union dues; and required contributions to group insurance, disability or pension plans.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 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

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions In Payments to Hospitals

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq., proposes to revise a rule in the General Assistance Manual concerning payments to hospitals.

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

10:85-11.6(a) State aid will be allowed with respect to payments actually made by municipal welfare departments for inpatient hospitalization of eligible persons, provided the amount of such payments does not exceed whichever of the following is least:

1. The current Blue Cross per diem rate for such hospital, on an all-inclusive basis;
2. The charges actually billed to the patient by the hospital;
3. **The applicable Medicaid rate for the facility;**[The published ward rate on an all-inclusive basis, if any.]
4. A rate negotiated between the hospital and the municipal welfare department.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 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

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Disregard of Earned Income

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, pro-

poses to adopt revisions to the rule concerning disregard of earned income.

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

10:82-11.16(d) The above disregard shall not be applied to income earned through public service employment **funded by the WIN program through** [as provided by] the State Department of Labor:

1. **For individuals for whom a job in the regular economy cannot be found; and**
2. **In jobs which would not otherwise be performed by regular employees.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 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 set forth without further notice.

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions to Ruling Number 11

On July 31, 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 revisions to Chapter 109, Ruling Number 11, of Title 10 in the New Jersey Administrative Code, substantially as proposed in the Notice published June 6, 1974, at 6 N.J.R. 245(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

The substantive changes concern the consolidation of Appendices I and III into one Appendix I and the latter includes all approved county welfare board titles with comparable State titles and salary ranges where applicable. Clarification was also made concerning aggregate leave and reasons for granting leave without pay.

An order adopting these revised rules was filed and effective August 1, 1974, as R.1974 d.211.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Revised State Plan for Services To Families and Children

On August 13, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12

and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the State Plan for Services to Families and Children. Such revised rules may be cited as N.J.A.C. 10:123-1.1 et seq.

The revised rules, totaling approximately 63 pages, concern general provisions, organization and administration, mandatory services applicable to Title IV, Part A and Part B, other requirements applicable to Title IV, Part A and Part B, optional provisions - services in aid to families with dependent children and optional provisions—child welfare services.

Copies of the full text may be made available for inspection by contacting:

Office of the Commissioner
Department of Institutions and Agencies
135 West Hanover Street
Trenton, New Jersey 08625.

An order adopting these revised rules was filed and effective August 20, 1974, as R.1974 d.232 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Podiatry Manual

On August 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 revised text for Subchapter 2, Billing Procedures, in Chapter 57 of Title 10 of the New Jersey Administrative Code, as proposed in the Notice published July 11, 1974, at 6 N.J.R. 264(c).

An order adopting these revisions was filed August 12, 1974, as R. 1974 d.222 to become effective September 15, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSURANCE

THE COMMISSIONER

Declaration of Exhaustion of Motor Vehicle Liability Security Fund

On August 20, 1974, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:30A-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency declaration that the Motor Vehicle Liability Security Fund has been exhausted.

Full text of the declaration follows:

SUBCHAPTER 5. ADMINISTRATIVE ORDERS AND DECLARATIONS

11:1-5.1 Motor Vehicle Liability Security Fund declared exhausted

(b)

LABOR AND INDUSTRY

EMPLOYMENT SECURITY AGENCY

Maximum Weekly Benefit Rate Set for 1975 under Unemployment Compensation Law and Temporary Disability Benefits Law

On August 16, 1974, Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revised rule concerning the maximum weekly benefit rate set for 1975 under the Unemployment Compensation Law and Temporary Disability Benefits Law.

Full text of the adopted rule follows:

12:15-1.3 Maximum weekly benefit rates

(a) In accordance with the provisions of Chapter 30, Laws of New Jersey 1967, the maximum weekly benefit rate for benefits under the Unemployment Compensation Law and the maximum weekly benefit amount for State Plan benefits under the Temporary Disability Benefits Law is hereby promulgated as being \$90.00 per week.

(b) These maximum benefits shall be effective for the calendar year 1975 on benefit years and periods of disability commencing on or after January 1, 1975.

An order adopting this revised rule was filed August 21, 1974, as R.1974 d.236 (Exempt, Procedure Rule) to become effective January 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

DIVISION OF WORKMEN'S COMPENSATION

Maximum Benefit Rate Set For Workmen's Compensation

On August 16, 1974, Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-12a and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the maximum benefit rate set for workmen's compensation.

Full text of the adopted rule follows:

In accordance with the provisions of Chapter 126, Laws of 1966, the maximum workmen's compensation benefit rate for temporary total disability, permanent total disability, and dependency is hereby promulgated as being \$119.00 per week.

This maximum compensation shall be effective as to injuries occurring on January 1, 1975, and thereafter until the Commissioner of Labor and Industry supersedes this determination.

An order adopting this rule was filed August 21, 1974, as R.1974 d.235 (Exempt, Exempt Agency) to become effective January 1, 1975. Such rule is not subject to codification and will not appear in Title 12 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a) I, James J. Sheeran, Commissioner of Insurance, State of New Jersey, in accordance with the terms of the New Jersey Property-Liability Insurance Guaranty Association Act, C. 17, P.L. 1974 (Senate, No. 1004), do hereby declare the Motor Vehicle Liability Security Fund, established pursuant to P.L. 1952, C. 175 (C.39:6-92 et seq.) exhausted.

(b) The aforesaid funds which presently remain on deposit will be necessary for the completion of third party claims and expenses in the matter of the insolvencies of Concord Insurance Company and Citizens Casualty Company of New York. While the useable assets presently on deposit exceed what would be required for the above named insolvencies, it is apparent that any balance will be insufficient to pay the automobile liability insurance claims that will arise as a result of the insolvency of the Gateway Insurance Company.

(c) Therefore, I have made my determination that the Motor Vehicle Liability Security Fund is, for all practical purposes, exhausted.

An order adopting this declaration was filed and effective August 22, 1974, as R.1974 d.237 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

LABOR AND INDUSTRY

DIVISION OF WORKPLACE STANDARDS WAGE AND HOUR BUREAU

Listing of Prevailing Wage Rate Determination for Construction Workers on Public Works Projects

On August 14, 1974, Isabelle Newmark, Director of the Wage and Hour Bureau in the Division of Workplace Standards of the Department of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-56.25 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, filed a listing of the prevailing wage rates for construction workers on public works projects.

The listing includes the classifications, hourly prevailing wage rates, benefits and overtime data for construction workers on public works projects for the entire State as well as each of the 21 counties within the State.

Copies of the full text of 307 pages in the listing may be obtained from or made available for review by contacting:

Public Contracts Section
Wage and Hour Bureau
Department of Labor and Industry
John Fitch Plaza
Trenton, New Jersey 08625

An order adopting this listing was filed August 14, 1974, as R.1974 d.223 (Exempt, Procedure Rule). This listing is not subject to codification and will not appear in Title 12 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Revisions for Electrical Inspection Authorities

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:7-14 and 48:7-15, proposes to adopt revisions to the rules concerning electrical inspection authorities.

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

14:5-7.2 Definitions

"Electrical inspection authority" means an entity, **public or private**, which engages in the business of inspection of electrical construction.

14:5-7.4 (a) No electrical inspection authority, **other than a city or a county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with its own electrical inspectors**, shall operate in the State of New Jersey unless and until it has secured a certificate from the Board.

14:5-7.4 (c) No person shall perform electrical inspections unless such person has secured a license from the Board [.] **and is employed by an electrical inspection authority.**

14:5-7.4 (d) Every utility in the State of New Jersey shall accept the determinations resulting from inspections made by all electrical inspection authorities [certified by the Board.] **that have complied with N.J.A.C. 14:5-7.4(a).**

[14:5-7.5 - Counties, cities, and municipalities]

[14:5-7.5(a)] (e) Every county, city and municipality, **other than a city or a county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with its own electrical inspectors**, within the State of New Jersey shall accept determinations resulting from inspections made by all electrical inspection authorities [certified by the Board.] **that have complied with N.J.A.C. 14:5-7.4(a).**

[14:5-7.5(b)] (f) No county, city [and] or municipality, **including a city or a county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with its own electrical inspectors**, within the State of New Jersey shall designate or appoint [an individual] **a private** electrical inspection authority as its exclusive agent, [thereby excluding other electrical inspection authorities certified by the Board].

[14:5-7.5(c) Counties, cities and municipalities who have been conducting inspections of electrical construction with their own inspectors prior to June 24, 1971, shall be granted a certificate, without filing a formal petition, provided a written application is made to the Board within 90 days of the effective date of these regulations, unless good cause is shown why this 90 day time period should not be extended.]

[14:5-7.5(d)] (g) **No [counties] county, [cities] city [and] or [municipalities] municipality, other than a city or a county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with its own electrical inspectors**, shall [not] require duplicate electrical inspections from a customer who has his electrical construction inspected by an electrical inspection authority [certified by the Board.] **that has complied with N.J.A.C. 14:5-7.4(a).**

[14:5-7.5(e) Counties, cities and municipalities shall not employ any inspector who has not been licensed by the Board.]

[14:5-7.5(f)] (h) No [county, city or municipal] electrical inspector shall have any interest or relationship to any electrical contractor, nor to any manufacturer or seller dealing in electrical appliances, machinery, wiring, electrical hardware or other electrical apparatus, nor any electric public utility or other entity supplying electrical energy for industrial, residential or commercial use.

[14:5-7.5(g)] (i) No county, city or municipality shall adopt any electrical code that is not consistent with the National Electrical Code, and the rules or regulations for wiring of the utility or the existing standards and regulations of the Board.

[14:5-7.5(h) Subject to these regulations, counties, cities and municipalities shall not be exclusive electrical inspection authorities within their geographical areas, but shall have concurrent jurisdiction with other electrical inspection authorities as certified by the Board. Upon petition, hearing and notice, this Board may determine in particular circumstances that the public interest requires that this authority shall be exclusive.

14:5-[7.6]7.5 - Approval procedure

14:5-[7.9]7.8 Standards for inspection

14:5-[7.10]7.9 Customer information 14:5-[7.11]7.10 [Applications] **Inspection procedure**

[(a) Applications by a customer for the inspection of electrical construction work may be made at the electrical inspection authority's office either in person, by mail or by telephone.]

(a) No electrical inspection for any stage of electrical construction work shall be made by any electrical inspection authority until the applicant submits a written legible application clearly indicating the postal address, the stage of the electrical construction work and whether the applicant has made application for any stage of the electrical construction work to any other electrical inspection authority for which inspection is sought, except where authorized by the Board.

[(b) If the electrical inspection authority requires a written application, the same may be subsequently submitted to the customer for signature.]

(b) An electrical inspection authority shall not accept an application if the customer had previously made application to another electrical inspection authority for inspection of any stage of the same electrical construction work, except where authorized by the Board.

(c) Except for such work exempted under N.J.S.A. 45:5A-18, **and N.J.A.C. 14:5-7.10(d)** no application for electrical inspection shall be accepted by any electrical inspection authority, except from a person, firm or corporation holding a permit pursuant to N.J.S.A. 45:5A-1 et seq.

(d) Except when new service entrance equipment and

internal wiring is installed, altered or changed, electrical inspections required for purposes such as safety, insurance, mortgage placement, etc. shall be accepted by all electrical inspection authorities.

(e) Each electrical inspection authority shall promptly forward to the utility and the municipality concerned legible copies of applications for inspections when new service entrance equipment and internal wiring is installed, altered or changed, and notify the affected utility and municipality of any violations and of the issuance of temporary and final approval certificates.

14:5-[7.12]7.11 Interval between application and inspection
tion

14:5-[7.13]7.12 Records

[(c) Each electrical inspection authority shall promptly notify the utility in writing of applications for inspection, violations if any, and temporary and final approval certificates issued.]

[(d) Following receipt of notification by the electrical inspection authority of an application for inspection received, the utility shall check its file to ascertain whether the customer had made an application to another electrical inspection authority for inspection of the same electrical construction work. If so, the utility shall immediately notify the inspection authority of that fact.]

[(e) An electrical inspection authority shall not accept an application if the customer had previously made application to another electrical inspection authority for inspection of the same electrical construction work, except where there is shown to have been violation of Regulation 14:5-4.12.]

14:5-[7.14]7.13 Offices

Each electrical inspection authority shall maintain an adequate number of offices in the State of New Jersey, the current locations and telephone numbers of which shall be furnished to the Board, **the municipalities served and the utilities** where applications for electrical inspections, complaints, inspection inquiries, bill payments, etc., will be received, so that prompt and diligent inspection service is rendered to the customers.

14:5-[7.15]7.14 Personnel to be contacted

(a) Each electrical inspection authority shall furnish to the Board, **the municipalities served and the utilities** and keep current a list of names, addresses and telephone numbers of the agent upon whom process may be served, responsible officials and employees to be contacted in connection with routine matters during normal working hours.

(b) Each electrical inspection authority shall furnish to the Board, **the municipalities served and the utilities** and keep current a list of names, addresses and telephone numbers of responsible officials who may be contacted in the event of emergency during other than normal working hours.

(c) Each electrical inspection authority shall furnish to the Board, **the municipalities served and the utilities** and keep current a list of names, **license numbers**, addresses and telephone numbers of electrical inspectors employed.

14:5-[7.16] 7.15 Supervision

14:5-[7.17] 7.16 Code review

14:5-[7.18] 7.17 Insurance

Every electrical inspection authority, **other than a city or a county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with**

its own electrical inspectors, shall carry liability insurance, at least in the amount of \$1,000,000 for each person and each occurrence to satisfy claims or judgments for property damage and/or personal injury arising out of failure of its inspector to properly discharge his duties and responsibilities.

14:5-[7.19] 7.18 Workmen's compensation

Every electrical inspection authority, **other than a city or a county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with its own electrical inspectors**, shall carry workmen's compensation insurance in accordance with statutory requirements.

Electrical inspectors, shall file a quarterly **statistical** report on forms to be prescribed by the Board showing **details of its inspection operations** [of] for the preceding quarter.

14:5-[7.20] 7.19 [Rates] Tariffs

(a) [Customers] **No electrical inspection authority, other than a city or a county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with its own electrical inspectors**, shall [not be charged] **charge** rates other than provided for in the rate schedules **included in its tariffs** and filed with the Board.

(b) Such **tariffs and** rate schedules shall not be effective until filed with and accepted by the Board.

(c) **Tariffs shall be submitted in the form similar to that required for public utilities in N.J.A.C. 14:11-7.1 et seq. insofar as such requirements are applicable.**

14:5-[7.21] 7.20 Compensations of the inspectors

14:5-[7.22] 7.21 Monopoly forbidden

No **private** electrical inspection authority shall act as an exclusive agent of a municipality, city, county or utility, nor shall it monopolize, or attempt to monopolize or combine or conspire with any other person to monopolize trade or commerce in any relevant market located in whole or in part in this State for the electrical inspection business.

14:5-[7.23] 7.22 Refusal of a customer to correct a violation

14:5-[7.24] 7.23 Inspection requested by Board

14:5-[7.25] 7.24 Emergency inspections

14:5-[7.26] 7.25 Periodic reports

(a) Every electrical inspection authority, **other than a city or a county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with its own electrical inspectors**, shall file an annual report on forms to be prescribed by the Board, showing its financial condition on a calendar year basis. Such reports shall also contain a statement of income and expense for a calendar year period.

(b) Every electrical inspection authority, **other than a city or county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with its own electrical inspectors**, shall file a quarterly **statis-**

tical report on forms to be prescribed by the Board showing details of its inspection operations [of] for the preceding quarter.

(c) All reports shall be filed on or before the due date noted on the report forms.

14:5-[7.27] **7.26** Conflict of interest

14:5-[7.28] **7.27** Electrical inspection authority certificate

(a) An electrical inspection authority, **other than a city or a county which has invoked or may hereafter invoke the provisions of N.J.S.A. 40:173-1 et seq. or N.J.S.A. 40:23-20 et seq. respectively to establish an electrical inspection authority to perform inspections of electrical construction work within its own geographical area with its own electrical inspectors**, seeking issuance or renewal of certificate shall file with the Board an application in writing upon forms prescribed by the Board.

14:5-[7.29] **7.28** Inspector license

(b) An applicant for such examination shall have been employed or engaged in the business of electrical construction and installation or have equivalent practical experience for a period of not less than seven years preceding the time of such application, or shall otherwise establish to the satisfaction of the Board that he has the necessary educational background and experience to qualify him to take the examination for a license.

[b] (c) The examination shall be so designed as to establish the competence and qualifications of the applicant to perform and/or supervise the various phases of electrical inspection work. [Any applicant who shall fail to pass such examination shall not be eligible to retake an examination until six months from the date of such failure.]

[c] (d) An applicant for an examination [for a license] shall apply to the Board for permission to take such examination upon forms provided by the Board and shall provide the Board with such information as shall be necessary to establish his qualifications to take the examination. The applicant for an initial examination shall pay a fee to the Board of \$25.00. An applicant for reexamination shall pay a fee to the Board of \$15.00. Such fees shall not be refundable.

[d] Upon payment of the prescribed fee as herein set forth, any person who has been engaged in the business of electrical construction, installation or inspection for a period of at least seven years prior to the effective date of these regulations, is employed by an electrical inspection authority on the effective date of these regulations, and who has made an application for temporary license to the Board on or before July 1, 1973 with satisfactory proof of his ability to engage in such business may be granted a temporary license.]

[(e) After January 1, 1974 no temporary license shall be recognized by the Board and all electrical inspectors shall be required to have passed the examination as set forth herein.]

[f] (e) The Board shall prescribe the conditions of examination, and shall hold a minimum of three examinations each year at such time and place within the State as the Board shall designate. Public notice shall be given of the time and place of all examinations. Such examinations shall cover such matters as the provisions of nationally recognized electrical installation, safety standards and the theoretical and practical application of the same, encountered in electrical work. Said examinations [may] **shall** be written [and/or oral,] and shall give ample opportunity for all applicants to be thoroughly and carefully examined, but no license shall be granted except by the Board.

[g] (f) **Upon satisfactorily passing the examination** a person seeking issuance or renewal of license shall file with the

Board an application in writing upon forms prescribed by the Board. The application shall be accompanied by fees in the following amounts:

1. For initial license, \$50.00;
2. For renewal, \$25.00.

[h] (g) The license periods shall be from July 1 to June 30 of the following year, and licenses shall be renewed on or before July 1 of each year. Renewal shall be governed by the standards applicable to initial issuance. The Board may require reexamination upon failure to apply for a renewal prior to 30 days before the date of the expiration of any license.

[i] (h) The Board may refuse to grant, or may suspend, revoke or refuse to renew any license if the holder has:

1. Secured such license by misrepresentation;
2. Failed to maintain the qualifications required for retention of the license;
3. Violated any rule, regulation or administrative order of the Board;
4. Committed an act of gross negligence;
5. Failed to perform electrical inspections to insure conformance with the standards of the National Electrical Code and any other applicable code then in effect.

[j] (i) An applicant whose license has been revoked may become eligible not earlier than one year from the date of said revocation for a new license upon the satisfactory completion of an examination as herein provided, and demonstration, to the satisfaction of the Board, that he is fit and able to render prompt and diligent service.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 1974, to:

Department of Public Utilities
101 Commerce Street
Newark, New Jersey 07102

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

Stewart G. Pollock
Commissioner, Board of Public Utility
Commissioners
Department of Public Utilities

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Rules on Hearing Procedures

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-12 *et seq.* proposes to adopt new rules concerning sanctions, failure to appear, adjournment and repeated violation regarding its hearing procedures.

Full text of the proposed rules follows:

14:1-10.11 Sanctions; failure to appear; adjournment; repeated violations

(a) If without just excuse or because of failure to give reasonable attention to the matter, no appearance is made on behalf of a party on the day of a hearing, the Board may order one or more of the following:

1. Payment by the delinquent attorney or party of all of the Board's costs associated with the hearing;
2. The dismissal of the petition or other pleadings as appropriate and the entering of a decision or order by default; or
3. Such other action as it deems appropriate.

(b) If without just excuse or because of failure to give reasonable attention an application is made for an adjournment on the day of hearing, the Board or presiding officer may dismiss or grant the application or take such other action as it deems appropriate. If the hearing is continued, the Board may impose such other sanctions as provided by subsection (a) of this Section.

(c) If an attorney or party is repeatedly delinquent in his appearances before the Board such conduct will be deemed unacceptable and the Board may decline to permit any such person to appear in any proceeding before it for such time, but not to exceed one year, as the Board feels is appropriate. Such action by the Board shall be consistent with its rules and regulations and shall constitute a reasonable and just determination as to the attorney or party involved.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 1974, to:

Department of Public Utilities
101 Commerce Street
Newark, New Jersey 07102

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

Stewart G. Pollock
Commissioner, Board of Public Utility
Commissioners
Department of Public Utilities

(a)

STATE

OFFICE OF THE SECRETARY OF STATE

Proposed Rules Concerning Voter Registration by Mail

F. Joseph Carragher, Assistant Secretary of State, pursuant to authority of N.J.S.A. 19:31-6.9 et seq., proposes to adopt new rules concerning voter registration by mail.

Full text of the proposed rules follows:

CHAPTER 10. ELECTIONS

SUBCHAPTER 1. VOTER REGISTRATION BY MAIL

15:10-1.1. Availability of forms; reasonable quantity defined

(a) A bona-fide organization or individual candidate for public office may request a reasonable quantity of voter registration forms from the Commissioner of Registration of each county. The number requested may be limited to two per cent of the total number of voter registration forms which the Commissioner of Registration has available at the time of such request. There shall be no limit as to the number of requests that such an organization or candidate may make. The Commissioner of Registration shall maintain a record of all organizations and individual candidates which request 100 or more forms.

(b) An individual, who is not a candidate for public office, may request from the Commissioner of Registration of each county up to 25 voter registration forms per request. There shall be no limit as to the number of requests such an individual may make.

15:10-1.2 Organization defined

The term "organization" shall be defined as broadly as possible for purposes of these rules.

15:10-1.3 Acceptance of photocopies and reproductions of form

(a) The Commissioner of Registration of each county shall accept and validate legible photocopies and reproductions of voter registration forms, provided that such photocopied or reproduced forms comply with the provisions of these rules and other applicable statutory requirements.

(b) Each Commissioner of Registration may adopt a numbering system or other method of identifying his supply of voter registration forms but such system or method shall not prevent the acceptance and validation of other validly completed, but unnumbered voter registration forms.

(c) The photocopies and reproductions must be true facsimiles of the official voter registration form.

15:10-1.4 Completion of form

(a) Failure of the applicant to complete items 2 (must specify whether over 18 years old), 4 (previous residence), the last line of item 6 (date, municipality and state of naturalization), the first line of item 7 (the county in which applicant resides), or the zip code of the voter registration form shall not be deemed to be cause for rejection of the voter registration form by the Commissioner of Registration.

(b) Item 2 on the voter registration form concerning the birth date of the applicant shall be deemed to have been completed if the applicant states therein that he or she is over 18 years of age without indicating his or her specific birth date. If the applicant is 17 years old, he or she must give date of birth.

(c) An applicant must complete and sign both applications appearing on the voter registration form.

15:10-1.5 Signatures

(a) When the voter appears to vote for the first time, such voter must sign his or her name on the reverse side of the permanent registration form maintained by the Commissioner of Registration of that county.

(b) The signatures on the voter registration form and the reverse side of the permanent registration form must be compared before the voter will be allowed to vote.

15:10-1.6 Reimbursement to counties; limitations

(a) The counties shall be reimbursed at the rate of \$0.50 for each voter added to the registration list.

(b) The Commissioner of Registration shall accept and validate a notice of a voter's change in name or address but such change in a voter's name or address, occurring within the limits of that same county, shall not entitle the county to the 50-cent reimbursement fee outlined in subsection (a) of this Section.

15:10-1.7 Reordering forms; notification

When the supply of voter registration forms has reached a level of 25 per cent of the amount of such forms previously allocated to the county, the Commissioner of Registration of that county staff notify the Office of the Secretary of State, which will reorder sufficient voter registration forms to meet reasonably expected needs.

15:10-1.8 Sample and instruction ballots

(a) In election districts where the primary language of ten per cent or more of the registered voters is Spanish, the sample ballots for primary and general elections shall be printed bilingually in English and Spanish in their entirety and mailed to each registered voter.

(b) In election districts where the primary language of ten per cent or more of the registered voters is Spanish, the sample and/or instruction ballots for primary and general elections shall be printed bilingually in English and Spanish in their entirety, including public questions, and such sample

and instruction ballots shall be prominently displayed at the polling places on election day.

(c) The official primary and general election ballots in the actual voting booth at the polling place need not be printed bilingually.

15:10-1.9 Notification to applicants

(a) When the voter registration form is accepted or rejected the applicant must be notified immediately by regular mail.

(b) On the face of such notification in the upper left-hand corner shall be printed the words: "Do Not Forward. Return Postage Guaranteed. If not delivered in two days, return to the Superintendent of Elections." In those counties not having a Superintendent of Elections, the form is returned to the "Commissioner of Registration."

15:10-1.10 Acceptance of applicants

(a) Any form, not postmarked, but dated by the applicant on the 29th day before the close of registration shall be deemed timely, providing it is received no later than seven days after the close of registration.

15:10-1.11 Out-of-office registration

(a) The statutory term "mobile registration" shall be defined as broadly as possible to include all registration conducted by the Commissioner of Registration at any location other than the Commissioner's office. Mobile registration facilities may be stationary or fixed vehicles or buildings. The nature, number and location of such stationary or fixed facilities or the nature, number and route of any moving facilities shall be subject to approval by the Secretary of State.

(b) The place or places designated by the Commissioner of Registration for receiving registration, other than the Commissioner's office, shall be publicized in a newspaper circulated in the municipality, containing such designated place or places. The publication shall include the addresses and dates and hours of operation of such designated place or places. The publication shall appear within seven days of the operation of such designated place or places, and shall be repeated each week so that there will always have been a publication within seven days of such operation.

(c) Whenever any individual or organization, other than the Commissioner of Registration or the Commissioner's duly authorized clerk, conducts registration activities, whether by door-to-door canvassing, mobile techniques or otherwise, there need be no publication whatsoever by the individual, organization or the Commissioner.

A public hearing respecting the proposed action will be held on September 18, 1974, at 10:00 A.M. in the Assembly Lounge, State House, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 1974, to:

F. Joseph Carragher
Assistant Secretary of State
Office of the Secretary of State
Trenton, New Jersey 08625

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

F. Joseph Carragher
Assistant Secretary of State
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Rates Of Speed on State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt new rules establishing legal speed zones along portions of Route numbers U.S. 46, 1 and 9 and Route number 173.

Full text of the proposed rules follows:

16:28-1.156 Route numbers U.S. 46 - U.S. 1, 9 and 46 in Fairfield Borough, Essex County; Wayne Township, Totowa Borough, Little Falls Township, West Paterson Borough, City of Clifton and City of Paterson, Passaic County; Elmwood Park Borough, City of Garfield, Saddle Brook Township, Lodi Borough, Hasbrouck Heights Borough, Teterboro Borough, Little Ferry Borough, South Hackensack Township, Village of Ridgefield Park, Ridgefield Borough, Palisades Park Borough and Fort Lee Borough, Bergen County

(a) In accordance with the provisions of N.J.S.A. 39:4-98 (as amended), the rate of speed designated for the certain part of State highway Route U.S. 46 and Route U.S. 1, 9 and 46 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. Zone 1: 50 mph in Fairfield Borough, Wayne Township, Totowa Borough, Little Falls Township, West Paterson Borough, and City of Clifton from Passaic River (Morris County - Essex County line, milepost 51.8) to Delaware Lackawanna and Western Railroad underpass (milepost 61.56); thence

ii. Zone 2: 35 mph in Clifton to Fourth Street (milepost 62.20); thence

iii. Zone 3: 50 mph in Clifton, Paterson, Elmwood Park Borough, City of Garfield, Saddle Brook Township, Lodi Borough, Hasbrouck Heights Borough and Teterboro Borough to Huyler Street (milepost 68.58); thence

iv. Zone 4: 45 mph in Little Ferry Borough and South Hackensack Township to 500 feet east of Phillips Avenue (milepost 69.35); thence

v. Zone 5: 40 mph in South Hackensack Township, Little Ferry Borough and Village of Ridgefield Park to Teaneck Road (milepost 70.70); thence

vi. Zone 6: 50 mph in Village of Ridgefield Park, Ridgefield Borough, Palisades Park Borough and Fort Lee Borough to Route 63 underpass (milepost 63.80); thence

vii. Zone 7: 45 mph in Fort Lee Borough to George Washington Bridge (Port Authority of N.Y. and N.J.).

16:28-1.157 Route number 173 in Greenwich Township, Warren County; Bloomsbury Borough, Bethlehem Township, Union Township, Town of Clinton, Clinton Township, Hunterdon County

In accordance with the provisions of N.J.S.A. 39:4-98 (as amended), the rate of speed designated for the certain parts of State highway Route 173 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For Both Directions Of Traffic:

i. Zone 1: 50 mph in Greenwich Township, Bloomsbury Borough, Bethlehem Township from the junction with Route

I-78 - U.S. 22 to a point 500 feet west of the Central Railroad of New Jersey Bridge; thence

ii. Zone 2: 40 mph to a point 1200 feet east of the aforesaid railroad bridge; thence

iii. Zone 3: 50 mph in Bethlehem Township, Union Township to the westbound exit ramp of Route I-78 - U.S. 22 at milepost 14.4*;

iv. Zone 4: 35 mph in the Town of Clinton, Clinton Township from Lakeview Avenue to the easterly terminus at the overpass of Route 31.

* For the section coincident with Route I-78 - U.S. 22 from milepost 13.8 to 15.5 see Route I-78.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 1974, to:

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

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restrict Parking

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, establishing no parking zones along certain portions of Route numbers 35 and 27.

Full text of the proposed rules follows:

16:28-3.26 Bus stops along Route number 35 in Woodbridge Township in Middlesex County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State highway Route 35 described herein below shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-139 permission is hereby granted to erect appropriate signs at the following established bus stops.

1. Along the northbound side of Route 35 (Amboy Ave.):

i. Far side bus stops:

- (1) St. Joseph's Street (110 feet);
- (2) Second Street (110 feet);
- (3) Green Street (110 feet);
- (4) Grove Avenue (110 feet);

ii. Near side bus stops:

- (1) Albert Street (120 feet);
- (2) Bergen Street (120 feet);
- (3) Main Street (120 feet);

iii. Mid-block bus stop:

(1) Beginning 100 feet south of the southerly curb line of Freeman Street and extending 135 feet southerly therefrom.

2. Along the southbound side of Route 35 (Amboy Ave.):

i. Far side bus stops:

- (1) Green Street (100 feet);
- (2) Main Street (100 feet);
- (3) Grenville Street (110 feet);

(4) Bergen Street (110 feet);

(5) St. Joseph's Street (110 feet);

ii. Near side bus stops:

- (1) Bunn's Lane (120 feet);
- (2) Grove Avenue (120 feet);

3. Along the northbound side of Route 35 (St. Georges Ave.):

i. Far side bus stop:

- (1) Avenel Street (100 feet).

ii. Mid-block bus stop:

(1) Beginning 50 feet south of the northerly entrance to the R.C.A. Plant and extending 135 feet southerly therefrom.

4. Along the southbound side of Route 35 (St. Georges Ave.):

i. Near side bus stop:

- (1) Chain O'Hil Road (120 feet).

Mid-block bus stop:

(1) Beginning 90 feet south of the northerly entrance to the R.C.A. Plant and extending 135 feet southerly therefrom.

(b) All bus stops to be the above specified length, measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects.

16:28-3.27 Route number 27 in South Brunswick Township, Middlesex County, and Franklin Township, Somerset County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State highway Route 27 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 northbound side of Route 27:

- (1) From the northerly curb line of Academy Street to a point 75 feet north of the northerly curb line of Academy Street;
- (2) From a point 108 feet south of the southerly curb line of Heathcote Road to a point 100 feet north of the northerly curb line of Heathcote Road.

ii. Along the southbound side of Route 27:

- (1) From a point 80 feet north of the northerly curb line of Laurel Avenue to a point 92 feet south of the southerly curb line of Laurel Avenue;
- (2) From a point 60 feet north of the northerly curb line of Church Street to the Franklin Township-Princeton Township corporate line.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 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 Rule on One-Way Traffic on Route 79

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1, proposes to adopt a new rule concerning one-way traffic along Route number 79 in Matawan Borough in Monmouth County.

Full text of the proposed rule follows:

16:28-4.3 Route number 79 in Matawan Borough in Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-85.1, the certain parts of State highway route 79 described herein below shall be and hereby are, designated for one-way traffic.

1. From Route 34 to New Brunswick Avenue - Broad Street (County Road 516) in a southbound direction.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 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 this rule substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Rules on Restricted Parking On State Highways

On August 6, 1974, Manuel Carballo, Deputy Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on restricted parking on State highways, as proposed in the Notice published July 11, 1974, at 6 N.J.R. 269(d).

Such rules may be cited as N.J.A.C. 16:28-3.20 through 16:28-3.23.

An order adopting these rules was filed and effective August 6, 1974, as R.1974 d.216.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Rules for One-Way Street Regulations on State Highways

On August 14, 1974, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-85.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for one-way street regulations on State highways, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 248(b).

Such rules may be cited as N.J.A.C. 16:28-4.1 and 16:28-4.2.

An order adopting these rules was filed and effective August 15, 1974, as R.1974 d.225.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

Rules for Restricted Parking on Routes U.S. 40 and N.J. 47

On August 14, 1974, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, concerning restricted parking on Route numbers U.S. 40 and N.J. 47, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 249(a).

Such rules may be cited as N.J.A.C. 16:28-3.24 and 16:28-3.25. Take notice that, in the Notice of proposal, these rules were incorrectly indicated as N.J.A.C. 16:28-3.15 and 16:28-3.16.

An order adopting these rules was filed and effective August 15, 1974, as R.1974 d.226.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(e)

TREASURY

DIVISION OF PENSIONS

Proposed Revisions of The Judicial Retirement System

Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 43:6A-1 et seq. and on behalf of the State House Commission in the Division of Pensions of the Department of the Treasury, proposes to adopt revisions to the rules concerning the judicial retirement system.

Full text of the proposed revisions follows (additions indi-

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

17:10-3.1 (g) **In the event of death in active service and prior to retirement, the survivor's benefit shall be computed on the basis of the annual salary received by the member at the time of his death.**

17:10-5.7 Employer disability application; employee notice

(a) An application for disability filed as a result of a certification by the Supreme Court in behalf of an employee will be processed after proper advice of such filing is given the employee.

(b) Appropriate time will be given the member to [either file a claim of his own on a voluntary basis, or to] supplement the medical and documentary evidence submitted by the Court.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 1974, to:

State Health Benefits Commission
Department of the Treasury
20 West Front Street
Trenton, New Jersey 08625

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

Clifford A. Goldman
Deputy State Treasurer
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

Rule on Compliance with Endorsement Requirements

On July 31, 1974, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the compliance with endorsement requirements, as proposed in the Notice published July 11, 1974, at 6 N.J.R. 277(a).

Such rule may be cited as N.J.A.C. 17:1-1.15(e).

An order adopting this rule was filed and effective August 8, 1974, as R. 1974 d.219.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE LOTTERY COMMISSION

Revisions Concerning Special Lotteries

On August 7, 1974, Charles C. Carella, executive director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative

Procedure Act of 1968, adopted **revisions** to the rule concerning special lotteries.

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

17:21-1.4 (b) The rules of such special lotteries, relating to the determination and payment of prizes, **bonuses to licensed lottery agents**, manner of drawing, place and time of drawing and eligibility shall be prescribed by the Commission and shall be publicized in a manner reasonably calculated to inform the general public of said rules.

An order adopting these revisions was filed and effective August 15, 1974, as R.1974 d.224 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TREASURY

STATE HEALTH BENEFITS COMMISSION

Revisions in Annual Enrollment Period And Health Maintenance Organization Premiums

On May 2, 1974, William J. Joseph, Secretary of the State Health Benefits Commission in the Division of Pensions of the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:9-2.3 and 17:9-5.6, concerning annual enrollment periods and health maintenance organization premiums, as proposed in the Notice published April 4, 1974, at 6 N.J.R. 156(a).

An order adopting these revisions was filed and effective August 19, 1974, as R.1974 d.228.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF PENSIONS

Revisions in State Health Benefits Program

On May 2, 1974, William J. Joseph, Secretary of the State Health Benefits Commission in the Division of Pensions of the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:9-5.4, concerning local employer payment of dependent charges regarding the State Health Benefits program, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 123(b).

An order adopting these revisions was filed and effective August 19, 1974, as R.1974 d.229.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

Revisions on Public Employees' Retirement System

On March 19, 1974, Christopher F. Carson, Secretary of the Public Employees' Retirement System in the Division of Pensions of the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning the Public Employees' Retirement System, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 32(a).

Such revisions will be included in various Sections of Chapter 2 in Title 17 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective August 19, 1974, as R.1974 d.230.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Revisions to Foreword of Rules on Supplemental Annuity Collective Trust

On March 18, 1974, William J. Joseph, Secretary of the Supplemental Annuity Collective Trust in the Division of Pensions of the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-107 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Foreword of Chapter 8, Supplemental Annuity Collective Trust, in Title 17 of the New Jersey Administrative Code, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 35(a).

An order adopting these revisions was filed and effective August 19, 1974, as R.1974 d.231.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TREASURY

STATE INVESTMENT COUNCIL

Revisions on Commercial Paper

On July 23, 1974, Clifford A. Goldman, Deputy State Treasurer, on behalf of the State Investment Council and 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 revisions to the rule concerning legal papers regarding commercial paper.

Full text of the revised rule follows:

17:16-13.5 Legal papers

Prior to any commitment to purchase commercial paper, the Director shall obtain a certificate or other evidence that such commercial paper is rated P-1 by "Moody's Commercial Paper Division" and A-1 by "Standard and Poor's Commercial Paper Division", except that, if an issuer of commercial paper has not requested a rating from both services and has not been refused a rating by either service, then the rating of one service will be accepted.

An order adopting these revisions was filed and effective August 8, 1974, as R.1974 d.218 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

OTHER AGENCIES

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Rules on Securing Coverage Under National Flood Insurance Program

On July 31, 1974, the Hackensack Meadowlands Development Commission pursuant to authority of N.J.S.A. 13:17-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the securing of coverage under the National Flood Insurance Program.

Full text of the adopted rules follows:

19:3A-2.2 Securing coverage under the National Flood Insurance Program

(a) The Hackensack Meadowlands Development Commission hereby evidences a positive interest in securing flood insurance coverage under the National Flood Insurance Program because of a clear danger of flooding and the resultant damage to property in the Hackensack Meadowlands District.

(b) The Hackensack Meadowlands Development Commission hereby appoints William D. McDowell, executive director of the Hackensack Meadowlands Development Commission, as the person responsible for the implementation and coordination of the Federal Flood Insurance Program within the Hackensack Meadowlands District.

(c) The Hackensack Meadowlands Development Commission hereby appoints William D. McDowell, executive director of the Hackensack Meadowlands Development Commission, as the person responsible to furnish on request, by an appropriate Federal or State official or by a designated representative of the National Insurers Association, information for each structure constructed within the area of special flood hazards after flood insurance is made available in the community concerning its first-floor elevation, and if there is a basement, the distance from the first floor to the bottom of the lowest opening where water flowing over the ground would enter said basement.

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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.

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>Adoption Notice N.J.R. Citation</u>
CHIEF EXECUTIVE — TITLE 1			
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)
AGRICULTURE — TITLE 2			
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 tuberculin 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)
2:20-4.1	Subcoccinella viginliqualuorpunctata quarantine	R. 1974 d.153	6 N.J.R. 254(b)
2:22-1.1	Control of ceriferus (or Japanese) wax scale	R. 1974 d.130	6 N.J.R. 254(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)
BANKING — TITLE 3			
3:1-1.1	Interest rates revised	R. 1973 d.366	6 N.J.R. 50(b)
3:1-1.1	Revisions concerning interest rates	R. 1974 d.132	6 N.J.R. 255(b)
		R. 1974 d.140	6 N.J.R. 255(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)
3:1-6.1 et seq.	Rules on fees	R. 1974 d.221	6 N.J.R. 342(a)
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)
3:6-8.1	Registrar and transfer agents filings	R. 1974 d.177	6 N.J.R. 297(a)
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)
3:11-8.1	Investment securities; savings banks	R. 1974 d.145	6 N.J.R. 256(a)
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)
3:18-8.1	Banking institution	R. 1974 d.135	6 N.J.R. 255(a)
3:18-9.1 et seq.	Interest rate regulation Number one	R. 1974 d.199	6 N.J.R. 298(a)

COMMUNITY AFFAIRS — TITLE 5

5:10-1.1 et seq.	Revisions concerning construction, maintenance of hotels	R. 1973 d.357	6 N.J.R. 5(b)
5:10-1.1 et seq.	Revisions for construction and maintenance of hotels	R. 1974 d.206	6 N.J.R. 301(a)
5:10-2.2	Revised definitions of building and multiple dwelling	R. 1973 d.310	5 N.J.R. 369(a)
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)
5:13-1.1	Revise definitions of gross shelter rent and condominium	R. 1974 d.166	6 N.J.R. 256(b)

EDUCATION — TITLE 6

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	Retirement of school buses	R. 1974 d.176	6 N.J.R. 302(c)
6:21-1.4	Vocational-technical coordinator; co-op industrial education	R. 1973 d.269	5 N.J.R. 333(c)
6:21-6.26	Revisions concerning bus mirror specifications	R. 1974 d.142	6 N.J.R. 258(b)
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)
6:21-11.3(d)	Revisions concerning bus driver procedures	R. 1974 d.141	6 N.J.R. 258(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)
6:29-4.2	Revisions concerning testing for tuberculosis	R. 1974 d.154	6 N.J.R. 258(c)
		R. 1974 d.155	6 N.J.R. 258(c)
6:37-1.1 et seq.	Educational centers of research and demonstration	R. 1974 d.173	6 N.J.R. 301(e)
6:43-2.6(d)	Vocational program services	R. 1974 d.168	6 N.J.R. 261(a)
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)
6:47-1.2(h)	Vocational-management services	R. 1974 d.174	6 N.J.R. 301(c)
6:68-4.1 et seq.	State library assistance programs	R. 1974 d.175	6 N.J.R. 302(a)
6:78-1.1 et seq.	Revisions concerning Marie H. Katzenbach School for the Deaf	R. 1974 d.167	6 N.J.R. 259(a)
6:78-1.3	Transportation revisions	R. 1974 d.70	6 N.J.R. 132(a)
6:79-1.8	Guidelines for free and reduced-price lunches	R. 1974 d.198	6 N.J.R. 302(e)

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 under 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)14.	Extend wetland order to portions of Salem County	R. 1974 d.188	6 N.J.R. 306(a)
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)
7:7C-1.1 et seq.	Repeal of rules on hearings under Coastal Area Review Act	R. 1974 d.162	6 N.J.R. 263(c)
7:9-9.1 et seq.	Sealing abandoned wells	R. 1973 d.299	5 N.J.R. 370(b)
7:9-11.1 et seq.	Allocation of waste loads to point source discharges	R. 1974 d.151	6 N.J.R. 263(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)
7:25-2.15	Revisions concerning controlled hunting	R. 1974 d.150	6 N.J.R. 263(a)

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7:25-5.1 et seq.	1974-75 Game Code adopted	R. 1974 d.149	6 N.J.R. 262(c)
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)
7:25-7.9	Conservation order closing certain seal clam beds	R. 1974 d.139	6 N.J.R. 262(a)
7:25-9.1(h)	Rescind portions of prior resolution	R. 1973 d.303	5 N.J.R. 371(b)
7:25-9.2	Revised Resolution No. 111; clams	R. 1974 d.148	6 N.J.R. 262(b)
7:25-10.1	Resolution dated September 19, 1973	R. 1973 d.302	5 N.J.R. 371(a)
7:26-1.1 et seq.	Revisions to rules of Bureau of Solid Waste Management	R. 1974 d.172	6 N.J.R. 305(c)
7:26-1.5	Waste collected out-of-State	R. 1973 d.245	5 N.J.R. 336(a)
7:26-2.5 et seq.	Revisions on rules of Bureau of Solid Waste Management	R. 1974 d.234	6 N.J.R. 343(c)
7:26-5.1 et seq.	Rules of practice 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)
7:27-15.1 et seq.	Revisions in emission inspection standards light-duty motor vehicles	R. 1974 d.169	6 N.J.R. 305(b)
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)

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8:2-1.1	Revisions for birth records of children born out of wedlock	R. 1974 d.104	6 N.J.R. 185(b)
8:13-1.1 et seq.	Sanitation, handling, shipping and shucking of shellfish	R. 1974 d.185	6 N.J.R. 310(b)
8:21-2.38	Bacteriological standards for potentially hazardous foods	R. 1974 d.204	6 N.J.R. 311(a)
8:21-4.44	Expiration dates for fluid milk products	R. 1974 d.143	6 N.J.R. 264(a)
8:21-9.3(a)	Delete exemption for wholesale handling of raw shellfish	R. 1974 d.184	6 N.J.R. 310(a)
8:25-1.1 et seq.	Standards concerning New Jersey Youth Camp Safety Act	R. 1974 d.156	6 N.J.R. 264(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)
8:31-10.1	Licensing of drug-related facilities	R. 1974 d.193	6 N.J.R. 310(c)
8:31-11.1	Voluntary discontinuance of regular service in any health care facility	R. 1974 d.195	6 N.J.R. 310(e)
8:32-1.1 et seq.	1974-1975 State Plan for hospitals and related health care services	R. 1974 d.196	6 N.J.R. 310(f)
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)
8:33-1.12	Processing of certificate of need applications	R. 1974 d.194	6 N.J.R. 310(d)
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)
8:40-4.1 et seq.	Interim regulations for abortion facilities with temporary license	R. 1974 d.215	6 N.J.R. 345(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)

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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)

9:4-7.1 et seq.	Tenure guidelines for community colleges	R. 1974 d.210	6 N.J.R. 345(d)
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)
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10:49-1.24	Pharmaceutical providers	R. 1973 d.249	5 N.J.R. 341(e)
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(d) The Hackensack Meadowlands Development Commission hereby appoints William D. McDowell, executive director of the Hackensack Meadowlands Development Commission, as the person responsible for the preparation and submission to the Federal Flood Insurance Administrator an annual report concerning the activities of the municipality related to the National Flood Insurance Program.

(e) The Hackensack Meadowland Development Commission hereby designates their office located at 1099 Wall Street West, Lyndhurst, N.J., as the local repository where flood insurance and flood hazard maps will be available for public inspection.

(f) The Hackensack Meadowlands Development Commission hereby agrees to maintain in force land use and control measures that meet the requirements set forth in the regulations promulgated by the Federal Insurance Administration. A copy of these land use and control measures are attached hereto and made a part of this document.

(g) The Hackensack Meadowlands Development Commission will comply with the regulations of the National Flood Insurance Program to:

1. Recognize and duly evaluate flood hazards in all official actions relative to land use in the areas having special flood hazards and to take such other official action as may be necessary to carry out the objectives of the program;

2. Assist the administrator and/or the State of New Jersey if requested in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;

3. Provide such information as the administrator and/or the State of New Jersey may request concerning present uses and occupancy of the flood plain;

4. Cooperate with neighboring jurisdictions with respect to adjoining drainage areas and flood plains in order to prevent the aggravation of the flooding problem;

5. Cooperate with Federal, State and local agencies and private firms which undertake to study survey maps and identify flood-prone areas; and

(h) In addition to the above, the Hackensack Meadowlands Development Commission hereby provides the following additional information as part of our application requesting eligibility under the Federal Flood Insurance Program:

1. A clean map of the Hackensack Meadowlands District delineating its limits which can be reproduced for publication;

2. A map of the Hackensack Meadowlands District identifying local flood plains and showing the names of rivers, brooks, streams, creeks and other similar bodies of water that cause floods;

3. A summary of the history of flooding;

4. Estimates relating to the flood-prone areas concerning:

- i. Population;

- ii. Number of one to four family residences;

- iii. Number of small businesses; and

- iv. Number of other structures.

An order adopting these rules was filed and effective August 2, 1974, as R.1974 d.212 (Exempt, Procedure Rule).

Thomas F. Kistner

Director of Administrative Procedure

Department of State

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Revisions on Permitted Sites and Sanitary Landfills

On July 31, 1974, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 *et seq.* and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 19:7-1.1(a)1. concerning permitted sites and sanitary landfills, as proposed in the Notice published July 11, 1974, at 6 N.J.R. 280(b).

An order adopting these revisions was filed and effective August 2, 1974, as R.1974 d.214.

Thomas F. Kistner

Director of Administrative Procedure

Department of State

(b)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Rules on Required Land Use and Control Measures for Flood-Prone Areas

On July 31, 1974, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 *et seq.* and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning required land use and control measures for flood-prone areas for the National Flood Insurance Program.

Full text of the adopted rules follows:

SUBCHAPTER 2. FLOOD INSURANCE

19:3A-2.1 Required land use and control measures

(a) Now, therefore, be it resolved by the Hackensack Meadowlands Development Commission, that the Office of the Chief Engineer is hereby directed to review all permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

1. Be designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure;

2. Use construction materials and utility equipment that are resistant to flood damage; and

3. Use construction methods and practices that will minimize flood damage.

(b) We further hereby direct the Office of the Chief Engineer to review all subdivision proposals and other proposed new developments to assure that:

1. All such proposals are consistent with the need to minimize flood damage;

2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

(c) We hereby agree that from this time forth we will require new or replacement water supply and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

An order adopting these rules was filed and effective August 2, 1974, as R.1974 d.213 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Flight Fee Schedule Of Charges and Map of Public Areas And Air Terminal Highways

On June 26, 1974, the Committee on Operations of the Port Authority of New York and New Jersey adopted the following resolutions concerning revisions to the flight fee schedule of charges and map of public areas and air terminal highways.

Full text of the adopted resolutions follows:

Resolved, that the schedule of charges for the use of public landing area, public passenger ramp and apron area, public cargo ramp and apron area and public aircraft parking and storage areas at Kennedy International Airport, adopted by the committee at its meeting on January 5, 1950 (appearing at page 21 of the committee minutes of that date), as amended, be and the same is hereby amended, effective July 1, 1974, by amending the first paragraph of Section 1 thereof to read as follows:

"1.(a) Except as set forth in paragraph 1.(b) below, the charge for each aircraft take-off shall be \$0.48 per thousand pounds of maximum gross weight, provided that the minimum charge for each such take-off shall be \$5.00."

Resolved, that the resolution of this committee, adopted on July 12, 1951 (appearing at pages 43 and 44 of the committee minutes of that date), defining the public areas and air terminal highways at Newark International Airport and approving the map thereof, as subsequently amended, be and the same is hereby amended, effective June 27, 1974, by deleting the first paragraph thereof and substituting in lieu thereof the following:

"Resolved, that the Port Authority of New York and New Jersey hereby designates as the public landing areas, public aircraft and parking and storage areas, public vehicular parking areas and air terminal highways delineated as such upon the map entitled 'The Port Authority of New York and New Jersey - Newark International Airport - Map of Public Areas and Air Terminal Highways', dated June 27, 1974, which map shall be filed with the secretary;" the said resolution in all other respects to continue in full force and effect.

Resolved, that the committee hereby establishes a speed limit of 30 miles per hour on the newly designated air terminal highways.

"Resolved, that The Port Authority of New York and New

Jersey hereby designates as the public landing area, public aircraft and parking storage areas, public vehicular parking areas and air terminal highways delineated as such upon the map entitled 'The Port Authority of New York and New Jersey - Kennedy International Airport - Map of Public Areas and Air Terminal Highways' dated June 27, 1974, which map shall be filed with the secretary;" the said resolution in all other respects to continue in full force and effect; and be it further

Resolved that the committee hereby establishes a speed limit of 35 miles per hour on the newly designated air terminal highways.

An order adopting these revisions was filed July 31, 1974, as R.1974 d.209 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

MORTGAGE FINANCE AGENCY

Revised Rules Pertaining to Making Of Loans to Mortgage Lenders And Application of Proceeds

On August 13, 1974, Christopher G. Kelly, Executive Director of the New Jersey Mortgage Finance Agency, pursuant to authority of N.J.S.A. 17:1B-4 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules pertaining to the making of loans to mortgage lenders and the application of proceeds thereof as proposed in the Notice published July 11, 1974, at 6 N.J.R. 282(a).

Such revised rules may be cited as N.J.A.C. 19:1-1.1 et seq.

An order adopting these revised rules was filed and effective August 20, 1974, as R.1974 d.233.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TURNPIKE AUTHORITY

Rules on Definitions, Limitations On Use of Turnpike and Noise Limits

On July 23, 1974, the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning definitions, limitations on use of the Turnpike and noise limits, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 209(c).

Such rules may be cited as N.J.A.C. 19:9-1.1, 19:9-1.9 and 19:9-1.18. The new rules in N.J.A.C. 19:9-1.1, Definitions, and 19:9-1.18, Noise limits, are to become effective October 1, 1974. The rules in N.J.A.C. 19:9-1.9(a)24. through 26. are to become effective January 1, 1975.

An order adopting these rules was filed August 15, 1974, as R.1974 d.227 to become effective on October 1, 1974, or January 1, 1975, as indicated above.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

Proposed Rules Of The Commission

The New Jersey Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-1 et seq. and specifically Section 6 of that Act, proposes to adopt administrative rules and regulations.

Full text of the proposed rules follows:

OTHER AGENCIES

SUBTITLE H. ELECTION LAW ENFORCEMENT COMMISSION

CHAPTER 25. REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

19:25-1.1 Scope of regulations

The provisions of this Chapter are promulgated pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act, L. 1973, c. 83, as amended, N.J.S.A. 19:44A-1 and following ("the Act"). Such provisions shall constitute the rules and regulations of practice and procedure and shall govern all hearings in the New Jersey Election Law Enforcement Commission ("the Commission").

19:25-1.2 Short title

The provisions of this Chapter shall be known as "Regulations of the New Jersey Election Law Enforcement Commission".

19:25-1.3 Liberal construction of regulations

These regulations shall be liberally construed to permit the Commission to discharge its statutory functions and to secure a just and speedy determination of all matters before it.

19:25-1.4 Relaxation

The Commission may, upon notice to all parties or persons in interest, relax the application of these regulations whenever the interest of justice shall so require.

19:25-1.5 Amendment of regulations

The Commission may at any time and from time to time, rescind, alter or amend these regulations in the manner prescribed by law as may be necessary to carry out the purposes of the Act. Any new regulation resulting from such action shall be filed with the New Jersey Secretary of State.

19:25-1.6 Practice where regulations do not govern

In any matter not governed by these regulations, the Commission shall exercise its discretion so as to carry out the purposes of the Act.

19:25-1.7 Definitions

The following words and terms, when used in these regulations and in the interpretation of the Act, shall have the following meanings, unless a different meaning clearly appears from the context:

"The Act" means The New Jersey Campaign Contributions and Expenditures Reporting Act, L. 1973, c. 83, as amended, N.J.S.A. 19:44A-1 and following.

"Allied campaign organization" means any political party, any state, county or municipal committee of a political party,

or any campaign organization of a candidate which is in support or furtherance of the same candidate or any one or more of the same group of allied candidates or the same public question as any other such committee or organization.

"Allied candidates" means candidates in any election who are:

1. Seeking nomination or election:

i. To an office or offices in the same county, municipality or school district; or

ii. To the Legislature representing in whole or in part the same constituency; or

iii. As members of the State Committee of the same political party from the same county; or

iv. As delegates or organizations in national convention of the same political party.

2. And who are:

i. Nominees of the same political party; or

ii. Publicly declared in any manner, including the seeking or obtaining of any ballot position or common ballot slogan, to be aligned or mutually supportive.

"Candidate" means an individual seeking election to a public office of this State or of a county, municipality or school district at a primary, general, municipal, school or special election. It does not include an individual seeking nomination for election, or reelection, to the office of President of the United States, Vice President of the United States, United States Senator or Representative. It does not include an individual seeking election to any office of a county, state or national committee of a political party nor any individual seeking election to the office of county committeeman or committeewoman of a political party. It does include an individual seeking election to the State Committee of a political party or as delegate or alternate to the national convention of a political party.

"Commission" means the New Jersey Election Law Enforcement Commission.

"Contribution" includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to any candidate, political committee, political party committee, political club or political information organization, and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the Act, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

"District" means the State, legislative district, county, municipality or part thereof, school district or other district in which a candidate is seeking election to public office.

"Election" includes any primary election for delegate to or alternate to the national convention of a political party; any election in which a public question is to be voted upon by the voters of the State or any political subdivision thereof; and any primary, general, special, school or municipal election for any public office of the State or any political subdivision thereof. It does not include any election for President or Vice President of the United States or United States Senator or Representative. It does not include election to any office of a county, State or national committee of a political party nor election to the office of county committeeman or county

committeewoman of a political party. It does include election to the State Committee of a political party or election as delegate or alternate to a national committee of a political party.

"Expenditure", except as otherwise set forth in N.J.A.C. 19:25-12.1 (Reporting of expenditures), includes every transfer of money or other thing of value, including any item of real or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made by any candidate, political committee, political party committee, political club or political information organization, and any pledge or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the Act, any such commitment or assumption shall be deemed to have been an expenditure upon the date when such commitment is made or liability assumed.

"Legislation" includes all bills, resolutions, amendments, nominations and appointments pending or proposed in either House of the Legislature, and all bills and resolutions which, having passed both Houses, are pending approval by the Governor.

"Paid personal services" mean personal, clerical, administrative or professional services of every kind and nature, including, without limitation, public relations, research, legal, canvassing, telephone, speech writing or other such services performed other than on a voluntary basis, the salary, cost or consideration of which is paid, borne or provided other than by the committee, candidate or organization for whom such services are rendered.

"Political activity" means election activity related to a candidate or public question as set forth in the Act and all campaign efforts during any election, or the provision by any means of political information on any candidate or public question, or efforts to seek to influence the content, introduction, passage or defeat of legislation in the State of New Jersey.

"Political club" means any organization (other than a political party committee) having a recognized relationship to a political party. See N.J.A.C. 19:25-4.6.

"Political committee" means any two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association which is organized to, or does aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does aid or promote the passage or defeat of a public question in any election. Political committee includes any political club which is not a permanent political club as described in N.J.A.C. 19:25-4.6.

1. A municipal or county charter study commission or the members thereof shall not be deemed to be a political committee with respect to the subject matter of such charter study commission at any time prior to the filing of its report. Thereafter such commission or any two or more members, not otherwise excluded by these regulations, may constitute a political committee for such public question.

2. No person or persons holding elected public office in this State or any political subdivision thereof shall be deemed to be a political committee with respect to any public question by virtue of communication with their constituents or with public officials of the Federal government or of this or any other state or political subdivision thereof, or with the general public.

3. Boards and commissions, and the members thereof, may become political committees with respect to a public

question by virtue of communications respecting such public question, except when such communications are required pursuant to their legislated duties.

"Political information" means any statement, including but not limited to press releases, pamphlets, newsletters, advertisements, flyers, form letters, radio or television programs or advertisements which reflect the opinion of the members of the organization on any candidate or candidates for public office, on any public question, or on any legislation, or which contain facts on any such candidate, public question or legislation whether or not such facts are within the personal knowledge of members of the organization.

"Political information organization" means any two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association, whether or not it is required to be registered pursuant to the "Legislative Activities Disclosure Act of 1971" (L. 1971, c. 183), which is organized for the purpose of providing, or which provides political information concerning any candidate or candidates for public office or with respect to any public question, or which seeks to influence the content, introduction, passage or defeat of legislation. The term shall not apply to any bona-fide newspaper, magazine, radio or television station or other bona-fide news medium disseminating political information, advertising and comment in the normal course of its business; nor to any recognized school or institution of higher education, public or private, in conducting, sponsoring or subsidizing any classes, seminars, forums, discussions or other events in which political information or the discussion thereof or comment thereon is an integral part.

"Political party committee" includes every State, county or municipal committee of a political party, and includes any permanent political club described in N.J.A.C. 19:25-4.6.

"Public office" means any elective office of this State or any political subdivision thereof, except that it does not include county committeemen or county committeewomen.

"Public question" means any question, proposition or referendum (for example, a constitutional amendment or bond issue) required by the legislative or governing body of this State or any of its political subdivisions to be submitted to the voters of the State or political subdivision for decision at elections.

"Public solicitation" means a solicitation as described in N.J.A.C. 19:25-11.5(b)2.

"Testimonial affair" means an affair of any kind or nature including, without limitation, cocktail parties, breakfasts, luncheons, dinners, dances, picnics or similar affairs (such as coffees) directly or indirectly intended to raise campaign funds in behalf of a person who holds, or who is or was a candidate for nomination or election to a public office in this State, or is directly or indirectly intended to raise funds in behalf of any State, county or municipal committee of a political party, political club or a political committee, or directly or indirectly intended to raise funds for any political information organization.

19:25-1.8 Gender; use of masculine to include feminine

Unless a different meaning clearly appears from the context, the use of a word importing the masculine shall be understood to include and to apply to the feminine as well.

19:25-1.9 Information available to the public

The public may obtain information or make submission or requests concerning any Commission matter by contacting the office of the Commission, Suite 1114, National State

Bank Building, 28 West State Street, Trenton, New Jersey 08605; telephone (609) 292-8700.

SUBCHAPTER 2. ADMINISTRATIVE

19:25-2.1 Office

The office of the Election Law Enforcement Commission is located at Suite 1114, National State Bank Building, 28 West State Street, Trenton, New Jersey 08605; telephone (609) 292-8700.

19:25-2.2 Hours of operation

The office of the Commission is open for the filing of documents and for other Commission business (except for public inspection of documents) from 9:00 A.M. to 5:00 P.M., Monday through Friday, holidays excepted. The office of the Commission is open for public inspection of documents from 10:00 A.M. to 4:00 P.M., Monday through Friday, holidays excepted.

19:25-2.3 Access to documents

(a) Every document accepted for filing by the Commission, including all reports, affidavits, requests for advisory opinions and replies to requests for advisory opinions, complaints or pleadings relating to a complaint, all final orders, decisions and opinions shall be maintained with the date of filing noted thereon by the Commission.

(b) Any person shall, upon request, be afforded opportunity to examine an document, or a photocopy of any document so maintained.

19:25-2.4 Copies of documents; fees

Any person shall, upon request, be provided copies of any of the documents referred to in Section 3 of this Subchapter at a cost of ten cents per page. Such copies will be certified to be true copies upon payment of an additional fee of \$1.00 per document.

19:25-2.5 Release of documents

No original filed document referred to in Section 3 of this Subchapter shall be released from the custody of the Commission except upon express written direction of the executive director or upon court order.

SUBCHAPTER 3. LIMITATION OF EXPENDITURES

19:25-3.1 Spending limit

(a) The amount which may be spent, including the total amount expended by the candidate and any other person, committee or organization, in aid of the candidacy of any candidate for a public office at any election shall not exceed \$.50 for each voter who voted in the last preceding general election in a Presidential year in the district in which the public office is sought.

(b) No money or other thing of value shall be paid or promised, or expense authorized or incurred in behalf of any candidate for nomination or election to any office, whether such payment is made or promised, or expense authorized or incurred by the candidate himself or by any other person, political committee or organization, in furtherance or in aid of his candidacy, under any circumstances whatsoever, in excess of the sums provided; but such sums shall not include the traveling expenses of the candidate or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with the candidate that they shall be, directly or indirectly, repaid to him by the candidate.

19:25-3.2 Computation of spending limit

Published statistics respecting the numbers of voters who voted in the last preceding general election in a Presidential year are on file in the Law and General Reference Section, State Library, Trenton, New Jersey. (For example, the volume relating to the General Election for 1972 is entitled "State of New Jersey, Secretary of State, Results of the General Election Held November 7, 1972".) Current figures are also available at the office of the Commission.

19:25-3.3 Review by the Commission

The Commission will, at the request of any candidate, compute the spending limits or review the spending limits determined by such candidate and the calculations upon which such determination has been based. Upon request the Commission will certify the correct spending limits.

SUBCHAPTER 4. REPORTING REQUIREMENTS

19:25-4.1 General provisions

Candidates, allied campaign organizations, political committees, political party committees, political clubs, political information organizations and campaign depositories may be subject to some or all of the reporting requirements of the Act.

19:25-4.2 Candidates

(a) A candidate must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expanding any money in furtherance or aid of his candidacy, and must comply with the preelection and post-election reporting requirements of the Act.

(b) Where all of the contributions and expenditures are handled by a political committee, political party committee or allied campaign organization on behalf of one or more candidates, each of such candidates must appoint a campaign treasurer and campaign depository and must comply with the preelection and post-election reporting requirements of the Act. In such circumstances, the candidate need not open an account in the designated campaign depository.

1. Example 1.: "A" is a candidate for the New Jersey State Assembly and anticipates that approximately \$20,000 will be expended in his campaign. The "Committee for A" has been organized to conduct his campaign and all contributions and expenditures are to be made through the Committee for A. The Committee must appoint a campaign treasurer and designate a campaign depository and must file preelection and post-election reports. In addition, Candidate A must appoint a campaign treasurer and designate a campaign depository and must file preelection and post-election reports. Candidate A is not required to open an account with his designated campaign depository on these facts, since all of the contributions and expenditures will be handled through the account entitled "Campaign Fund for Committee for A" in the campaign depository designated by the Committee. Candidate A may report the details of contributions and expenditures in his preelection and post-election report by reference to the reports of the Committee for A.

19:25-4.3 Political committees

Except as otherwise set forth in N.J.A.C. 19:25-12.1, a political committee must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate or to aid the passage or defeat of any public question, and is subject to the preelection and post-election reporting requirements of the Act.

19:25-4.4 Political party committees

A political party committee must appoint a campaign treasurer and campaign depository on or before January 31 of each year. A political party committee is required to file an annual report not later than March 1 of each year of all contributions and expenditures for the preceding calendar year, and except as provided in N.J.A.C. 19:25-12.1(b), is subject to the preelection and post-election reporting requirements of the Act.

19:25-4.5 Allied campaign organizations

An allied campaign organization is a political committee for purposes of preelection and post-election reporting requirements under the Act. As such, the allied campaign organization must, before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate or candidates, or aiding the passage or defeat of any public question, appoint a campaign treasurer and designate a campaign depository and promptly notify the Commission in writing of such appointment.

19:25-4.6 Political clubs

(a) A political club will be deemed to be, for the purposes of the regulations, either a political party committee or a political committee. A club organized to promote the candidacy of one or more candidates, without a term of existence substantially longer than the campaign of such candidates, is a political committee.

(b) A political club having a permanent or continuing existence unrelated to the candidacy of particular candidates, or which receives contributions or makes expenditures from time to time unrelated to the promotion of the candidacy of a particular candidate or candidates, or carries on in fact some or all of the continuing functions of a political party committee, is deemed to be a political party committee for purposes of the preelection and post-election reporting requirements and the annual reporting requirements of the Act, and must appoint a campaign treasurer and campaign depository on or before January 31 of each year.

19:25-4.7 Political information organizations

(a) Except as set forth in N.J.A.C. 19:25-12.1(d), a political information organization is required to file with the Commission, not later than March 1 of each year, an annual report of contributions and expenditures for the previous calendar year, computed in accordance with the provisions of N.J.A.C. 19:25-11.3(Computation of contributions), and N.J.A.C. 19:25-12.1(d) (Reporting of expenditures).

(b) Except as set forth in N.J.A.C. 19:25-12.1(d), a political information organization is subject to the preelection and post-election reporting requirements of the Act with respect to any election if such political information organization instituted a fund for the purposes of the election, or otherwise acted in some substantial manner to aid or promote the nomination, election or defeat of any candidate or candidates for public office, or aided or promoted the passage or defeat of a public question in such election. If, for example, the circumstances were such that the affected candidate would be required to report the expenditure as an expense authorized or incurred in furtherance or in aid of his candidacy, then compliance with the preelection and post-election reporting requirements would be necessary, as in the case of a political committee. The collection and publication of political information as to all candidates for a specific office, or as to all candidates who respond to a questionnaire or other request for information, is not regarded as action promoting in a substantial manner the candidacy of any of

such candidates, unless the surrounding circumstances, including the tone of the publication, the presence of editorial comment or other persuasive circumstances, show that the publication is in fact an expenditure authorized or incurred in furtherance or in aid of the candidacy of the candidate and is not simply publication of political information as to all candidates.

(c) A political information organization shall not be deemed to have acted in some substantial manner to aid or promote the nomination, election or defeat of any candidate or candidates for public office or have aided or promoted the passage or defeat of a public question in any election or sought to influence the content, introduction, passage or defeat of legislation where its activity with respect to such election or legislation consisted solely of communications by a corporation to its stockholders and their families, or by a labor organization to its members and their families, or by an association to its members and their families on any subject, or by nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, or by an association aimed at its members and their families; but the provisions of this paragraph shall not apply to any political party committee or political club, or to any association which is organized, or whose primary purpose is to aid or promote the nomination, election or defeat of any candidate or candidates for public office or to aid or promote the passage or defeat of a public question.

SUBCHAPTER 5. APPOINTMENT OF TREASURERS AND DEPOSITORIES

19:25-5.1 General provisions

(a) Any person 18 years of age or over may serve as campaign treasurer for any candidate, committee or as treasurer for any political information organization. A candidate may serve as his own campaign treasurer.

(b) The same person may serve as treasurer or campaign treasurer for any number of candidates, committees or organizations.

(c) Any bank authorized by law to transact business in the State of New Jersey may be designated as a depository or campaign depository. The same bank may serve as depository or campaign depository for any number of candidates, committees or organizations.

19:25-5.2 Appointment

(a) Each candidate in an election must appoint a campaign treasurer and shall designate a campaign depository before any contribution is received by him or in his behalf or any money is expended by him or in his behalf in furtherance or aid of his candidacy.

(b) Every political committee must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate, or to aid the passage or defeat of any public question.

(c) A political party committee must designate a campaign treasurer and a campaign depository on or before January 31 of each year.

(d) A permanent political club as described in N.J.A.C. 19:25-4.6 must designate a campaign treasurer and campaign depository on or before January 31 of each year. Any other political club must appoint a campaign treasurer and designate a campaign depository before receiving any contribution or expending any money in furtherance or aid of the election or defeat of any candidate or to aid the passage or defeat of any public question.

(e) A political information organization which is a permanent organization and which is required to file any report under the Act must appoint a treasurer and name a depository on or before January 31 of each year or when the obligation for reporting first becomes known to such political information organization. Every other political information organization must appoint a treasurer and name a depository as soon as practicable after becoming a political information organization.

19:25-5.3 Filing with the Commission

Each candidate, committee or organization shall promptly file the name and address of the treasurer or campaign treasurer and depository or campaign depository with the Commission, on a form designated by the Commission and made available through the State and county committees of the major political parties, the county clerk of each county, the municipal clerk of each municipality, the county superintendent of schools (as to school board elections only), and directly from the office of the Commission.

19:25-5.4 Deputies

(a) A campaign treasurer of a candidate may appoint deputy campaign treasurers as required and may designate additional campaign depositories in each county in which the campaign is conducted. The candidate shall promptly file the names and addresses of deputy campaign treasurers and additional campaign depositories with the Commission.

(b) A campaign treasurer of a political party committee or a political committee may appoint deputy campaign treasurers as may be required and may designate additional campaign depositories. The treasurer of a political information organization may appoint deputy treasurers as may be required and may designate additional depositories. Such committees or organizations shall promptly file the names and addresses of deputy treasurers or campaign treasurers and additional depositories or campaign depositories with the Commission.

19:25-5.5 Removal or resignation of treasurers

In the case of the death, resignation or removal of a treasurer or campaign treasurer, the candidate or committee or organization shall appoint a successor as soon as practicable and shall file his name and address with the Commission within three days of such appointment.

SUBCHAPTER 6. DEPOSIT OF FUNDS

19:25-6.1 Deposit of funds by candidates or committees

(a) All funds received by a campaign treasurer or deputy campaign treasurer of a candidate, a political party committee or a political committee shall be deposited by the campaign treasurer or deputy campaign treasurer in a campaign depository of the candidate or committee, in an account designated "Campaign Fund of _____(name of candidate or committee)" no later than the tenth calendar day following receipt of such funds; except that any such treasurer or deputy treasurer may, when authorized by the candidate or committee of which he is the campaign treasurer or deputy campaign treasurer, transfer any such funds to the duly designated campaign treasurer or deputy campaign treasurer of another candidate or committee for inclusion in his or its campaign fund without first so depositing them; provided however, that a record of nondeposited funds so transferred shall be attached to the statement required to be delivered to the depository, identifying them as to the source and the amount in the same manner as deposited funds.

(b) A political party committee or political committee may

include other funds in such account, but must retain sufficient records to account for the separate funds.

19:25-6.2 Deposit of transferred funds

All funds transferred before deposit in accordance with Section 1 of this Subchapter shall be deposited not later than the tenth calendar day following the initial receipt of funds by the treasurer or deputy treasurer of the candidate or committee making such transfer.

19:25-6.3 Deposit of funds by political information organizations

All funds which constitute contributions as described in N.J.A.C. 19:25-11.2(b) received by a treasurer or deputy treasurer of a political information organization shall be deposited by the treasurer or deputy treasurer in a depository of the organization in an amount designated "_____(name of political information organization) Fund" no later than the tenth calendar day following receipt of such funds; provided, however, that a political information organization may make expenditures for rental, salary and other routine matters out of normal business accounts established and customarily used for that purpose.

SUBCHAPTER 7. USE OR TRANSFER OF DEPOSITED FUNDS

19:25-7.1 Expenditures through campaign treasurer

(a) No expenditure of money or other thing of value, no obligation therefor, including expenditures, loans or obligations of a candidate himself or of his family, shall be made or incurred, directly or indirectly, to support or defeat a candidate in any election, or to aid the passage or defeat of any public question, except through:

1. The duly appointed campaign treasurer or deputy campaign treasurers of the candidate;
2. The duly appointed campaign treasurer or deputy campaign treasurers of a political party committee;
3. The duly appointed campaign treasurer or deputy campaign treasurers of a political committee.

19:25-7.2 Use of funds; general

Funds so deposited may be used in accordance with the provisions of the Act and of these regulations for any lawful purpose. Such funds shall not be used to defray private expenses of any candidate or any other person.

19:25-7.3 Transfer of deposited funds to another candidate, political committee, political party committee or political club

(a) The Act does not prevent the transfer of funds by a candidate or committee to another candidate, political committee, political party committee or political club for the lawful purposes of such other candidate, committee or club. The transfer of such funds must be reported as an expenditure by the transferring candidate or committee but need not be included as an expense authorized or incurred in furtherance or in aid of the candidacy of the transferring candidate in computing the amount of expenditures for purposes of N.J.A.C. 19:25-3.1 (Spending limit), except to the extent that such transferred funds are thereafter used in furtherance or aid of the candidacy of the transferring candidate. In the event of any such transfer, the record and record-retention procedures used by the transferring candidate or committee and by the candidate, committee or club to which the transfer is made must be adequate to permit a later demonstration, if required, that a proper allocation has been made to the transferring candidate or to any other candidate of any of such transferred funds which were expended in furtherance or in aid of the candidacy of the transferring candidate or such other candidate.

1. Example 1.: "Candidate A" receives a contribution of \$50.00 which is deposited in the account designated "Campaign Fund of A". He later determines that this money is not needed for his campaign and he transfers the \$50.00 to the county committee of his political party. The transfer must be shown as an expenditure on his preelection and post-election reports, if such reports are required to be filed. It need not be included in calculating the expenditures in aid of the candidacy of A, except as to any portion of such transferred funds which are thereafter used in aid of the candidacy of A.

19:25-7.4 Transfer of deposited funds to political party committee for general purposes

The Act does not prevent the transfer of excess or unused funds to a political party committee for the general uses of such political party committee, provided that there is no express or implied limitation by the original contributors against such transfer at the time of the contribution or thereafter.

19:25-7.5 Transfer of deposited funds by political party committee to candidate

The Act does not prohibit contributions to a candidate of funds contributed to a political party committee which were solicited for the general purposes of the political party committee, provided there is no express or implied limitation by the original contributors against the contribution of such funds to the candidate. Such contributions must be reported by the candidate as contributions and must be reported by the political party committee as expenditures.

19:25-7.6 Earmarked funds

Whenever funds in excess of \$100.00, which are earmarked or intended for the use of any candidate, committee or organization, are transferred or retransferred through an intermediate candidate, committee or organization, the funds shall be accompanied by a statement of the name, address and amount of the original contributor of such fund, and the reports filed by each transferee shall identify the original source and amount of such contribution.

19:25-7.7 Limitation on transfer or expenditure by political party committee

A political party committee may, after a primary election but not prior thereto, receive or expend funds in furtherance and in aid of the candidacy of all candidates of such party or of any one or more of such candidates, in accordance with provisions of the Act and these regulations.

19:25-7.8 Use of funds by political committee; special account

A political party committee or a political committee may designate a campaign account of such political party committee or political committee to be used in aid or furtherance of the candidacy of one or more candidates. The establishment of such an account does not relieve any individual candidate from the obligation to appoint a campaign treasurer and designate a campaign depository and to file the pre-election and post-election reports or affidavit required under the Act. In the event such campaign account is used, there must be sufficient identification of contributions and expenditures and a sufficient record of methods of allocation of contributions and expenditures as to permit a later demonstration, if required, that a report or affidavit of a candidate is complete and accurate and is based upon accurate records, and that the total spending limits as to any such candidate have not been exceeded.

SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 9. PREELECTION AND POST-ELECTION REPORT

19:25-9.1 Report (Form R-1)

Form R-1 is to be used for preelection and post-election reports by all candidates (except those filing an affidavit in accordance with Section 5 of this Subchapter) and by all committees or organizations which receive contributions or make expenditures respecting a candidate or public question in any election and are required to file.

19:25-9.2 Form of report

(a) The report shall be in the form designated by the Commission and made available through the State committees and county committees of the major political parties, the county clerk of each county, the municipal clerk of each municipality, the county superintendent of schools (as to school board elections only), and directly from the office of the Commission.

(b) Form R-1, revised as of June 1974, is set forth below:

Editor's Note: Due to space limitations, Form R-1 is not reproduced herein.

(c) Form R-1 shall be issued with appropriate instructions setting forth the general completion so as to facilitate filing.

19:25-9.3 Period covered

(a) During the period between the appointment of the campaign treasurer and the election, with respect to any contributions accepted or expenditures made by him, the campaign treasurer shall file his report:

1. On the 25th day preceding the election; and
2. On the 7th day preceding the election; and
3. On the 15th day following such election.

(b) The report shall cover the period ending with the day preceding the date of the report and beginning with the date when the most recent such report was filed, except that the first report shall cover the period beginning on the date of the appointment of the campaign treasurer, or the first receipt or expenditure by or on behalf of the candidate, or the date of filing of the petition, or the date of public declaration of candidacy, whichever first occurred.

19:25-9.4 Time and place of filing

The original and one copy of the report must be received by the Commission at its office by 5:00 P.M. on the filing day. A report postmarked on the filing day but received by the Commission at any time subsequent to 5:00 P.M. on the filing day will not be deemed timely filed. The report may be filed with the appropriate county clerk for transmittal to the Commission, provided that such filing is made by 12:00 noon on the filing day. An additional copy of the report must be filed with the county clerk of the county in which the candidate seeks office or the county where the candidate resides, if his district includes more than one county.

19:25-9.5 Affidavit

There is no obligation to file the report (Form R-1) referred to in Section 1 of this Subchapter on behalf of a candidate if such candidate files with the Commission a sworn statement to the effect that the total amount expended or to be expended in behalf of his candidacy by the candidate, by any State, county or municipal committee of a political party, or by any political committee, or by any person shall not in the aggregate exceed \$1,000.

19:25-9.6 Form of affidavit

(a) The affidavit shall be in the form designated by the Commission and made available through the State committees of the major political parties, the county clerk of each county, the municipal clerk of each municipality, the county superintendent of schools (as to school board elections only) and directly from the office of the Commission.

(b) The form of affidavit, revised as of June 1974, is set forth below:

Editor's Note: Due to space limitations, the form is not reproduced herein.

(c) The affidavit shall be issued with appropriate instructions setting forth the general filing requirements and instructions for completion so as to facilitate filing.

19:25-9.7 Time of filing; period covered

(a) The affidavit shall be filed on or before the 25th day preceding the election to which such affidavit relates.

(b) The affidavit shall cover the time period beginning on the date of the appointment of the campaign treasurer, or the first receipt or expenditure by or on behalf of the candidate, or the date of filing the petition, or the date of public declaration of candidacy, whichever first occurs, and ending on the date when all of the business regarding the election to which it relates has been wound up.

19:25-9.8 Place of filing

The original and one copy of the affidavit must be received by the Commission at its office by 5:00 P.M. on the filing day. An affidavit postmarked on the filing day but received by the Commission at any time subsequent to 5:00 P.M. on the filing day will not be deemed timely filed. The affidavit may be filed with the appropriate county clerk for transmittal to the Commission, provided that such filing is made by 12:00 noon on the filing day. An additional copy of the report must be filed with the county clerk of the county in which the candidate seeks office or the county where the candidate resides, if his district includes more than one county.

19:25-9.9 Sixty-day interval report

Form R-1 shall be used for the report whenever a candidate, committee or organization shall be required to file one or more 60-day interval reports because all business in connection with a past election has not yet been wound up, or because it has received contributions or made expenditures with respect to such election after the date of the final report subsequent to such election, or has conducted a testimonial affair or public solicitation for the purpose of raising funds to cover any part of the expenses relating to such election. Such report shall cover the time period beginning with the day succeeding the last day covered by the most recent previous report and ending with the day preceding the date on which this report is due. Such report shall be filed with the office of the Commission.

19:25-9.10 Final report

(a) A candidate (or a committee or organization formed for a particular election) must certify in the final report that the business of the election for which it was formed has been wound up and the fund dissolved.

(b) A political committee, political party committee, political club or political information organization which continues its activities beyond the election must certify in the final report that all business regarding the election has been wound up and shall state the final disposition of any balance of funds on hand or the arrangements which have been made for the discharge of any unpaid obligations.

SUBCHAPTER 10. ANNUAL REPORT

19:25-10.1 Report (Form R-2)

Form R-2 is used for the annual report by all political party committees (including permanent political clubs) and by all political information organizations which are required to file.

19:25-10.2 Form of report

(a) The report shall be in the form designated by the Commission and made available through the State committees of the major political parties, the county clerk of each county and directly from the office of the Commission.

(b) Form R-2, is set forth below:

Editor's Note: Due to space limitations, Form R-2 is not reproduced herein.

(c) Form R-2 shall be issued with appropriate instructions setting forth the general filing requirements and instructions as to completion so as to facilitate filing.

19:25-10.3 Time of filing; period covered

The annual report shall be filed with the Commission not later than March 1 of each year and shall include all contributions as defined in N.J.A.C. 19:25-11.1 and all expenditures as defined in N.J.A.C. 19:25-12.1, for the preceding calendar year.

19:25-10.4 Place of filing

The annual report shall be filed in the office of the Commission.

SUBCHAPTER 11. CONTRIBUTIONS; REPORTING OF SERVICES

19:25-11.1 General provisions

Except as otherwise provided in N.J.A.C. 19:25-12.1, every contribution to aid or promote the nomination, election or defeat of any candidate or candidates for public office, or to aid or promote the passage or defeat of a public question in any election, or which seeks to influence the content, introduction, passage or defeat of legislation, must be reported.

19:25-11.2 Contributions for political activity

(a) Every contribution to a candidate, political committee, political party committee or a political club shall be deemed to be a contribution for political activity as described in Section 1 of this Subchapter, unless it shall clearly appear that such contribution is not for political purposes.

1. Example 1: "Candidate A" has announced his intention to run for the State Assembly and has filed with the Commission the name and address of his campaign treasurer and campaign depository, but has not yet filed his petition. Company X mails to Candidate A a check in the amount of \$200.00 payable to Candidate A to aid in his campaign, although no statement as to this purpose is included with the check. Company X has made a reportable contribution to Candidate A in the amount of \$200.00

2. Example 2: "Candidate B" has been elected to the office of freeholder in a county in New Jersey. All the preelection and post-election reports relating to his campaign have been filed and the business respecting the campaign has been wound up and all expenses in connection with the campaign have been paid. A group of friends, including a number of prominent local politicians, arrange a dinner in his honor to commemorate his years of faithful service to the party. Cash and other gifts of total value of \$200.00 are given to him in the course of the dinner. There is no intention that these gifts be used for political purposes and they are not so used. The dinner and the gifts are not

contributions to Candidate B for political purposes and are not required to be reported.

(b) Contributions to a political information organization shall be construed to be contributions for political activity to the same extent and in the same proportion that the activities of the political information organization are for a political purpose.

1. Example 1: Company A annually makes a payment of \$250.00 for membership in a trade association. The trade association is active on behalf of its members and regularly seeks to ascertain the views of candidates with respect to issues which concern its members. It makes contributions to candidates whose views are deemed to be favorable to its members and seeks to effect passage of legislation favorable to the interest of its members. In addition, it carries on activities on behalf of its members which are not political, such as conducting trade shows and publishing information of general trade interest. Ten per cent of the time and funds of the trade association are estimated by the trade association to be spent on political activity. The remaining 90 per cent of its time and funds are estimated to be spent on nonpolitical activity, such as arranging trade shows and publication of material of general interest in the trade. Of the \$250.00 contributed annually by Company A to the trade association, \$25.00 is a contribution for political activity.

19:25-11.3 Computation of contributions

(a) Candidates (or committees or organizations formed for a particular election) must report as contributions the total amount of contributions and the name, address and amount of contributions made by any contributor who contributed in the aggregate more than \$100.00.

(b) Political party committees, permanent political clubs and political committees of a continuous nature must report as contributions the total amount of contributions and the name, address and amount of contribution made by any contributor who contributed in the aggregate more than \$100.00, and must include the total of all other income, including dues, rental, investment or other income.

(c) Nonprofit corporations, organizations and associations must report as contributions the total amount of contributions for political activity as described in Section 11.2(b) of this Subchapter, and the name, address and amount of contribution made by any contributor who contributed more than \$100.00 in the aggregate for political activity.

1. Examples: American Civil Liberties Union, League of Women Voters.

(d) Trade associations, business associations, unions and other organizations and associations (other than nonprofit) must report as contributions the total amount of contributions, dues and assessments for political activity as described in Section 2(b) of this Subchapter, and the name, address and amount of such contribution made by any contributor whose contribution, dues or assessment for political activity exceeded \$100.00 in the aggregate.

1. Examples: Chamber of Commerce, AFL/CIO, COPE.

(e) Corporations, partnerships and other business or professional associations must report as contributions the total amount of money initially budgeted or initially allocated for political activity and deposited in a political information organization fund, together with any additional sums later so budgeted or allocated or deposited; plus the allocated value of other expenses reasonably attributable to political activity, where payment for such expenses has not been made through a political information organization fund (for example, payments from payroll account, or rental or office supply payments through normal business accounts); plus all

amounts contributed to candidates, committees or political information organizations for political activity; plus any contribution or money utilized for political activity not otherwise described above.

1. Examples: General Motors Corporation, Ford Motor Company, business organizations generally.

(f) Legislative agents (not otherwise covered in subsections (c), (d) or (e) above,) as defined in the Legislative Activities Disclosure Act of 1971 (N.J.S.A. 52:13C-19), including individual legislative agents, must report as contributions the total amount of contributions, fees or other amounts paid to them for or in connection with any political activity undertaken by them on behalf of other persons during the reporting period; plus any contributions or moneys utilized for political activities or expended from personal or firm funds for political activity, whether or not chargeable to clients or other persons.

19:25-11.4 Contribution of goods or services

(a) Where contribution of goods is made for political purposes, the value of the contribution shall be the fair market value of the goods to the candidate, committee or organization receiving them.

(b) The value of contributions made in the form of personal services shall be the actual amount of compensation paid by the contributor to the individuals actually performing said services for the performance of said services. The person contributing such services shall furnish to the campaign treasurer through whom such contribution is made a statement setting forth the actual amount of compensation paid by the contributor to the individuals actually performing such services. If any such individual also performed for the contributor other services during the same period, and the manner of payment was such that payment for the services contributed cannot readily be segregated from contemporary payment for the other services, the contributor shall in his statement to the campaign treasurer so state and shall either

(1) set forth his best estimate of the dollar amount of payment to each such individual which is attributable to the contribution of his paid personal services, and shall certify the substantial accuracy of the same; or

(2) if unable to determine such amount with sufficient accuracy, set forth the total compensation paid by him to each such individual for the period of time during which the services contributed by him were performed.

(c) Voluntary personal services as described in N.J.A.C. 19:25-1.7(i) are not a contribution under the Act.

1. Example 1: "E" is a certified public accountant, who, in aid of the candidacy of Candidate A has undertaken to set up the necessary books and records to reflect the financial operations of the campaign of Candidate A. E employs in his office several accountants, bookkeepers and clerical personnel who perform some of the work required to maintain the financial records for the campaign of Candidate A. The services of E do not constitute a contribution to Candidate A since they are voluntary personal services. The value of the services of the accountants and other employees of E, estimated as described in subsection (b) above, are a contribution to Candidate A. The value of the use of special or extraordinary office equipment, such as photocopying equipment or computers, by E or his employees in connection with the campaign is also a contribution to Candidate A.

19:25-11.5 Anonymous contributions

(a) Except as otherwise provided in subsection (b) of this Section, no contribution or expenditure shall be made anonymously, or in a fictitious name, or by one person or

group in the name of another for a political purpose, and no person shall contribute or purport to contribute to any candidate, committee or organization, funds or property not actually belonging to him and in his full custody and control, or which have been given or furnished to him by any other person or groups for the purpose of making a contribution thereof.

(b) The following are not deemed to be anonymous contributions within the meaning of the Act or of these regulations:

1. Group contributions by persons who are members of the contributing group;

2. Proceeds of a public solicitation, which means any activity by or on behalf of any candidate, State, county or municipal party committee, political committee or political information organization whereby either members of the general public are personally solicited for cash contributions not exceeding \$10.00 from each person so solicited and which are contributed on the spot by the person so solicited to the person so soliciting or through a receptacle provided for the purpose of depositing contributions, or members of the general public are generally solicited for the purchase of items having some tangible value as merchandise, at a price not exceeding \$10.00 per item, which price is paid on the spot in cash by the person so solicited to the person so soliciting, when the net proceeds of such solicitation are to be used by or on behalf of such candidate, party committee, political committee or political information organization.

3. A contribution to a political information organization from a member of the general public in an amount not exceeding \$10.00, or the purchase by a member of the general public of an item having some tangible value as merchandise, at a price in excess of the value of such merchandise, but not exceeding \$10.00 per item, when the net proceeds of such purchase are to be used by or on behalf of such political information organization; provided, however, that this provision is not applicable to any contribution or purchase where the net proceeds are to be used in whole or in part in furtherance or in aid of the candidacy of any candidate.

SUBCHAPTER 12. REPORTING OF EXPENDITURES; TESTIMONIAL AFFAIRS

19:25-12.1 Reporting of expenditures

(a) Candidates shall maintain records with respect to all expenditures in aid or furtherance of aid of their candidacy and (except for a candidate filing an affidavit under N.J.A.C. 19:25-9.5) shall report such expenditures in accordance with the provisions of Subchapter 9 (Preelections and post-elections report) of this Chapter. Payment by cash for expenditures is not unlawful; in case of such payments, receipts must be obtained from the ultimate payees and accurate records must be maintained by the campaign treasurer and included in the report for such candidate to reflect the identity of each payee, the date and amount of payment and a brief statement of the purposes of such expenditure. Expenditures incurred by lawful payment to workers on election day are expenditures on behalf of candidates. Victory parties or other similar celebrations held after the close of the polls and not held for the purpose of raising funds are not expenditures for purposes of N.J.A.C. 19:25-3.1, (Spending limit), but must nonetheless be reported.

(b) A political committee acting on behalf of a candidate shall be subject to the same requirements as candidates with respect to reporting expenditures, except that no political committee or political party committee or political information organization shall be required to file preelection or post-election reports as to any candidate who is not required

to file such reports by virtue of his having filed an affidavit pursuant to N.J.A.C. 19:25-9.5. A political party committee or a political information organization may become a political committee with respect to a candidate if it is organized to or aids or promotes the nomination, election or defeat of such candidate.

1. A political committee for one or more public questions shall record and report expenditures in the same manner as described for candidates; provided, however, that a political committee which is a political committee solely as to one or more public questions with respect to any election shall not be subject to the reporting or other requirements of the Act if the total amount of its expenditures for such election do not exceed \$100.00. A political party committee or political information organization whose political activity in any election is solely to aid or promote the passage or defeat of a public question in such election is a political committee within the meaning of this paragraph for such public question.

(c) A political party committee shall include in its annual report all expenditures made, incurred or authorized by it during the calendar year. A political party committee which has reported expenditures with respect to an election in preelection and post-election reports may report such expenditures by reference to the filed preelection and post-election reports. General categories may be utilized to show routine and repetitive expenditures such as rent, payroll and the like, except as these are related to the candidacy of specific candidates, in which case they must be specified.

(d) A political information organization shall include in its annual report all expenditures made, incurred or authorized by it during the calendar year; provided, however, that a political information organization whose expenditures for political activity during the calendar year did not exceed \$100.00 shall not be subject to the reporting or other requirements of the Act. In determining whether such expenditures did not exceed the sum of \$100.00, such sum shall not include the traveling expenses of any member of such political information organization or of any other person, if such traveling expenses are voluntarily paid by such member or other person without any understanding or agreement with the member or other person that they shall be, directly or indirectly, repaid to him by such organization.

(c) A political information organization which is subject to the reporting requirements of the Act shall record and report all of its expenditures for political activity in accordance with the requirements for such recording and reporting by political party committees and shall, in addition, report the total amount of all other expenditures. A political information organization which has reported expenditures with respect to an election in preelection and post-election reports may report such expenditures by reference to the filed preelection and post-election reports.

19:25-12.2 Testimonial affairs

(a) In reporting a testimonial affair as described in N.J.A.C. 19:25-1.7(u) (or any similar affair whether or not directly or indirectly intended to raise funds or campaign funds) the total amount of receipts from ticket sales or other receipts shall be reported as a contribution, together with the name, address and amount of contribution made by any contributor whose contribution exceeded \$100.00 in the aggregate. The total amount of expenditure in connection with such affair, including the cost or value of use of premises, food and beverages, entertainment and similar expenditure, shall be reported as an expenditure.

(b) For the limited purpose of computation of expenditure limits with respect to candidates, the amount of the expendi-

ture in aid or furtherance of the candidacy of a candidate may, at the option of the candidate, be computed by using the smaller of:

1. The total amount of such expenditure as shown on the report; or

2. The total amount of such expenditure less the reasonable value of food and beverages to the persons who attended such affair and for whom a contribution in excess of the reasonable value of such food and beverages is reported.

(c) In lieu of calculating the total amount of such expenditure less the reasonable value of food and beverages, as provided in subsection (b) above, the candidate may consider, as a reasonable estimate of the total amount of such expenditure less the reasonable value of food and beverages, an amount equal to one-third of the total amount of receipts from ticket sales or other receipts shown as contributions; provided, however, that in any case where expenditures exceed receipts, the candidate may not make use of the alternate means of calculation provided in this subsection, but must compute the amount of the expenditure in aid or furtherance of his candidacy by use of subsection (b) 1. or (b) 2. of this Section.

SUBCHAPTER 13. ALLOCATION OF EXPENDITURES

19:25-13.1 Allocation

(a) Where an expenditure is made on behalf of two or more candidates, the expenditure must be allocated between such candidates in a reasonable manner so as to fairly reflect the relative value to each of the candidates of such expenditure. The initial allocation should be made by the committee or candidates on a reasonable basis, and in advance of the expenditure where possible. All documents and financial records relating to the allocation and the expenditure should be retained.

1. Example 1: "Committee for A and B" is conducting a political campaign on behalf of Candidate A and Candidate B. The committee proposes to expend \$100.00 for the purchase of a quantity of bumper stickers containing the slogan "Vote for A and B". The committee determines that the stickers are of equal value to each of the candidates. Thus, \$50.00 of the expenditure should be allocated to Candidate A and \$50.00 should be allocated to Candidate B. Financial records should be retained relating to the expenditure and should be included, with the allocation, in the appropriate preelection or post-election report if the committee is required to file such reports. A record of the facts on which the allocation is based must be retained.

SUBCHAPTER 14. ADVISORY OPINIONS

19:25-14.1 Scope of advisory opinions

Under Section 6 of the Act the Commission is authorized through its legal counsel to render advisory opinions as to whether a given and specific set of facts and circumstances would constitute a violation of any of the provisions of the Act or render any person subject to any of its reporting requirements.

19:25-14.2 Extension of time

Unless an extension of time is consented to by any person requesting an advisory opinion, the Commission shall render its advisory opinion within ten days of receipt of the request therefor. Failure of the Commission to reply to a request for an advisory opinion within the time so fixed or agreed to shall preclude it from instituting proceedings for imposition of a

penalty upon any person for a violation of this Act occurring prior to receipt of the advisory opinion by such person and arising out of the particular facts and circumstances set forth in such request, except as such facts and circumstances may give rise to a violation when taken in conjunction with other facts and circumstances not set forth in such request.

19:25-14.3 Procedure for advisory opinions

All requests for advisory opinions must be addressed in writing to the Commission and must set forth in detail the particular facts and circumstances with respect to which the advisory opinion is sought.

SUBCHAPTER 15. (RESERVED)

SUBCHAPTER 16. INVESTIGATION

19:25-16.1 Investigations by Commission

(a) The Commission may, pursuant to N.J.S.A. 19:44A-6(b), on its own motion or on the application of any person, conduct investigations to determine the extent to which any candidate, committee, organization or other person or group of persons is complying with the Act.

(b) In the conduct of such investigations, all investigatory powers granted by N.J.S.A. 19:44A-6(b) shall be available to the Commission.

SUBCHAPTER 17. COMPLAINTS AND OTHER PROCEEDINGS

19:25-17.1 Manner in which proceedings commenced

Any proceeding may be commenced by the filing of a complaint at the office of the Commission or by the issuance of a notice of hearing by the Commission.

19:25-17.2 Manner of filing complaints

(a) The Commission shall aid the complainant in the completion of the complaint when requested to do so.

(b) Any person filing a complaint with the Commission may file by submitting a single copy.

(c) A complaint shall be deemed filed on the date it is received in the office of the Commission.

(d) The filing of a complaint or any other pleading shall be proved by the official stamp of the Commission or by the signature of any Commission official or authorized employee and his written notation indicating the date of receipt.

19:25-17.3 Contents of complaint

(a) The complaint shall be in writing, signed by the complainant, and shall set forth the following:

1. The full name and address of all complainants;
2. The full name and address of all respondents, if known;
3. A brief statement setting forth the specific facts deemed to constitute a violation;
4. The section of the Act allegedly violated;
5. A statement giving all pertinent facts as to whether any other action, either criminal or civil, has been instituted in the matter.

(b) The Commission may elect to treat any communication to it as a complaint whether such communication complies with the provisions of this Subchapter.

19:25-17.4 Service of complaint

The Commission shall serve a copy of the complaint upon each of the respondents by registered or certified mail, return receipt requested, or by any other means provided by Rule 4:4-4 of the Rules Governing the Courts of the State of New Jersey.

19:25-17.5 Parties

Any candidate, other person, committee, organization, partnership, corporation or association, or the attorney therefor, may file a complaint for any practice violative of the Act.

19:25-17.6 State officials who may file

The Attorney General or the Commission may file a complaint alleging a violation of the Act.

19:25-17.7 Withdrawal of complaint

Upon the initiation of a proceeding, the Commission, if it finds the continuation of the proceeding to be in the public interest, may proceed to hear and determine the matter regardless of withdrawal of the complaint.

19:25-17.8 Pleadings

(a) Pleadings before the Commission subsequent to the complaint shall consist of answers, amendments to pleadings as permitted by the Commission, motions and orders of the Commission.

(b) Every respondent shall file an answer with the Commission within 20 days after service of the complaint. Such answer shall admit or deny the allegations of the complaint and state in brief and plain terms all defenses to each claim asserted.

(c) Any denial filed by a respondent must specifically meet the substance of the particular allegations of the complaint.

(d) If the Commission makes a finding of no probable cause whether before or after investigation of the complaint, the complainant(s) shall be notified in writing of such finding.

19:25-17.9 Motions

(a) The procedure governing motions shall, so far as practicable, be in accordance with Rule 1:6 of the Rules Governing the Courts of the State of New Jersey except where otherwise provided under these regulations.

(b) Any complainant or respondent, as well as the Commission, may make application in any matter pending before the Commission.

19:25-17.10 Amended pleadings

(a) The complainant may, with the approval of the Commission, file an amended complaint at any time prior to the notice of public hearing.

(b) A complaint may be amended with consent of the Commission, after the notice of public hearing if, at the time the amended complaint is served, the minimum time provisions in Section 23 of this Subchapter, (Notice of order for hearing; scheduling), are complied with.

(c) Any pleading may be amended during or after hearing, with consent of the hearing officer, to conform to the evidence presented.

19:25-17.11 Orders

(a) The Commission shall issue such orders as may be necessary to effectuate the processing and determination of a complaint and may enter an order of dismissal at any time.

(b) Such orders shall be served on all parties.

19:25-17.12 Motion to intervene

(a) Any person interested in or associated with the matters alleged in a complaint may file with the Commission a motion to intervene.

(b) A motion to intervene shall be made prior to the time of public hearing.

(c) Copies of any such motion shall be served and filed together with supporting affidavits and briefs.

(d) The Commission shall rule on such motion without delay.

19:25-17.13 Method of service of other pleadings

(a) Unless otherwise instructed by the Commission, every pleading subsequent to the original complaint, every motion and every written notice, brief or memorandum of law, shall be served and filed by filing an original and two copies with the Commission and serving all other parties, whether complainant or respondent, by mailing copies to them, by registered or certified mail, return receipt requested, within three days after filing with the Commission.

(b) Such documents shall not be deemed served until an affidavit of mailing to all other parties is filed with the Commission at or subsequent to the time of filing the pleading.

19:25-17.14 Service upon attorneys

When any party has appeared through or is represented by an attorney, service upon such attorney shall in all cases be deemed valid service upon the party, unless timely written notice of the withdrawal or substitution of such attorney is served upon the Commission and all other parties.

19:25-17.15 Depositions and interrogatories

The Commission may cause depositions to be taken or interrogatories to be served whenever necessary to aid it in its investigation.

19:25-17.16 Depositions and interrogatories; discovery procedure

(a) The Commission may allow any party, on motion, to take the deposition of, or to serve interrogatories upon, any other party, whenever the Commission shall deem it necessary for the fair presentation of a case. The Commission may impose such terms and conditions as are appropriate to the granting of discovery.

(b) The Commission may issue such subpoenas as are necessary to aid the discovery process.

19:25-17.17 Discovery default procedure

(a) If any party has been served with interrogatories or notice to take deposition pursuant to these regulations, and has been given notice of the consequences of failing to answer the interrogatories or comply with said notice, and thereafter fails to answer the interrogatories or comply with said notice, the Commission may enter an order:

1. Directing compliance with the notice to take deposition on a date certain or directing that the interrogatories be answered and extending for an additional ten days the time within which answers are to be served and filed, and serve such order upon the delinquent party; or

2. Dismissing or striking the complaint or answer of the delinquent party.

19:25-17.18 Subpoenas to appear or to produce

(a) The Commission shall issue subpoenas in the name of the Commission, and the subpoenas shall direct the person designated therein to attend personally and, if so required, to attend with any books, records, documents and any other evidence which relates to any matter under investigation or which may be in question at a public hearing.

(b) The subpoena shall direct the person designated therein to attend and answer to the subpoena at a time and place to be determined by the Commission in its discretion.

(c) Subpoenas may be issued by the Commission upon

the application of any party if that party can demonstrate to the Commission that the subpoena is reasonable and that the matters sought therein are relevant and material to the investigation.

19:25-17.19 Service of subpoenas

(a) The subpoena shall be served either by personal service by any person 18 or more years of age by delivery of a copy thereof to the person named therein, or by registered or certified mail, return receipt requested.

(b) Accompanying any subpoena shall be an amount sufficient to cover the costs for one day's attendance and such mileage as may be allowed by law in civil matters in the courts of the State of New Jersey.

19:25-17.20 Enforcement of subpoenas and other investigatory orders

If any person shall fail to appear at the time and place designated in a subpoena, or shall fail to comply with an order of the Commission, he shall be subject to punishment for contempt of the Commission.

19:25-17.21 Consolidation of complaints

Whenever the Commission deems it advisable, it may order that any complaint filed with it and any proceeding which may have been initiated with respect thereto be consolidated with any other complaint which may have been filed with the Commission.

19:25-17.22 Hearings

(a) The Commission shall determine when a hearing shall be necessary in any matter.

(b) All hearings shall be public.

19:25-17.23 Notice of order for hearing; scheduling

(a) After the Commission determines that a hearing shall be held, all parties shall be served with a copy of a notice of hearing, together with a copy of the complaint, as the same may have been amended, at least ten days prior to the date of the hearing.

(b) All notices shall be served by either registered or certified mail, return receipt requested, or by personal service.

19:25-17.24 Temporary injunction

If the Commission determines that the rights of any person may be irreparably damaged by the lapse of time before a hearing can be scheduled or between the scheduling of a hearing and the ultimate disposition of the matter by the Commission, it shall instruct legal counsel for the Commission to seek such temporary injunctive relief in the Superior Court of New Jersey, pursuant to N.J.S.A. 19:44A-6(b), as may be appropriate to preserve the rights of the complainant.

19:25-17.25 Presentation of evidence; appearances; attorneys

(a) All parties shall be allowed to be present at the hearing and to present evidence individually or through their attorneys, and to examine and cross-examine witnesses in the same manner.

(b) Only members of the New Jersey Bar are permitted to practice before the Commission, except that the Commission may allow a member of the Bar of another state to appear before the Commission in an individual case; provided further, that a New Jersey attorney appears of record and signs all pleadings and papers, and service of all pleadings and papers may be made upon him.

(c) Legal counsel for the Commission shall, when di-

rected to do so by the Commission, present evidence at a hearing.

(d) If a party fails to file necessary pleadings or to appear at a scheduled hearing, the same shall constitute a default, and upon recommendation of the hearing officer, the Commission may enter an appropriate order.

19:25-17.26 Hearing officers; powers and limitations

(a) The Commission shall designate a member from the panel of hearing officers, or the Commission or one of its members, to conduct the hearing.

(b) The hearing officer shall have authority and discretion to control the order of proceedings, to swear witnesses, to rule on any procedural motions or evidential questions, to order witnesses to produce evidence in accordance with these regulations and to make such other rulings as may be necessary to conduct a fair and orderly hearing.

(c) On any question which would be determinative of the jurisdiction of the Commission or of the culpability of any party, the hearing examiner may not rule but may only recommend to the Commission proposed findings of fact and conclusions of law.

(d) The hearing officer shall recommend proposed findings of fact and conclusions of law, which shall be served upon legal counsel for the Commission and upon all parties participating in the hearing.

(e) The hearing officer may, in his discretion, prior to the public hearing, hold an informal conference with the parties or their attorneys to discuss any procedural or other matters relating to the public hearing.

19:25-17.27 Time and place of hearing

(a) Hearings shall be held at a time and place designated by the Commission.

(b) The Commission may, upon its own motion or upon a motion made in writing at least three days prior to the date of the hearing in behalf of any party, adjourn any hearing.

(c) Upon any such adjournment, the Commission shall notify all interested parties and may on notice reschedule the hearing at any time thereafter.

19:25-17.28 Type of hearing; evidence; proceedings transcribed

(a) In the discretion of the hearing officer, and subject to due process, any witness or member of the public may be excluded from any portion of a hearing.

(b) The hearing officer shall receive all evidence relevant to the matter before him without regard to the strict rules of evidence. The rules relating to privilege shall be applicable.

(c) The hearing officer may in his discretion examine witnesses.

(d) The hearings shall be stenographically transcribed.

19:25-17.29 Proposed findings and final order; review by Commission

(a) After a party or legal counsel for the Commission receives the proposed findings of fact and conclusions of law recommended by the hearing examiner, he may within ten days thereafter, or within such time as is fixed by the Commission, present written exceptions objections thereto to the Commission.

(b) The Commission shall then review the record, findings, conclusions and exceptions thereto and in its discretion issue a final order determining the controversy.

(c) The Commission may make such corrections, amendments or changes in the findings of fact and conclu-

sions of law as it deems necessary, based upon the record of the proceedings.

(d) The Commission may issue such opinion and final order as it deems necessary, and copies shall be served upon all parties and legal counsel for the Commission.

19:25-17.30 No probable cause

A finding of no probable cause pursuant to Section 8(d) of this Subchapter shall be deemed a final order.

19:25-17.31 Reopened proceedings for cause

The Commission may, upon its own motion or upon motion of any party, reopen any proceeding, but such action shall not be as a matter of right and shall be only for good cause shown.

19:25-17.32 Orders of Commission

At any time during the course of a proceeding, the Commission may enter such orders as appropriate to further the intent and purposes of the Act.

SUBCHAPTER 18. SEVERABILITY CLAUSE

19:25-18.1 Severability clause

If any regulation, or sentence, paragraph or Section of these regulations, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any regulation shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of these regulations.

A public hearing respecting these proposed rules will be held Monday, September 16, 1974, at 10:00 A.M. in the Assembly Chamber, State House, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 25, 1974, to:

Election Law Enforcement Commission
Suite 1114
National State Bank Building
28 West State Street
Trenton, New Jersey 08608

The New Jersey Election Law Enforcement Commission, upon its own motion or at the instance of any interested party, may thereafter adopt these regulations substantially as proposed without further notice.

David F. Norcross
Executive Director
Election Law Enforcement Commission

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

PROPOSED RULES TO GOVERN NEW VOTER REGISTRATIONS BY MAIL

The Department of State has issued proposed regulations to guide county election officials in completing New Jersey's new mail registration program.

"These State rules are designed to help election officials

carry out the spirit as well as the intent of the law - making it easier for people to register and vote," said Assistant Secretary of State F. Joseph Carragher, who noted there are about 1.3 million nonregistered voters in the State.

Carragher said the rules also were shaped to guard against the potential of fraud.

The proposed rules are printed in full in this issue of the Register.

The Assistant Secretary of State also announced that a public hearing on the regulations will be held at 10 A.M. Sept. 18 in the State Assembly Lounge in Trenton, N.J. The hearing officer will be George Bloom, the Department's Supervisor of the Election Bureau.

"If we hear any exceptions to the rules which are valid, we would make the necessary changes," Carragher said, noting that mail registration is a new concept and only four states have laws providing for it.

Under the rules, an organization or candidate may request two per cent of the total number of voter registration forms which the county Commissioner of Registration has available at the time. There shall be no limit on the number of requests that such an organization or candidate may make, but the Commissioner of Registration shall maintain a record of all organizations and candidates requesting 100 or more forms.

Individuals may request 25 forms from the Commissioner of Registration, and there shall be no limit to the number of requests an individual may make.

The Commissioner of Registration shall also accept legible photocopies and reproductions of completed registration forms provided that they comply with the provisions of the new rules and other applicable statutory requirements. Additionally, the photocopies and reproductions must be true facsimiles of the voter registration form.

"This regulation was adopted so that anyone who is having difficulty obtaining forms could reproduce their own in order to enroll eligible voters," said Carragher.

If an applicant states that he or she is over 18 years of age without indicating his or her specific birth date, the application shall be deemed to be completed. If an applicant is 17 years old, he or she must give date of birth.

"The reason for the over-18 regulation is that some male and female applicants do not want their age known and feel that it is an invasion of their privacy," he said.

"But for the 17-year-old applicant, the birth date must be given so his voting registration card is not prematurely put on the list of eligible voters," said the Assistant Secretary of State.

Also, a new voter must sign his name on the reverse side of the permanent registration form maintained by the Commissioner of Registration when the voter appears to cast his initial ballot.

The signature on the voter registration form and on the reverse side of the permanent registration form must be compared before the voter will be allowed to cast his ballot.

The rules also provide that the county shall be reimbursed at 50 cents per voter added to the registration list. The county shall accept and validate a voter's change in name and address but will not be entitled to the reimbursement if the change is within the county.

As far as accepting applications, the rules state that any form which is not postmarked, but is dated by the applicant on the 29th day before the close of registration shall be timely, provided it is received no later than seven days after the close of registration. All applicants must be notified immediately by mail of acceptance or rejection.

TWO NEW ELECTION RULES PROPOSED, HEARINGS SET

Two important sets of proposed new rules — both dealing with election procedures — are included in full in this issue of the New Jersey Register.

The State's Election Law Enforcement Commission spells out general rules governing its hearings under the law which set them up last year, the Campaign Contributions and Expenditures Reporting Act.

These 12 pages of proposed rules begin on Page 31.

The Commission has also scheduled a public hearing to be held at 10 a.m. Sept. 16 in the State Assembly Chamber in Trenton.

The second rules proposed for adoption are those governing the new procedure for mail registration of voters as issued by the Secretary of State's office.

A public hearing on these rules is likewise due — at 10 a.m. Sept. 18 in the State Assembly Lounge in Trenton.

A press release concerning mail voter registration is on Page 43 and the proposed rules are on Page 16.

Additional copies of this issue of the Register are available at \$1.00 each, including both of the proposed rules. See masthead on Page 2 to order.

LIST OF CODE TITLES

Titles available in the New Jersey Administrative Code cover all State Departments, with Treasury broken into two Titles for Taxation and General rules.

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