

NEW JERSEY REGISTER



The State's Official Monthly Rules Publication

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G. Duncan Fletcher, Director of Administrative Procedure

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(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Amendments for Advertising Of Milk and Milk Products

The Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq., proposes to adopt amendments to portions of N.J.A.C. 2:48-2.1 concerning the advertising of milk and milk products.

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

2:48-3.1 (b) Any licensee offering milk products for sale to consumers in this State shall not represent such products as being milk unless such product meets the standards for milk as defined in the laws governing the production, handling and distribution of milk, cream and milk products in the State of New Jersey (see N.J.S.A. 24:10-57.1 et seq. as amended; and N.J.A.C. 8:21-10.1 et seq.).

2:48-2.1 (d) Milk products referred to in this regulation shall mean those milk products defined in N.J.S.A. 24:10-57.1 et seq. and N.J.A.C. 8:21-10.1 et seq.

Interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the proposed action on or before March 30, 1977, to:

Woodson W. Moffett Jr., Director
Division of Dairy Industry
New Jersey Department of Agriculture
P.O. Box 1999
Trenton, New Jersey 08625
Telephone: (609) 292-5646

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

Woodson W. Moffett Jr., Director
Division of Dairy Industry
Department of Agriculture

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revisions to Minimum Milk Prices

On February 7, 1977, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions concerning minimum milk prices which delete in its entirety the current text of N.J.A.C. 2:49-1.1(b) and adopt new text therein.

Full text of the revised rule follows:

2:49-1.1(b) Effective March 1, 1977, minimum milk prices under Order 69-1 will be \$0.38 per quart, \$0.71 per half-gallon, and \$1.36 per gallon. This amendment shall be effective from and after March 1, 1977.

An order adopting these revisions was filed on February 8, 1977, as R.1977 d.31 (Exempt, Procedure Rule) to become effective on March 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

THE SECRETARY

Ratification of Adopted Rules on Farmland Preservation Demonstration Project

On February 4, 1977, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:1-11, 4:1B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, filed a ratification of the adoption of the rules concerning the farmland preservation demonstration project, previously adopted jointly by the Departments of Agriculture and Environmental Protection on January 26, 1977, as R.1977 d.20 (See: 8 N.J.R. 506(a) and 9 N.J.R. 62(b)).

An order ratifying the previous adoption was filed on February 9, 1977, as R.1977 d.33.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

NEW JERSEY REGISTER

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

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

(a)

BANKING

THE COMMISSIONER

Proposed Amendment Concerning Licensing of Home Repair Salesmen

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 proposes to adopt a new rule concerning the licensing of home repair salesmen.

Full text of the proposed new rule follows:

3:19-1.2(b) In the administration of Section 1(n) and 16(a) of Chapter 41, P.L. 1960, the Home Repair Financing Act, the following will be deemed to require licensing as a "Home Repair Salesman":

1. A person who contracts or who solicits, arranges, discusses or otherwise negotiates with an owner, directly or indirectly, at the address of the owner, at the licensed address of the home repair contractor or at any other location, and in so doing procures any memorandum, agreement, estimate, contract or any other writing which subsequently results in the execution of a home repair contract between an owner and a home repair contractor.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Roger F. Wagner
Acting Commissioner
Department of Banking
36 West State Street
Trenton, New Jersey 08625

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

Clifford F. Blaze
Deputy Commissioner
Department of Banking

(b)

BANKING

THE COMMISSIONER

Proposed Rule on Dating Home Repair Contracts

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 proposes to adopt a new rule concerning the dating of home repair contracts and related documents.

Full text of the proposed new rule follows:

3:19-1.7 Date of execution

(a) A home repair contract and other related documents shall be dated and then signed by the owner and home repair contractor or home repair salesman as prescribed below.

1. A home repair contract shall be dated and then signed on the date when the owner and home repair contractor or home repair salesman have reached agreement as to the terms and conditions as set forth in the home repair contract.

2. A completion certificate executed in connection with a home repair contract shall be dated and then signed by the owner on the date when the home repair contractor has actually completed the work to be performed in accordance with the provisions of the home repair contract.

3. A consumer note executed in connection with a home repair contract shall be dated and then signed by the owner contemporaneous with the date of execution of the completion certificate.

4. A mortgage executed in connection with a home repair contract shall be dated and then signed by the owner and home repair contractor or home repair salesman contemporaneous with the date of execution of the completion certificate.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Roger F. Wagner
Acting Commissioner
Department of Banking
36 West State Street
Trenton, New Jersey 08625

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

Clifford F. Blaze
Deputy Commissioner
Department of Banking

(c)

BANKING

THE COMMISSIONER

Proposed Amendments for License Numbers

Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to adopt revisions to the rule concerning the license number of home repair contractors.

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

3:19-1.6 License number

A home repair contractor shall indicate his current license number on all contracts, subcontracts, bids and all forms of advertising. Home repair contractors having multiple offices may utilize their main office license number for the purpose of compliance with this regulation and N.J.S.A. 45:1-9.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Roger F. Wagner
Acting Commissioner
Department of Banking
36 West State Street
Trenton, New Jersey 08625

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

Clifford F. Blaze
Deputy Commissioner
Department of Banking

(a)

BANKING

DIVISION OF BANKING

Proposed Revisions for Required Reserves

The Department of Banking, pursuant to authority of N.J.S.A. 17:9A-311, proposes to revise portions of its rules concerning required reserves.

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

3:8-3.1(c)1. Seven [and one-half] per cent of its immediate liabilities if its aggregate immediate liabilities are \$2 million or less; [\$150,000.00] \$140,000 plus [10] 9½ per cent of its immediate liabilities in excess of \$2 million if its aggregate immediate liabilities are in excess of \$2 million but less than \$10 million; [\$950,000.00] \$900,000 plus [12] 11¼ per cent of its immediate liabilities in excess of \$10 million if its aggregate immediate liabilities are in excess of \$10 million but less than \$100 million; [\$11,750,000.00] \$11,475,000 plus [13] 12¾ per cent of its immediate liabilities in excess of \$100 million if its aggregate immediate liabilities are in excess of \$100 million but less than \$400 million; or [\$50,750,000.00] \$49,725,000 plus [16½] 16¼ per cent of its immediate liabilities in excess of \$400 million.

3:8-5.1 Reserve required

Savings banks which maintain demand checking accounts are required to maintain reserve balances in available funds equal to [7.5] seven per cent of all immediate liabilities if its aggregate immediate liabilities are \$2 million or less; [\$150,000.00] \$140,000 plus [10] 9½ per cent of its immediate liabilities in excess of \$2 million if its aggregate immediate liabilities are in excess of \$2 million but less than \$10 million; [\$950,000.00] \$900,000 plus [12] 11¼ per cent of its immediate liabilities in excess of \$10 million if its aggregate immediate liabilities are in excess of \$10 million but less than \$100 million; [\$11,750,000.00] \$11,475,000 plus [13] 12¾ per cent of its immediate liabilities in excess of \$100 million if its aggregate immediate liabilities are in excess of \$100 million but less than \$400 million; or [\$50,750,000.00] \$49,725,000 plus [16½] 16¼ per cent of its immediate liabilities in excess of \$400 million.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

David McWilliam
Assistant Deputy Commissioner
Department of Banking
Division of Banking
Trenton, N.J. 08625

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

Clifford F. Blaze
Deputy Commissioner
Department of Banking

(b)

BANKING

THE COMMISSIONER

Notice of License Revocation

Take notice that Roger F. Wagner, Acting Commissioner of Banking, revoked the home repair contractor license of "All Jersey Heating, Inc.," 112 Watchung Avenue, North Plainfield, New Jersey, on November 8, 1976.

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

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF BANKING

Revisions Concerning Small Business Investment Companies

On January 28, 1977, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-25(12) and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 3:11-3.1 et seq. concerning small business investment companies as proposed in the Notice published January 6, 1977, at 9 N.J.R. 3(b).

An order adopting these revisions was filed and became effective on January 28, 1977, as R.1977 d.23.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Public Hearing Concerning Conflict of Interest

Take notice that, David S. Davies, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs, has issued the following Notice concerning a public hearing on the conflict of interest provisions for municipal enforcing agency personnel under the Uniform Construction Code.

Full text of the Notice follows:

Pursuant to authority of P.L. 1975, C.217, as amended, a hearing will be held on April 6, 1977, at 10:00 A.M., at the State Assembly Chambers, State House, Trenton, N.J., to receive public comment on N.J.A.C. 5:23-4.3(c)6.

(in the Department's numbering system Article 33, C.6.), establishing conflict of interest provisions for municipal enforcing agency personnel under the Uniform Construction Code.

The Department has received much public comment both positive and negative in prior public hearings and informally on the soundness and fairness of the conflict of interest regulation. However, because of the impact of the regulation, particularly in its second stage of application to take effect on July 1, 1978, the Department is soliciting further comment.

The Department is aware that the regulation as presently written creates an economic loss for some people. The purpose of this hearing will be to further explore possible alternatives to the regulation as written, so that this economic loss might be minimized, while at the same time retaining the protections that the conflict regulation is intended to provide.

In order to maximize the use of the hearing for constructive work, we ask that persons testifying speak specifically to the question of reasonable alternatives, stating the advantages and disadvantages of his proposal vis-a-vis the existing regulation.

So that witnesses can be properly examined on their views, we further ask that testimony be submitted at least three days in advance of the hearing, at the office of the Uniform Construction Code, 363 West State Street, Trenton, N.J. 08625.

Nothing in this notice of hearing should be construed as in any way suspending any aspect of the conflict of interest regulation.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules on Senior Citizens' Transportation

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and Chapter 5, Laws of 1977, proposes to adopt new rules concerning senior citizens' transportation.

Full text of the proposed rules follows:

SUBCHAPTER 4. SENIOR CITIZENS' TRANSPORTATION

6:3-4.1 Use of school buses for the transportation of senior citizens' groups

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

"Contiguous district" means a district adjoining and adjacent to another district and sharing in some part a common boundary. For a regional school district, a contiguous school district shall be an adjoining and adjacent district which shares in some part a common boundary with the total regional district.

"Group" means ten or more persons including senior citizens and their spouses.

"Senior citizens" mean those people of the State of New Jersey who are 60 years of age or older. Spouses of senior citizens may be less than 60 years of age.

(b) The board of education of any district may permit the use of school buses, owned or leased by the school district, for the purpose of transporting senior citizens' groups to and from events within the district furnishing the buses or in any district contiguous thereto. Such events shall include, but not be limited to, civic, social, cultural, educational, recreational, nutritional and health programs and activities.

(c) Such board of education shall adopt a policy covering the transportation of senior citizens' groups. Prior to the adoption of such policy, local boards of education, in cooperation with county superintendents of schools, shall consult with the county office of the Division on Aging, Department of Community Affairs.

(d) The use of school buses by senior citizens' groups shall not interfere with the transportation of school pupils.

(e) Buses so used shall be operated only by a person having a valid bus driver's license approved by the New Jersey Division of Motor Vehicles.

(f) When school buses are used for the transportation of senior citizens' groups the "Out of Service" signs shall be displayed.

(g) School bus warning lamps shall not be used when transporting senior citizens' groups.

(h) School buses, when used to transport senior citizens' groups shall load and unload off the public roadway so as not to interfere with traffic.

(i) Boards of education using buses for the transportation of senior citizens' groups shall file proof of insurance coverage for such transportation with their county superintendents of schools. Such insurance must include liability for bodily injury or death in the following minimum amounts:

1. \$300,000 for one person;
2. \$500,000 for one accident.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions for Two-Month Certificates

On February 2, 1977, Fred G. Burke, Commissioner of Education and Secretary to the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 6:11-4.6 concerning two-month certificates, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 11(b).

An order adopting these revisions was filed and became effective on February 2, 1977, as R.1977 d.26.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Revisions For Dissemination of Information

On February 2, 1977, Fred G. Burke, Commissioner of Education and Secretary to the State Board of Education, pursuant to authority of N.J.S.A. 18A:7A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 6:39-1.2(g), concerning dissemination of information regarding Statewide assessments.

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

6:39-1.2(g) The commissioner may make exceptions to the above regulations, such as those required by the minimum standards provisions of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.) as well as [with respect to] special reports requested by local school districts.

An order adopting these revisions was filed and became effective on February 2, 1977, as R.1977 d.27 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Revisions in Operation of Approved Secondary School Summer Sessions

On February 2, 1977, Fred G. Burke, Commissioner of Education and Secretary to the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-23 through 18A:4-

25, 18A:38-4, 18A:45-1, the commissioner's decision in the Matter of the Appeals of the Boards of Education of the Black Horse Pike Regional School District and the Sterling Regional School District, Camden County, 1973 S.L.D. 130, affirmed State Board of Education, 1973 S.L.D. 138 and, in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to N.J.A.C. 6:27-3.1 concerning the operation of approved secondary school summer sessions.

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

6:27-3.1 Operation

(a) The rules for the approval of full-time secondary schools shall apply to all secondary summer sessions. No [public] secondary school summer session may be operated or approved unless it:

1. Is operated by a board of education without charge to pupils domiciled within the district; or
2. Is operated as an integral part of the program of an approved private secondary school.

An order adopting these revisions was filed and became effective on February 2, 1977, as R.1977 d.28 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions in Lands, Waters and Facilities Under Jurisdiction of the Bureau of Parks

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1-26(3), 13:1B-3e and 13:8-20, proposes to revise certain rules concerning lands, waters and facilities under the jurisdiction of the Bureau of Parks.

Such proposal is known with the Department of Environmental Protection as Docket No. DEP 008-77-02.

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

7:2-7.5(c) If group campsites are not available, during the period November 1 to March 31, groups may use up to 50 per cent of the available family campsites provided, there is at least one adult per site, family rates are charged and the limitation of six persons per site is not violated.

7:2-7.12 Additional stay

All overnight facilities, whether occupied initially by reservation or on a first come first served basis, are limited to an initial length of stay of [14] 18 consecutive days, encompassing no more than two weekends. (Weekend for this purpose is defined as Friday night, Saturday and/or Sunday.) Additional requested time will not be granted at the end of this period until the applicant has vacated the campground for a period of seven days. At the end of this seven day out period additional requested stay will be granted in intervals of no more than seven days with

seven day out periods following, provided the maximum 40-day limit has not been exceeded [and the site has not been previously reserved by another party].

7:2-7.13(h) A non-refundable fee [of \$2.00] is charged for processing of each reservation [reserving any] for an overnight facility.

7:2-7.14 Cancellations and refunds

Cancellations may be made and refunds will be given provided; a cancellation fee equal to one (1) night's rental of the facility will be deducted from any refund due.

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

Alfred T. Guido
Acting Director
Division of Parks and Forestry
Department of Environmental Protection
P.O. Box 1420
Trenton, N.J. 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendment on Delineated Floodways In the Rahway River

David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-50 et seq., hereby proposes to amend N.J.A.C. 7:13-1.11, Delineated Floodways, by adding to it the floodways of the east and west branches of the Rahway River from the mouth of each stream at their junction with the Rahway River to the upstream Millburn Township municipal boundaries in the Township of Millburn, Essex County and the Township of Union, Union County, as delineated by the Water Policy and Supply Council on December 20, 1976 pursuant to N.J.S.A. 58:16A-52.

The proposed delineation effects the Township of Millburn, Essex County and the Township of Union, Union County.

A public hearing on this matter was held by the Water Policy and Supply Council on October 26, 1976.

The Department currently has regulations governing land use in all delineated floodway (N.J.A.C. 7:13-1.11, et seq.). The floodways which are delineated, and therefore subject to such regulations are listed in N.J.A.C. 7:13-1.1. The list is amended from time to time as the Water Policy and Supply Council delineates additional floodways.

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

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

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

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Standards for Construction of Sewerage Facilities and Water Supply Systems for Realty Improvements and Notice of Planned Alternatives

David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to the authority of the "Realty Improvement Sewerage and Facilities Act", (N.J.S.A. 58:11-23 et seq.) and N.J.S.A. 13:1D-1 et seq., proposes to adopt regulations concerning the construction of sewerage facilities and water supply systems for realty improvements. The sewerage regulations provide minimum standards for the design, installation and construction of underground sewage disposal systems, and may be cited as N.J.A.C. 7:9-2.1 et seq. The water supply regulations provide standards for the design, installation and testing of potable water wells. The entire regulatory program was last revised in 1963.

N.J.S.A. 58:11-23 et seq. (Chapter 199) mandates that an advisory committee comprised of State representatives of the Department of Environmental Protection, Association of Real Estate Boards, Health Officers Association, Society of Professional Engineers, League of Municipalities, Home Builders Association, Institute of Municipal Attorneys and the Title Insurance Association submit recommended regulations to the Commissioner for consideration, and that a public hearing be held thereon.

Such public hearings will be held on April 5, 1977 at the Governor Morris Inn, Morristown, N.J. at 9:30 A.M. concerning the water supply system regulations and at 12:30 P.M. concerning the standards for sewerage facilities; and on April 7, 1977 at Glassboro State College student center, Room 221 at 9:30 A.M. concerning the water supply system regulations and at 12:30 P.M. concerning standards for sewerage facilities.

The regulations proposed herein are the product of the statutory advisory committee and not solely of the Department.

In addition to the regulations proposed by the statutory committee, suggested revisions have been received by the Department from various interested parties. Major revisions were recommended by a citizen's task force headed by David Moore, executive director of the New Jersey Conservation Foundation. These suggested revisions will be considered by the Department before making its final determination. A summary of these suggested revisions is available to the public along with the revisions suggested by the statutory committee.

In addition to reviewing the proposed regulations, the

Department desires that the public address the following issues:

1. Do proposed standards adequately protect the State's ground and surface water quality?

2. Should the standards provide for a special minimum percolation rate to protect from excessive loadings which may be caused by rapid percolation through sandy soils or highly fractured rock?

3. Should septic tank management district programs be initiated to provide for adequate control over the design, construction, operation, maintenance and densities of on-site sewage disposal systems in the State?

4. Should septic tank densities be established which prevent excessive total loadings from degrading regional groundwater and surface water?

The proposed regulations concerning water supply have been entirely rewritten to update the requirements consistent with the provisions of the Federal Safe Drinking Water Act (P.L. 93-523) and to make them more understandable both to the public and enforcing authorities.

The requirements for well construction have been simplified, the type of construction being made dependent on the particular geologic region of the State in which the well is to be located. Provision has been made for the use of pitless well units and pitless adaptors, and acceptable methods for water treatment have been spelled out in greater detail.

Two entirely new sections have been incorporated, dealing with finished water storage requirements and the design of distribution systems for semipublic water supplies.

The proposed regulations concerning sewage facilities were also extensively revised. Some of the more significant revisions are as follows:

Section 2.1—All engineering data submitted must bear the seal and signature of a licensed professional engineer;

Section 2.3—New cesspools shall not be permitted; all abandoned individual subsurface disposal systems shall be filled;

Section 9.2(a)—All percolation tests shall be performed under the supervision of a licensed professional engineer and witnessed by the administrative authority;

Section 9.2(c)—All tests to determine depth of groundwater must be taken between January and April, or an indication of the seasonally high groundwater tables must be provided;

Section 10.9—Disposal fields shall not be built by fill to more than two feet unless an adequate grading plan is approved;

Section 11.2—The allowable percolation rate has been raised from a maximum of 40 minutes per inch to 60 minutes per inch.

The Department invites and encourages public comment on this proposal. Copies of the proposed rules may be obtained from:

Donald A. Brown, Assistant Director
Department of Environmental Protection
Division of Water Resources
P.O. Box 2809
Trenton, N.J. 08625

Interested persons may present statements in person at the public hearings or may submit written statements or arguments relevant to the proposed regulations on or before May 2, 1977 to the Department, at the above address.

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Proposed Revisions Concerning Island Beach State Park

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1-26(3), 13:1B-3e and 13:8-20, proposes to revise certain rules concerning special permits at Island Beach State Park under the jurisdiction of the Bureau of Parks.

The proposed revisions are known within the Department of Environmental Protection as Docket No. DEP 007-77-02.

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

7:2-16.2 [(e) A beach buggy permit may be revoked by the superintendent of the park for the remainder of the calendar year of issue and the right to apply for a permit for an additional period of three full calendar years may be revoked by the Director, Division of Parks and Forestry, for violation of any regulation of the Bureau of Parks (N.J.A.C. 7:2-1 et seq.) or any provision of the laws of this State. A permittee is also subject to prosecution for said violations. No refunds are permitted when revocation occurs.]

(e) [(f)] Lessees who have no other means of access to their leased sites may drive a vehicle by the most direct designated route between the hard-surfaces road and the site without a beach buggy permit.

7:2-16.5 Park [closing] hours

(a) Island Beach State Park will be closed to all persons excepting beach buggy permit holders, persons actively engaged in the sport of fishing [fishermen] and lessees, from 12 midnight to 4 a.m.

(b) Residents and persons on official business are exempt from this exclusion. Leaseholders, however, are restricted to their leased premises during these hours unless actively engaged in fishing or in transit. Annual beach buggy permit holders [and fishermen] are required, during these hours, to register with park officials and park in a designated location unless actively engaged in fishing. All others are required to leave the park as soon as they stop fishing during these hours.

7:2-16.6 Permit revocation

Any permit may be revoked by the Superintendent of the park for the remainder of the calendar year of issue and the right to apply for a permit for an additional period of three full calendar years may be revoked by the Director, Division of Parks and Forestry, for violation of any regulation of the Bureau of Parks (N.J.A.C. 7:2-1.1 et seq.) or any provision of the laws of this State. A permittee is also subject to prosecution for said violations. No refunds are permitted when revocation occurs.

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

Alfred T. Guido
Acting Director

Division of Parks and Forestry
Department of Environmental Protection
P.O. Box 1420
Trenton, N.J. 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Rules on Crab Pots

The Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 50:3-20, proposes to adopt new rules concerning the taking and catching of edible crabs by means of pots in the waters of the Delaware Bay. Such rules are proposed with the advice of the Maurice River Cove Shellfisheries Council.

The proposed rules are known within the Department of Environmental Protection as Docket No. DEP 006-77-02.

Full text of the proposed rules follows:

SUBCHAPTER 14. CRAB POTS; DELAWARE BAY

7:25-14.1 Scope

The Division of Fish, Game and Shellfisheries may grant licenses to residents of the State of New Jersey to catch and take edible crabs from the waters of Delaware Bay in this State by means of crab pots.

7:25-14.2 Crab pots defined

For the purposes of this regulation, a crab pot shall be construed to mean: a cube-shaped device not larger than 24 inches on a side with openings inward for the entrance of crabs. The wire of which the pot is constructed shall have a mesh not less than one inch unstretched, measured on its longest axis, or such minimum size as may be prescribed from time to time. The openings into the pot shall be oval and not larger than six inches wide nor five inches high. The Division of Fish, Game and Shellfisheries may at any time designate the maximum or minimum size of such openings. Crab pots which fail to comply with this definition shall be illegal for the taking and catching of crabs.

7:25-14.3 Use of crab pots

No person shall remove crabs from any pot except the licensee or his designated alternate. Anyone tending crab pots shall have in his possession the license whose number corresponds to the number marker of the pots being tended. No one shall cut or break the lines or otherwise damage any pot, or buoy, of which he is not the owner. All turtles and female crabs having eggs or spawn attached shall be released.

7:25-14.4 Hours for fishing

Crab pots may be tended only from one-half hour before sunrise to one-half hour after sunset.

7:25-14.5 Commercial licenses

A license may be issued for the catching and taking of crabs by means of pots for purposes of sale. The fee for such a license shall be \$100.00 annually. The license may be transferred to an alternate on a temporary basis, but the transfer must be made by a letter, to be carried with the license, giving the dates for which the transfer shall be in force. The license number shall be displayed on both sides of the boat amidship in numerals not less than twelve inches high and of a color contrasting with their background. At all times when pots are being tended the license must be aboard the boat bearing the same license number.

7:25-14.6 Noncommercial licenses

A noncommercial license may be issued annually for no more than two pots, which shall also be marked with the license number. The fee for this noncommercial license shall be \$5.00 annually. The noncommercial license shall limit the harvest of crabs to two bushels per crabber per boat, per day. Such crabs may not be sold or used for barter.

7:25-14.7 Placement and marking of pots

(a) Each crab pot in the bay shall be provided with a clearly visible marker buoy, said buoy to bear in contrasting color the license number of the owner.

(b) No pot shall be placed closer than 100 feet of any marked channel, nor placed within the confines of any creek or river.

(c) Noncommercial pots may be fastened to a pier or other structure by a line no longer than twice the depth of the water at that point.

(d) No pot shall be placed in area designated by the Division of Fish, Game and Shellfisheries with the advice of the Maurice River Cove Shellfisheries Council as off limits for the catching of crabs by means of pots.

7:25-14.8 Filing of reports

All persons licensed to take crabs in this State shall keep on forms furnished by the Division of Fish, Game and Shellfisheries, accurate records which shall include the number of bushels of hard crabs, peelers and soft crabs caught, the type of gear used, the areas fished, and the amount of proceeds derived from each type of crab taken. These records will be filed monthly with the Division of Fish, Game and Shellfisheries. Failure to file on or before the tenth of the month following the month of record may lead to suspension of license by the Division of Fish, Game and Shellfisheries. Such action shall take effect upon three days notice to the violator, if no appearance is entered. If an appearance is to be made, the action of the Division shall be suspended pending the outcome of the hearing. Failure to appear at a scheduled hearing may result in suspension of the license.

7:25-14.9 Penalties

Any person or persons violating any of the provisions of these regulations relating to crabs shall be liable to a fine of not less than \$50.00 nor more than \$300.00 for the first offense. For each subsequent like violation the penalty shall be doubled, together with confiscation of equipment used, and forfeiture of license. No new license will be issued to any person whose license has been revoked until after hearing before the Shellfisheries Council and reinstatement thereby.

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

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

The Division of Fish, Game and Shellfisheries, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

David J. Bardin
 Commissioner
 Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND

SHELLFISHERIES

Proposed Rule on Shellfish License Revocation Schedule

The Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 50:2-6, proposes to adopt a shellfish license revocation schedule for violations of Atlantic Coast shellfish laws.

Such proposed rule is known within the Department of Environmental Protection as Docket No. DEP 010-7702.

Full text of the proposed rule follows:

7:25-1.6 Shellfish license revocation schedule

(a) The schedule of period of shellfish license revocations for Atlantic Coast is:

First Offense	Second Offense	Third Offense
Clamming without a license 50:2-1 30 days	120 days	1 year
Clamming without button 50:2-5 5 days	10 days	2 months
Clamming in condemned water 24:14-3— Atlantic Coast Council Resolution #4, 7/6/54 60 days	180 days	2 years
Clamming after sunset, before sunrise, on Sundays 50:2-11 30 days	90 days	1 year
Clamming leased ground 50:4-3 30 days	180 days	18 months

(b) Anyone convicted of the same violation three times within a five-year period shall have his license revoked for twice the third conviction revocation period, or one year, whichever is greater. In addition, anyone who violates the same law for the fourth time shall have his license revoked for life. These penalties shall be cumulative if more than one statute has been violated.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

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

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

David J. Bardin
 Commissioner
 Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Public Hearing

Take notice that, the Department of Environmental Protection hereby supplements the notice contained in the February 10 issue of the New Jersey Register, Docket No. DEP 002-77-01, by the addition of a third public hearing to be held pertaining to the proposed nondegradation water quality standards for the Pine Barrens area.

The third public meeting will be held on March 24, 1977, at the Ocean County College, lecture hall, College Drive, Toms River, N.J., beginning at 1:30 P.M.

This hearing is in addition to those previously scheduled on March 15, 1977, at 7:00 P.M. at Stockton State College, Pomona, N.J. and on March 17 at 1:00 P.M. at Burlington County Vocational-Technical College, Mount Holly, N.J.

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

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Rules on Criteria for Possession Of Endangered Wildlife

On February 17, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:25-11.2 through 7:25-11.4, concerning criteria for possession of endangered wildlife, as proposed in the Notice published April 8, 1976, at 8 N.J.R. 175(a).

Such rules are known within the Department of Environmental Protection as Docket No. DEP 003-76-03.

An order adopting these rules was filed and became effective on February 22, 1977, as R.1977 d.39.

G. Duncan Fletcher
 Director of Administrative Procedure
 Department of State

(a)

HEALTH

THE COMMISSIONER

Rules Concerning Determination Of A Health Care Facility

On February 3, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:31-6.1, concerning the determination of a health care facility, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 549(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Full text of the rule, with changes, follows:

SUBCHAPTER 6. HEALTH CARE FACILITIES

8:31-6.1 Determination of a health facility

(a) The Commissioner of Health, consistent with "the public policy of the State that hospital and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health". (N.J.S.A. 26:2H-1) and in accordance with the definitions of a health care facility and a health care service, as specified in N.J.S.A. 26:2H-2a, b, shall determine whether a proposed or existing system or modality of health care delivery constitutes the operation of a health facility. If so designated, such facility shall be subject to all the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1 et seq.) and those appropriate rules and regulations promulgated thereto. In addition to those investigations which may originate within the State Department of Health, any written request from any person or organization concerning the status of a proposed or existing system or modality of health care delivery, shall initiate the process for making a determination.

(b) In making this determination, the Commissioner of Health shall request and obtain the advice and comment of the Health Systems Agency within whose boundaries the proposed or existing health care modality in question originates, and of the State Health Planning (Coordinating) Council. As circumstances permit, the determination shall be made within 90 days of the initiation of the process.

(c) Those factors which shall be considered as relevant to the determination of a health facility, and whether it has a significant impact upon health care delivery, shall include but not be limited to:

1. The type of health care service delivered and its potential effect on the health care delivery system;
2. The apparent costs of equipping, staffing and operating the health care service and the resultant cost to all payors and consumers of health care;
3. The degree of complexity in terms of medical technology, equipment, and the medical, para-medical and administrative staffing required to provide the health care service;
4. The proposed or existing patterns of referral of persons to be provided health care by and to the service entity in question, and other providers of such care;
5. The financial arrangements for the payment or reimbursement of health care services available to both the service entity in question and to those persons receiving such care.

(d) When a health care service modality is determined to be a health facility, such facility shall be notified in writing by the Commissioner of Health. Such facility shall have a right to a hearing conducted before a hearing examiner on behalf of the Commissioner of Health in accordance with the provisions of the Administrative Procedure Act pursuant to the rule of practice and procedure of the Department of Health.

An order adopting these rules was filed and became effective on February 23, 1977, as R.1977 d.43.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Proposed Amendment on Control of Dextropropoxyphene

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-8, proposes to amend N.J.A.C. 8:65-10.1(a)4. concerning the control of dextropropoxyphene.

Full text of the proposed new amendment follows:

8:65-10.1(a)4. Note 1.

Note 1: The Commissioner of Health raises no objection to the placement of

DEXTROPROPOXYPHENE (Alpha-(+)-
4 dimethylamino-1, 2-diphenyl-
3 methyl - 2 - propoxybutane)

in Schedule IV of the Federal Controlled Substance Act of 1970. A final order placing this substance in Schedule IV was published in the Federal Register, Vol. 42, No. 29, dated February 11, 1977, and became effective March 14, 1977.

Now, therefore, the Commissioner of Health orders that:

F. OTHER SUBSTANCES

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

DEXTROPROPOXYPHENE (Alpha-(+)-
4 dimethylamino - 1, 2-diphenyl-
3 methyl - 2 - propoxybutane)

[CDS 8121]

be placed in Schedule IV subject to the provisions of N.J.S.A. 24:21-1 et seq.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

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

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Standards Regarding Computerized Axial Tomography Units

On February 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted standards and general criteria for the planning and certification of need of computerized axial tomography units, substantially as proposed in the Notice published December 9, 1976, at 8 N.J.R. 550(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

Such standards may be cited as N.J.A.C. 8:31-9.1 et seq. An order adopting these standards was filed and became effective on February 23, 1977, as R.1977 d.44.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Rule on Patient Origin Studies Data

On February 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:31-16.16, concerning patient origin studies data, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 16(a).

An order adopting this rule was filed and became effective on April 1, 1977, as R.1977 d.45.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

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

On February 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 8:31-22.1(a)1. concerning doctors' offices owned and/or sponsored by and serving health care facilities, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 14(b).

An order adopting these revisions was filed and became effective on February 23, 1977, as R.1977 d.46.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

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

On February 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 8:31-23.1(a)1. concerning parking garages owned and/or sponsored by health care facilities, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 14(a).

An order adopting these revisions was filed and became effective on February 23, 1977, as R.1977 d.47.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HEALTH

THE COMMISSIONER

Revisions in Design and Construction of Interns, Residents and Nurses Housing Facilities

On February 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 8:31-24.1(a)1. concerning the design and construction of interns, residents and nurses housing facilities, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 14(c).

An order adopting these revisions was filed and became effective on February 23, 1977, as R.1977 d.48.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(f)

HEALTH

THE COMMISSIONER

Rule on Distribution of Net Worth or Surplus

On February 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:31A-10.4, concerning the hospital

rate review program and the treatment of the distribution of net worth and/or surplus, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 15(a).

An order adopting this rule was filed and became effective on February 23, 1977, as R.1977 d.49.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Revisions Concerning Ambulatory Care Facilities

On February 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 8:43A-1.66(g)3.ii. concerning the use of 1973 Life Safety Code for new ambulatory care facilities or additions, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 15(b).

An order adopting these revisions was filed and became effective on February 23, 1977, as R.1977 d.50.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Amendments to Manual of Standards For Hospital Facilities

On February 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:43B-3.2(a)1. concerning fire protection and safety in the Manual of Standards for Hospital Facilities, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 14(d).

An order adopting these amendments was filed and became effective on February 23, 1977, as R.1977 d.51.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Proposed Amendments Concerning Work Load Data

The State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:64A-7, proposes to amend N.J.A.C. 9:4-3.57 concerning work load data.

Full text of the proposed new amendments follows:

9:4-3.57(b)1.viii. Noncredit courses and community service activities are those courses offered by a county community college in which instruction is given in an appropriate educational environment to participating students who have formally registered, whose attendance has been taken at least at one instructional session other than registration, and who receive no degree credit upon completion.

(1) These courses are learning experiences designed to meet the educational needs of the residents in the county or service boundary area by contributing to the student's social, cultural, career and/or human development.

(2) The county community college shall maintain documentation including, but not limited to, registration of students, attendance of students, and course descriptions concerning any instruction which the college designates as a "course" within this definition. In all instances, the county community college shall have the burden of establishing that such instruction qualifies as a "course" within this definition. The decision to approve or reject an activity as one which qualifies for State funding under this definition rests with the Department of Higher Education.

(3) The definitions for such noncredit courses are set forth below.

(4) Noncredit courses: For the duration of a noncredit course, students are to receive instruction in an organized set of activities for which no academic credit is given.

(A) Noncredit courses may include, but are not limited to, remedial, developmental, General Education Development (GED) and Adult Basic Education (ABE) courses. These may also include, but are not limited to, a concert, film, tour, art show, therapy or self-realization session, if a planned instructional presentation is a significant part of the course and if an outline of the presentation section is available for inspection by the Department of Higher Education.

(B) One day sessions may qualify for noncredit FTE funding. Time devoted, however, to such activities as registration, coffee breaks, meals, and travel will not be considered for funding.

(5) Ineligible courses: The following community college programs are examples of those not eligible for State funding: recruitment days, exhibitions, fairs, festivals, equipment demonstrations, and orientation days.

(6) Formally registered: "Formally registered" means that appropriate documentation by course shall be maintained for audit purposes. At the minimum, the college shall retain the name, address, and Social Security number of the registrant as part of its permanent records.

(7) Attendance record:

(A) Attendance is to be taken at times other than at registration. Attendance shall be taken by name so that there is an indication of which students are present at the session. For purposes of funding, consideration will be given only to those students who have registered and attended the session at which attendance is taken.

(B) For one session courses, attendance shall be taken at some time during the session. For all other noncredit courses, attendance shall be taken at least at one session other than the first session. It is within the discretion of the college to determine at which of these sessions attendance will be taken.

9:4-3.57(b)6. In submitting the audited schedule of full-time equivalent enrollments for credit students as required by the Administrative Code, Section 9:4-3.57-5, the audit firm must adhere to the following procedure:

i. The auditor shall review the rules concerning enrollment data as found in N.J.A.C. 9:4-3.57(b), which defines the various categories of students enrolled at a State supported county college.

ii. The auditor shall establish an audit trail which is to be followed in certifying the full-time equivalent student count reported by the college. The data which is used to calculate the number of full-time equivalent students reported must be examined. The auditor must decide that the scope of the sample tested and the method used in reviewing the documentation underlying the enrollment and full-time equivalent student calculation is statistically valid and adequate for certification of the FTE schedule.

iii. Where a computer system is being utilized by a community college, the auditor must review the software and related documentation and ascertain that the computer program is congruent with the State full-time equivalent funding formula. Manual record keeping must be reviewed for the same assurances.

iv. A full-time equivalent student credit and contact hour reconciliation shall be compared to tuition income, taking into consideration cash received, accounts receivable and waivers. There must be congruence between these records and the reported credit full-time equivalent student count.

v. A confirmation letter shall be sent on the basis of a statistically valid sample to chosen students who are listed as having attended the institution during the year for which the audit is being made. The methodology and results of this sample shall be forwarded to the Department of Higher Education at the time of the submission of the year end audit report.

vi. The outlined format in this Section must be prepared and forwarded with Page 2A (N.J.A.C. 9:4-3.62(d)) of the budget summary as required. If the auditor plans to deviate from any of the above procedures, he must obtain prior written approval from the Department of Higher Education. Such approval, if granted, will be valid only for the audit in progress.

vii. At the time of the submission of the audited schedule of full-time equivalent student enrollment, the auditor must include in the letter of submission the statement that he or she has reviewed the Administrative Code and has completed the enrollment audit in accordance with the procedures for auditing full-time equivalent student enrollment.

9:4-3.57(b)7. In submitting the audited schedule of full-time equivalent enrollments for noncredit students as required by this Section, the audit firm must adhere to the following procedure:

i. The auditor shall review the rules concerning enrollment data as found in this subsection, which defines the various categories of students enrolled at a State supported county college. The audit procedures for noncredit full-time equivalent students shall reflect the comprehensive (b)1.viii.

ii. The auditor shall establish an audit trail which is to be followed in certifying the full-time equivalent student count reported by the college. The data which is used to calculate the number of full-time equivalent students reported must be examined. The auditor must decide that the scope of the sample tested and the method used in reviewing the documentation underlying the enrollment and full-time equivalent student calculation is statistically valid and adequate for certification of the FTE schedule.

iii. Where a computer system is being utilized by a community college, the auditor must review the software and related documentation and ascertain that the computer program is congruent with the State full-time equivalent funding formula. Manual record keeping must be reviewed for the same assurances.

iv. A full-time equivalent contact hour reconciliation shall be compared to tuition income taking into consideration cash received, accounts receivable and waivers. There must be congruence between these records and the reported noncredit full-time equivalent student count.

v. The auditor shall conduct a statistically valid sample of registration material of students attending noncredit courses to be assured that students were registered in accordance with Administrative Code, Section 9:4-3.57-3v., for noncredit courses. The methodology and results of this sample shall be forwarded to the Department of Higher Education at the time of the submission of the year end audit report.

vi. The auditor shall conduct a statistically valid sample of attendance records for noncredit courses to be assured that the attendance was kept in accordance with Administrative Code Section 9:4-3.57-3v., for noncredit courses. The methodology and results of this sample shall be forwarded to the Department of Higher Education at the time of the submission of the year and audit report.

vii. The auditor must ascertain that for all noncredit courses a course description is kept on file by the college.

viii. The auditor shall obtain from the appropriate college official in charge of noncredit courses a certificate that the calculation of contact hours was done in accordance with N.J.A.C. 9:4-3.57(b)3.v. for noncredit courses. This certification shall accompany the year end audit report sent to the Department of Higher Education.

ix. The outlined format in this Section must be prepared and forwarded with Page 2A (N.J.A.C. 9:4-3.62(D)) of the budget summary as required. If the auditor plans to deviate from any of the above procedures, he must obtain prior written approval from the Department of Higher Education. Such approval, if granted, will be valid only for the audit in progress.

x. At the time of the submission of the audited schedule of full-time equivalent student enrollment, the auditor must include in the letter of submission the statement that he or she has reviewed the Administrative Code and has completed the enrollment audit in accordance with the procedures for auditing full-time equivalent student enrollment.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Eric Perkins
Office of the Chancellor
Department of Higher Education
225 West State Street
Trenton, N.J. 08625

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

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

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules for Medical Day Care Services and Interim Billing Procedures

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules within the Skilled Nursing Home Services Manual, concerning standards for the provision of medical day care services for Medicaid-eligible persons and interim billing procedures related thereto. Such rules, if adopted, will be cited as N.J.A.C. 10:63-4.1 et seq. and 10:63-5.1 et seq.

The proposed rules in N.J.A.C. 10:63-4.1 et seq. concern scope, definitions, program participation, required services, staff, prior authorization, participant review and evaluation and records. The proposed rules in N.J.A.C. 10:63-5.1 et seq. concern billing procedures, general policy, participant identification, prior authorization, directory of local medical assistance units and various instructions.

Copies of the full text of 26 pages of the proposed new standards may be obtained from:

Administrative Practice Officer
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to the Department of Human Services at the above address.

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Rules on Administration

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the rules concerning the administration and general information of the New Jersey Health Services Program. The proposed revisions concern the rescission of the current text in Subchapters 1 through 6 in Chapter 49 of Title 10 in the New Jersey Administrative Code and the adoption of new text therein.

Take notice that the proposed revisions to N.J.A.C. 10:49-1.18, Program participation, that appeared in the December 9, 1976, issue of the New Jersey Register at 8 N.J.R. 552(a) are not affected by this proposal and may be adopted separately from these proposed revisions.

The proposed revisions herein concern the foreword, eligibility for Medicaid, identity of covered person, eligible providers, authorized services, general exclusions, free services, utilization of insurance benefits, prior authorization, policy on out-of-State medical care, contractors, medical review and evaluation, timely submissions of claims, prohibition of factoring, use of service bureau and management agency, fraud and abuse, fair hearings, program participation, civil rights, religious beliefs, free choice, integrity of Medicaid program, confidentiality of records, record keeping and provider certification requirement and directory of local medical assistance units.

The full text of 44 pages of the revised text may be obtained from:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to the Division of Medical Assistance and Health Services, at the above address.

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

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to General Assistance Manual on Hospitalization Costs

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to revise portions of the General Assistance Manual concerning the eligibility for payment of hospitalization costs.

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

10:85-3.1(a) i. Individuals and families who are ineligible for public assistance (general assistance, AFDC, Cuban or Indochinese Refugee Assistance) or for SSI payments because their income exceeds the standards established for the applicable program may apply to the MWD on a monthly basis for assistance in paying excessive medical costs. **The provisions of this section are not applicable to the payment of bills for in-patient hospitalization or for medical services rendered to an in-patient.**

10:85-5.2(f) 1. Persons eligible for hospitalization: [Such authorization shall be issued to:] **The following and only the following shall be issued authorization for hospitalization:**

i. Persons who, at the time of admission, are receiving general assistance **maintenance payments. Payments solely for excessive medicals shall not be considered as maintenance payments;**

ii. Persons who, at the time of admission, have an application for general assistance pending **and who are sub-**

sequently found eligible for maintenance payments without reference to hospital or excessive medical costs;

iii. Persons who, after admission but before discharge from the hospital, apply for general assistance and are subsequently found eligible for maintenance payments without reference to hospital or excessive medical costs.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Division of Public Welfare
Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Payments To Homes for Unwed Mothers

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise N.J.A.C. 10:82-5.8 concerning homes for unwed mothers.

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

10:82-5.8 Homes for unwed mothers

(a) When an eligible AFDC child who is an expectant mother is receiving care in an approved maternity home, the maximum rate for such care shall be [\$160.00 per month] the applicable rate for that facility as determined by the Division of Youth and Family Services, not to exceed a maximum of \$360 per month. Such rate shall include al maintenance and care except [exclusive of] medical services and shall be made as a vendor payment from the assistance account.

1. An adjustment to accommodate this absence from the eligible unit's home must be made in computing the family's grant. For this purpose, the amount of \$25.00 per month shall be entered as "other income" on the PA-3A form.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Division of Public Welfare
Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions of Food Stamp Manual And Work Registration Exemptions

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to adopt revisions to the Food Stamp Manual concerning work registration exemptions for both an incapacitated father and mother caring for a dependent child.

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

10:87-3.18(a)2.i. Only one essential person: Only one person in the household shall be exempt under this Section, unless the county welfare [board] agency obtains written approval from the State office with regard to a specific situation and subparagraph ii. below does not apply.

ii. Both parents exempt: In a household where one spouse is incapacitated and the other is responsible for the care of a dependent child under 18 years of age, neither is required to register, regardless of the ability of the incapacitated individual to care for the child.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Division of Public Welfare
Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to Food Stamp Manual On Claims Benefits and Refunds

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to revise portions of the Food Stamp Manual in Chapter 87 of Title 10 in the New Jersey Administrative Code regarding claim determinations, restoration of lost benefits and cash refunds, as required by the U.S. Department of Agriculture. Such rules are intended to become effective on April 1, 1977.

The proposed revisions concern overissuance, collection of overissuance, collection procedures, receipt and transmittal of collections, submission of claim determination forms, overpayment of purchase requirement and credits for improperly denied benefits.

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

Division of Public Welfare
Department of Human Services
Box 1627
Trenton, N.J. 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to the Division of Public Welfare at the above address.

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Notice of Withdrawal of Proposed Amendments Concerning Child Care Costs

Take notice that, Ann Klein, Commissioner of Human Services, has withdrawn the proposed amendments to the Assistance Standards Handbook concerning child care costs, as published in the December 9, 1976, New Jersey Register at 8 N.J.R. 555(a), since the Commissioner does not intend to adopt these proposed amendments.

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

(b)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Revisions for Child Care Licensing

On January 27, 1977, Harold P. Rosenthal, Acting Director of the Division of Youth and Family Services in the Department of Human Services, pursuant to authority of N.J.S.A. 18A:70-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:122-2.3 concerning child care licensing, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 22(a).

An order adopting these revisions was filed and became effective on January 31, 1977, as R.1977 d.24.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Rules on New Jersey Medicaid Formulary

On February 9, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:49-1.33, concerning the New Jersey Medicaid Formulary, as proposed in the Notice published August 5, 1976, at 8 N.J.R. 383(a).

An order adopting these rules was filed and became effective on February 16, 1977, as R.1977 d.36.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions Eliminating Certain Prior Authorization Requirements in Certain Manuals

On February 11, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to portions of the Pharmacy, Prosthetic and Orthotic, Medical Supplies and Independent Clinic Manuals, concerning elimination of certain prior authorization requirements for certain items, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 551(c).

The specific Sections affected by these revisions are N.J.A.C. 10:51-1.7(a)3., 10:55-1.4(d)13., 10:59-1.7(a)4., 10:66-1.7 and 10:66-1.11.

An order adopting these revisions was filed and became effective on February 17, 1977, as R.1977 d.38.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions to Assistance Standards Handbook Concerning Recoupment of Overpayments

On February 24, 1977, Ann Klein, Commissioner of Human Services, 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, adopted revisions to N.J.A.C. 10:82-2.15(a) and 10:82-2.16(b) concerning recoupment of overpayments, substantially as proposed in

the Notice published December 9, 1976, at 8 N.J.R. 555(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these revisions was filed on February 24, 1977, as R.1977 d.55 to become effective on April 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions to Assistance Standards Handbook Concerning Eligibility

On February 24, 1977, Ann Klein, Commissioner of Human Services, 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, adopted revisions to N.J.A.C. 10:82-3.2(b)7. and 10:82-4.6 concerning eligibility and exempt resources, substantially as proposed in the Notice published December 9, 1976, at 8 N.J.R. 557(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these revisions was filed on February 24, 1977, as R.1977 d.56 to become effective on April 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Medicaid Only Manual

On February 24, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 10:94-4.31(a)7.vii. and 10:94-4.41, to the Medicaid Only Manual concerning financial eligibility of certain individuals, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 556(b).

An order adopting these amendments was filed on February 24, 1977, as R.1977 d.57 to become effective on April 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions on Food Stamp Eligibility

On February 24, 1977, Ann Klein, Commissioner of

Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:87-4.8 and 10:87-4.9 concerning the classification of income tax refunds and property tax rebates as non-exempt assets regarding food stamp eligibility, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 556(a).

An order adopting these revisions was filed on February 24, 1977, as R.1977 d.58 to become effective on April 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revisions to Food Stamp Manual Concerning Repayment of Overissuances

On February 24, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:87-6.41(a)2. concerning repayment of food stamp overissuances prior to criminal prosecution, as proposed in the Notice published December 9, 1976, at 8 N.J.R. 555(c).

An order adopting these revisions was filed on February 24, 1977, as R.1977 d.59 to become effective on April 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES

Rules on Procedure for Involuntary Transfer of Patients

On February 18, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:49-1.31, concerning procedures for the involuntary transfer of patients, substantially as proposed in the Notice published March 4, 1976, at 8 N.J.R. 120(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

An order adopting these rules was filed on February 24, 1977, as R.1977 d.62 to become effective on March 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Proposed Revisions in Automobile Insurance Plan

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29A-1 et seq. and 17:29D-1 et seq., proposes to revise various rules concerning the New Jersey Automobile Insurance Plan.

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

11:3-1.9(b)1. Physical damage coverage shall be made available to the types of risks defined in Rule 1 of the Physical Damage Supplement I not falling into the "fleet" category as defined in the fleet section of the Commercial Automobile Manual approved for insurance services office and to all motor vehicles owned by or operated on behalf of a nonprofit entity used for social services such as but not limited to cars or vans used to transport the elderly or handicapped.

11:3-1.9(d) 1. If the prospective insured's automobile is an antique automobile [25 or more years old], or

2. If the prospective insured's vehicle is the type as defined in Section 1. of this Subchapter and has an actual cash value in excess of \$25,000[.], but this rule does not apply to deny coverage to any motor vehicle owned by or operated on behalf of a nonprofit entity used for social services such as but not limited to cars or vans used to transport the elderly or handicapped.

11:3-1.16(b) All other insureds placed through the Plan shall be subject to the rules, rates, minimum premiums and classifications [in force, and the rating plans applicable thereto, in use by the designated company] approved for Insurance Services Office and the Experience Rating Plan approved by the Commissioner for application to such risks, subject to the surcharge filed on behalf of the companies subscribing to this Plan by the Automobile Insurance Plan Service Office.

11:3-4.1 [General provision] (Reserved)

[The rates applicable to owned nonfleet vehicles, as defined herein, are included in this Supplement. Such rates are for the coverages specified herein. Additional charges determined in accordance with the provisions set forth in Section 16 of the Plan are to be applied to the collision rates as specified in Rule 2.1 below.]

Interested persons may present statements, facts or arguments relevant to the proposed action on or before March 31, 1977, or appear at a hearing to be held at 10:00 A.M. on that date at the address below:

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

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

James J. Sheeran
Commissioner
Department of Insurance

(b)

INSURANCE

REAL ESTATE COMMISSION

Amendments Concerning Sales Of Interstate Properties

On February 9, 1977, Edward J. Howell, President of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-10, 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.25(h) concerning sales of interstate properties, substantially as proposed in the Notice published January 6, 1977, at 9 N.J.R. 24(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Real Estate Commission.

An order adopting these amendments was filed and became effective on February 10, 1977, as R.1977 d.35.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

THE COMMISSIONER

Rule on Temporary Waiver of One-Week Waiting Period for Unemployment Benefits

On February 4, 1977, John J. Horn, Acting Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-4(a) and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning the temporary waiver of the one-week waiting period for unemployment benefits.

Full text of the adopted rule follows:

The existing provisions of the Unemployment Compensation Law shall be waived so that a claimant shall not be required to establish three consecutive weeks of eligibility following the first week of unemployment in order to receive unemployment benefits for the first week.

An order adopting this rule was filed and became effective on February 7, 1977, as R.1977 d.30 (Exempt, Emergency Rule). Take notice that this is a temporary rule not subject to codification and will not appear in Title 12 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

**Proposed Revisions for Schools, Colleges
Or Institutions of Chiropractic Education**

I. Edward Ornaf, Secretary of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to revise a rule concerning schools, colleges or institutions of chiropractic education.

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

13:35-1.4 [Acceptable schools] **Approving educational institutions of chiropractic**

Acceptable schools, institutions or colleges teaching chiropractic may include schools, colleges or institutions approved by the [American] Council on Chiropractic Education [of the American Chiropractic Association]. However, this does not preclude inspection by the Board before final approval of such school, college or institution.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before March 31, 1977, to:

I. Edward Ornaf, M.D.
Secretary, Board of Medical Examiners
28 West State Street
Trenton, N.J. 08625
Telephone (609) 292-4843

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

I. Edward Ornaf
Secretary, Board of Medical Examiners
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS

Proposed Rule on Fees

Leonard Roth, secretary of the Board of Psychological Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-3.2 and 45:14b-13, proposes to adopt a new rule revising the existing fee schedule as set forth in N.J.S.A. 45:14b-21.

Full text of the proposed rule follows:

13:42-1.2 Fees

(a) Charges for examinations, licensures and other services are:

- | | |
|---|-------------------|
| 1. Application fee: | \$30.00; |
| 2. Examination fee: | \$40.00; |
| 3. Initial license fee—annual prorated to end of biennial period: | \$30.00 (annual); |
| 4. License renewal fee, biennial: | \$60.00; |
| 5. Late renewal fee—plus renewal fee: | \$20.00; |
| 6. Reinstatement fee—plus renewal fee: | \$60.00. |

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

Leonard Roth, Secretary
Board of Psychological Examiners
1100 Raymond Boulevard
Room 331
Newark, New Jersey 07102

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

Leonard Roth
Secretary
Board of Psychological Examiners
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

Proposed Revisions on Use of General Anesthesia

Walter F. Sloan, President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:6-1 et seq., proposes to adopt revisions to the rule concerning use of general anesthesia.

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

13:30-8.3 Use of general anesthesia

(a) The use or employment of general anesthesia in the private office of a dentist without first having met the minimum standards of training and procedure as stated herein constitutes gross and willful malpractice or neglect in the practice of dentistry.

[(b) General anesthesia consists of the use of any drug, element or other material which results in the elimination of all sensations accompanied by a state of unconsciousness.]

(b) General anesthesia consists of the deliberate use of any drug, combination of drugs, element or other material with the specified intent to induce a loss of sensation and consciousness.

(c) General provisions concerning use of general anesthesia are:

1. No dentist shall employ or use general anesthesia on an outpatient basis for dental patients unless such dentist possesses a permit or authorization issued by the State Board of Dentistry. The dentist holding such permit shall be subject to review, and such permit shall be renewed biennially.

2. In order to receive such a permit the dentist shall apply on an official application form and submit certified proof that he or she:

i. Has completed a minimum of three years post-doctoral training in oral surgery, or a minimum one-year training course in anesthesiology; or

[ii.] (1) Is a diplomate in oral surgery or is board eligible in oral surgery; or

[iii.] (2) Is a fellow of the American Dental Society of Anesthesiology[,] or is a member of the American Society of Oral Surgeons [and] or is a member of the New Jersey Society of Oral Surgeons; or

[iv.] (3) Has administered general anesthesia on a regular routine basis in his every day practice during the three-year period next preceeding the effective date of this rule, and thereafter completes not less than [30 hours] 300 credit points of refresher courses in general anesthesia as prescribed by the Board and presented by an accepted program in a suitable institution within two years of promulgation of this rule[.]; and

[v.] ii. Employs sufficient personnel (as deemed by the Board) to assist in monitoring the patient under general anesthesia who are certified by the permit holder as being trained in and capable of monitoring vital signs, and of assisting in emergency procedures[.]; and

[vi.] iii. Possesses basic equipment and supplies to deal with emergency situations, which equipment and supplies shall be readily accessible and in good order. This shall consist of no less than the list that shall be supplied by the Board.

(d) This certificate shall be renewed biennially upon proof being submitted to the Board that the holder has completed at least [ten hours] 100 credit points every two years of continuing education courses devoted to general anesthesia and approved by the Board.

(e) Prior to the administration of an anesthetic agent for the purpose of controlling pain, [a complete medical history, which shall include previous medications, allergies and sensitivities,] a physical evaluation shall be made by the permit holder and a complete medical history, which shall include previous medications, allergies and sensitivities shall be obtained. Said history shall be maintained in the files of each dentist for a period of not less than three years succeeding the taking of same. Specific records on use of general anesthesia shall be kept [separately] and shall include type of agent, dosage and duration[,] [personnel in assistance, the time when consciousness is regained and the reason for the use of general anesthesia].

(f) Noncompliance with these rules or administering general anesthesia without first registering with the Board subjects the licensee to suspension or revocation of his or her license to practice dentistry.

(g) A dentist who works in conjunction with a permit holder or a trained M.D. or D.O. who is a member of the anesthesiology staff or an accredited hospital, provided that such anesthesiologist shall remain on the premises of the dental facility until any patient given [a] general anesthesia regains consciousness, shall not be deemed to be practicing general anesthesia.

(h) Credit points shall be specified by the Board for the following areas:

1. PSRO;
2. Teaching;
3. Lectures;
4. Seminars;
5. Clinical experience;
6. Or other methods approved by the Board.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Board of Dentistry
150 East State Street
Trenton, New Jersey 08608

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

Walter F. Sloan
President
Board of Dentistry
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF BEAUTY CULTURE CONTROL

Revisions to Various Rules

On December 15, 1976, Richard G. Griswold, Executive Secretary of the Board of Beauty Cultural Control in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:4A-16 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:28-1.3 et seq. concerning the rules of the Board of Beauty Culture Control, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 530(a).

An order adopting these revisions was filed and became effective on February 10, 1977, as R.1977 d.34.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND TECHNICIANS

Revisions on Temporary Addresses

On February 2, 1977, Robert C. Troast, President of the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:33-1.25 concerning temporary addresses, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 26(a).

An order adopting these revisions was filed and became effective on February 22, 1977, as R.1977 d.42.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Revisions for Telephone Service

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 et seq., proposes to adopt revisions to its rules concerning telephone service. Take notice that a similar proposal on this subject was published October 9, 1975, at 7 N.J.R. 483(b). The current proposed revisions contain slight modifications from those originally proposed.

This proposal concerns the deletion of the current text of several Sections in Chapter 10 of Title 14 in the New Jersey Administrative Code and the adoption of new text therefor.

Full text of the proposed new rules follows:

14:10-1.2 Rate and special charges information

(a) Upon the request of any customer or applicant, each telephone utility shall provide an explanation of the rates, charges and provisions applicable to the service furnished or available to such customer or applicant, and shall take reasonable steps to provide any information and assistance necessary to enable him to obtain the most economical communications service conforming to his needs. The customer or applicant shall be advised as to alternative services available to meet his communications requirements in accordance with N.J.A.C. 14:11-7.4. Such information may include printed explanations of alternative services and rates. When requested, the telephone utility shall notify the applicant or customer of the minimum installation and service connection charge to be applied to his bill prior to undertaking any action and shall inform him of the estimated initial bill for local service.

(b) The customer shall be provided with an estimate of the charges where special charges not specifically set forth in a telephone utility's tariff are levied on the basis of actual cost for such items as extraordinary construction, maintenance or replacement costs or expenses, overtime work at the customer's request and special installations, equipment and assemblies for which the tariff does not prescribe a rate. This estimate need not be furnished if the customer specifically requests that the special equipment and services be provided before the charges for those services and equipment are available.

14:10-1.3 Business offices

(a) Business offices shall be staffed to provide customers and others with convenient access to qualified personnel, including supervisory personnel where warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customer's bills, adjust charges made in error and to generally act as the representative of the telephone utility. If one business office serves several communities, toll free calling from such communities will be provided.

(b) Business offices will be open during normal working hours of the telephone utility's normal work week in the area being served and at such other times and such other places as may be warranted by circumstances.

(c) Qualified personnel will be instructed to be courteous, considerate, efficient, and available to promptly serve those who contact the business office.

14:10-1.4 Public information

(a) Access to the following information shall be made available at the business office upon request:

1. Maps showing exchange, base rate area and zone boundaries (if applicable) in sufficient size and detail from which most customer locations can be determined and mileage or zone charges quoted.

2. Information concerning plans for major service changes in the area served by the business office.

14:10-1.5 Directories

(a) Telephone directories shall be published regularly, listing the name, location and telephone number of all customers, except telephone service not published at customer's request and public telephones.

(b) Upon issuance, a copy of each directory shall be distributed to all customers within the service area covered by the directory and a copy of each directory shall be furnished to the Board.

(c) The name of the telephone utility, the area included in the directory, and the month and year of issue shall appear on the cover.

(d) Data pertaining to emergency numbers shall be conspicuously listed in the front part of the directory pages which shall include space for the customer to list emergency numbers, including those of gas, electric and water companies.

(e) The opening pages of the directory shall contain a conspicuous notice advising customers that should the company fail to satisfactorily resolve telephone service or billing problems, customers may refer their problems to the Board. The address of the Board shall be shown.

(f) The directory shall contain instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location and telephone numbers of telephone company business offices as may be appropriate to the area served by the directory. Rate schedules or representative rates for toll calls shall be included.

(g) Directory assistance operators shall maintain records of all telephone listings (except those not published at customer request) in the area for which they are responsible for furnishing directory assistance service.

(h) Each telephone company shall list its customers in the directory assistance directory as necessary for the directory assistance operators to provide the requested telephone numbers (except those not published at customer request) based on customer name and location to minimize "not found" numbers.

(i) In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the directory assistance or intercept operators and the correct number furnished the calling party either upon request or interception.

(j) Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a reasonable period of time and give the calling party the new number provided existing central office equipment will permit, and the customer so desires.

(k) When telephone utility operations necessitate a large group of number changes, reasonable notice shall be given to all customers so affected even though the addition or changes may be coincident with a directory issue.

14:10-1.6 Held applications

(a) During such period of time as the telephone utility may not be able to supply regular telephone service to an applicant within 5 working days or upgrade an existing customer within 30 days or provide special communication service within a reasonable period after the date applicant desires service, the telephone utility shall keep a record by business office showing the name and address of each applicant for service, the date of application, date service was desired, class and grade of service applied for, together with the reason for the inability to provide the new or higher grade service to the applicant.

(b) When, because of shortage of facilities, a telephone utility is unable to supply main telephone service on dates requested by applicants, priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the Board may require establishment of a priority plan subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

(c) Where a previously provided date for service installation cannot be met by the telephone utility, every reasonable effort shall be made to advise the customer of the reason for the delay, interim service available, and probable date the requested service will be provided.

14:10-1.7 Customer complaints and trouble reports

(a) Each telephone utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints.

(b) Every reasonable effort shall be made to clear line-out-of-service troubles not requiring unusual repairs, such as cable failures, within 24 hours of the time a report is received by the company. When such reports are received during a period when a telephone utility does not have repair personnel scheduled to work, or on Sundays or holidays, every reasonable efforts shall be made to clear such line-out-of-service troubles within the same period, provided the service involved is essential to the general public welfare, or the service is required by reason of unusual emergent conditions and demand is made for prompt restoration.

(c) Except when unavoidable, all commitments to customers shall be kept. Every reasonable effort shall be made to notify customers of unavoidable changes. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

14:10-1.8 Public telephone

In each exchange the telephone utility shall have at least one coin telephone available to the public at all hours, prominently located and properly maintained, equipped with dialing instructions, and lighted at night.

14:10-1.9 Adequacy of service

(a) Each telephone utility shall make traffic studies and maintain records as required to determine that sufficient equipment and an adequate operating force are provided at all times.

(b) Each telephone utility shall employ recognized procedures to determine the adequacy of service provided for customers.

(c) Where service is found to be inadequate, the telephone utility shall immediately institute corrective measures to return that service to an adequate condition.

(d) The telephone utility shall employ prudent management and engineering practices, including the employment of reliable procedures for forecasting future demand for service, conduct studies and maintain records to the end that reasonable margins of facilities and adequate personnel are available with the objective that service will meet all standards prescribed by the Board.

14:10-1.10 Service standards

(a) These standards establish service levels which should generally be provided by a telephone utility. Failure to attain these levels does not by itself indicate poor service and the liability of the telephone utility to its customers or other persons using its facilities for any such failure shall be governed by the applicable provisions of its tariff. Each telephone utility shall make measurements to determine the level of service for each item included in these standards. Each telephone utility shall provide the Board or its staff with the measurements and summaries thereof for any of the items included herein on request of the Board or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the Board and monthly reports on all service measurements may be required by the Board. When a utility fails to meet any of the minimum service levels listed below in a reporting entity for three consecutive months the service data for the standard not met in that entity shall be reported to the Board.

(b) The following are the minimum service levels referred to in subsection (a) of this Section:

1. Installation of service:

i. Seventy-five per cent of regular service installations shall be completed within 5 working days, unless a later date is requested by the applicant. The interval commences with the receipt of the application.

ii. Eighty-eight per cent of the commitments to customers, with the exception of customer-caused delays, as to the date of installation of regular service, shall be met.

iii. A regrade request shall be filled no later than 30 days after the customer has made application for a different grade of service except where the customer requests a later date. In the event the telephone utility is unable to so fill such an order, the customer will be advised and furnished the date or approximate date the order will be filled.

2. Operator handled calls: Each telephone utility shall maintain adequate personnel to provide an average operator answering performance as follows on a monthly basis:

i. Eighty-five per cent of repair service calls shall be answered within 20 seconds or equivalent.

ii. Eighty-five per cent of toll assistance operator calls shall be answered within ten seconds or equivalent.

iii. Seventy-eight per cent of Directory Assistance calls shall be answered within ten seconds or equivalent.

Note: An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept the information necessary to process the call. An acknowledgement that the customer is waiting on the line shall not constitute an "answer".

3. Dial service: Sufficient central office capacity and equipment shall be provided to meet the following requirements:

i. Ninety-five per cent of dialed local calls shall be completed without encountering an all trunk busy or equipment irregularity.

(Continued on Page 27)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, covering all rules adopted through February 24. It is adjusted the month following that in

which a mailing of update pages has been completed.

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

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
AGRICULTURE — TITLE 2			
2:34-1.1	Revisions on breeder award levels	R.1976 d.379	9 N.J.R. 2(a)
2:48 through 2:53	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.31	9 N.J.R. 110(b)
2:85-1.1 et seq.	Farmland preservation demonstration project	R.1977 d.20	9 N.J.R. 62(b)
2:85-1.1 et seq.	Ratify prior adoption of rules on farmland preservation	R.1977 d.33	9 N.J.R. 110(c)
(Rules in the Administrative Code for Title 2 include all adoptions prior to Nov. 15, 1976—Transmittal Sheet No. 9.)			
BANKING — TITLE 3			
3:1-1.1	Revised interest rates	R.1976 d.404	9 N.J.R. 4(a)
3:11-3.1	Revisions on small business investment co.	R.1976 d.416	9 N.J.R. 4(b)
3:11-3.1 et seq.	Revisions on small business investment companies	R.1977 d.23	9 N.J.R. 112(c)
(Rules in the Administrative Code for Title 3 include all adoptions prior to Nov. 16, 1976—Transmittal Sheet No. 8.)			
CIVIL SERVICE — TITLE 4			
(Rules in the Administrative Code for Title 4 include all adoptions prior to Nov. 16, 1976—Transmittal Sheet No. 9.)			
COMMUNITY AFFAIRS — TITLE 5			
5:30-15.1	Procedures for municipalities to exceed caps	R.1976 d.384	9 N.J.R. 10(a)
(Rules in the Administrative Code for Title 5 include all adoptions prior to Nov. 22, 1976—Transmittal Sheet No. 7.)			
EDUCATION — TITLE 6			
6:3-3.1 et seq.	Rules on withdrawal from limited purpose regional school districts	R.1976 d.286	8 N.J.R. 458(a)
6:11-4.1	Repeal rule on regular certificate	R.1977 d.6	9 N.J.R. 68(a)
6:11-4.6	Revisions on two-month certificates	R.1977 d.26	9 N.J.R. 114(a)
6:11-8.8	Amendments on bilingual bicultural education	R.1976 d.289	8 N.J.R. 459(b)
6:11-8.9	Amendments on teaching English as a second language	R.1976 d.288	8 N.J.R. 459(a)
6:11-12.24	Teacher-coordinator of cooperative vocational-technical program	R.1976 d.294	8 N.J.R. 459(c)
6:20-7.1 et seq.	Rules on debarment in contract administration	R.1976 d.388	9 N.J.R. 13(a)
6:21-1.3(a)	Revised definition of remote from the schoolhouse	R.1976 d.342	8 N.J.R. 546(b)
6:21-6.24(f)	Amendment on identification and warning lamps	R.1976 d.387	9 N.J.R. 12(c)
6:21-19.1	School bus warning lamps (strobe)	R.1976 d.386	9 N.J.R. 12(b)
6:24-1.1 et seq.	Revised rules on controversies and disputes	R.1976 d.308	8 N.J.R. 505(b)
6:26-3.1 et seq.	Approved public elementary summer schools	R.1976 d.365	8 N.J.R. 546(c)
6:27-3.1 et seq.	Revisions on approved secondary school summer sessions	R.1976 d.366	8 N.J.R. 546(d)
6:27-3.1	Revisions on operation of approved secondary school summer sessions	R.1977 d.28	9 N.J.R. 114(c)
6:39-1.2(g)	Revisions on dissemination of information	R.1977 d.27	9 N.J.R. 114(b)
(Rules in the Administrative Code for Title 6 include all adoptions prior to Aug. 13, 1976—Transmittal Sheet No. 8.)			
ENVIRONMENTAL PROTECTION — TITLE 7			
7:1-5.1 et seq.	Farmland preservation demonstration project	R.1977 d.20	9 N.J.R. 62(b)
7:1D-1.1 et seq.	Debarment, suspension and disqualification from contracting	R.1976 d.318	8 N.J.R. 510(c)
7:7A-1.13(a)	Extend wetlands order to Middlesex and Monmouth Counties	R.1976 d.364	8 N.J.R. 548(c)
7:9-4.6, 4.7, 4.9	Revise surface water quality standards	R.1976 d.349	8 N.J.R. 548(a)
7:12-1.3(a)39	Revised rules on condemnation of shellfish beds	R.1976 d.372	8 N.J.R. 548(b)
7:13-1.11(d)9.	Amendment on delineated floodways in Raritan Basin	R.1976 d.317	8 N.J.R. 510(b)
7:25-7.12	Restricted access to Lake Musconetcong	R.1976 d.348	8 N.J.R. 547(c)
7:25-11.2 through 7:25-11.4	Criteria for possession of endangered wildlife	R.1977 d.39	9 N.J.R. 118(c)
7:25-12.1	Revisions in preservation of seaclam resources	R.1976 d.427	9 N.J.R. 77(b)
7:25-13.1	Marking of leased tidal grounds in the Delaware River and Bay	R.1977 d.16	9 N.J.R. 78(a)

7:26-2.5, 2.13, 3.4	Revision on sanitary landfills	R.1976 d.303	8 N.J.R. 509(a)
7:26-4.1 et seq.	Revised fees of the Bureau of Solid Waste Management	R.1976 d.327	8 N.J.R. 510(d)
7:27-15.4	Emergency revisions in automobile air pollution controls	R.1977 d.1	9 N.J.R. 77(c)
Temporary	Amendments to 1976 Game Code limiting lead pellet shotgun shells	R.1976 d.307	8 N.J.R. 509(b)
Temporary	1977 Fish Code	R.1976 d.316	8 N.J.R. 510(a)

(Rules in the Administrative Code for Title 7 include all adoptions prior to Sept. 27, 1976—Transmittal Sheet No. 7.)

HEALTH — TITLE 8

8:22-1.13	Revisions on occupancy limits in campgrounds	R.1977 d.22	9 N.J.R. 81(b)
8:30-12.2(f)	Amendments on fire detection systems in nursing homes	R.1976 d.420	8 N.J.R. 18(d)
8:31-6.1	Determination of health care facilities	R.1977 d.43	9 N.J.R. 119(a)
8:31-9.1 et seq.	Standards and general criteria for planning of computerized axial tomography units	R.1977 d.44	9 N.J.R. 120(a)
8:31-16.16	Patient origin studies data	R.1977 d.45	9 N.J.R. 120(b)
8:31-22.1	Revisions on doctors' offices owned and/or sponsored by and serving health care facilities	R.1977 d.46	9 N.J.R. 120(c)
8:31-23.1(a)	Revisions on parking garages owned and/or sponsored by health care facilities	R.1977 d.47	9 N.J.R. 120(d)
8:31-24.1(a)	Revisions in design and construction of interns, residents and nurses housing facilities	R.1977 d.48	9 N.J.R. 120(e)
8:31A-10.4	Rule on distribution of net worth or surplus	R.1977 d.49	9 N.J.R. 120(b)
8:31-26.1	Ownership or operation of health care facilities	R.1977 d.21	9 N.J.R. 81(a)
8:37-12.13(d)	Amendments on fire detection systems for intermediate care	R.1976 d.417	9 N.J.R. 18(a)
8:42-2.1	Revised definition of food service supervisory or dietary assistant	R.1976 d.356	8 N.J.R. 550(d)
8:43A-1.10(r)	Amendments on fire detection system in hospitals	R.1976 d.419	9 N.J.R. 18(c)
8:43A-1.67	Rules on emergency and disaster procedures	R.1976 d.357	8 N.J.R. 551(a)
8:43A-1.66(g)	Revisions concerning ambulatory care facilities	R.1977 d.50	9 N.J.R. 121(a)
8:43B-3.2(a)	Amendments concerning fire protection and safety	R.1977 d.51	9 N.J.R. 121(b)
8:43B-3.2(i)	Rules on facilities providing family practice	R.1976 d.358	8 N.J.R. 551(b)
8:65-9.1 et seq.	Delete and mark subchapter Reserved	R.1976 d.376	9 N.J.R. 17(b)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.355	8 N.J.R. 550(c)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.418	9 N.J.R. 18(b)

(Rules in the Administrative Code for Title 8 include all adoptions prior to Nov. 1, 1976—Transmittal Sheet No. 6.)

HIGHER EDUCATION — TITLE 9

9:1-1.18(c)	Standards for courses offered in secondary schools	R.1976 d.389	9 N.J.R. 19(a)
9:4-3.20	Revisions on spacing of purchase order	R.1977 d.15	9 N.J.R. 81(d)
9:4-3.24	Delete and Reserve section	R.1977 d.15	9 N.J.R. 81(d)
9:9-1.3	Revisions on loan amounts	R.1976 d.385	9 N.J.R. 18(e)

(Rules in the Administrative Code for Title 9 include all adoptions prior to Dec. 1, 1976—Transmittal Sheet No. 7.)

HUMAN SERVICES — TITLE 10

10:49-1.25	Revisions on temporary fees reduction regarding Medicaid	R.1977 d.12	9 N.J.R. 91(a)
10:49-1.31	Procedures for involuntary transfer of patients	R.1977 d.62	9 N.J.R. 126(e)
10:49-1.33	New Jersey Medicaid Formulary	R.1977 d.36	9 N.J.R. 125(c)
10:51-1.4, 1.5	Revisions on Federally required prescription information	R.1976 d.414	9 N.J.R. 23(f)
10:51-1.7 et seq.	Revisions to various Manual concerning elimination of certain prior authorization requirements	R.1977 d.38	9 N.J.R. 125(d)
10:51-1.10(d)	Revisions on pharmacy dispensing fees	R.1977 d.11	9 N.J.R. 90(c)
10:59-1.9(c)	Ownership of durable medical equipment	R.1977 d.14	9 N.J.R. 91(b)
10:81-2.2, 3.8	Revisions concerning pregnant women	R.1976 d.408	9 N.J.R. 23(c)
10:81-7.40 et seq.	Revisions on fraudulent receipt of assistance	R.1977 d.9	9 N.J.R. 90(b)
10:82-1.2(c)2	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(a)
10:82-1.3(a)2.	Revision concerning eligible unit	R.1976 d.407	9 N.J.R. 23(b)
10:82-2.15, 2.16	Recoupment of overpayments	R.1977 d.55	9 N.J.R. 125(e)
10:82-2.19	Institutionalized child returning temporarily to home	R.1976 d.409	9 N.J.R. 23(d)
10:82-3.2	Revisions on exempt resources	R.1977 d.56	9 N.J.R. 126(a)
10:82-4.2	Revisions on self-employed	R.1976 d.410	9 N.J.R. 23(e)
10:82-4.6	Revisions on value of home produce	R.1977 d.56	9 N.J.R. 126(a)
10:82-4.12	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(c)
10:82-5.11	Revisions on expenses incident to training	R.1976 d.405	9 N.J.R. 22(b)
10:87-4.8 and 4.9	Revision on food stamp eligibility	R.1977 d.58	9 N.J.R. 126(c)
10:87-6.41(a)	Revisions on repayment of food stamp overissuances	R.1977 d.59	9 N.J.R. 126(d)
10:94-4.31(a)	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:94-4.41	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:122-2.3	Revisions for child care licensing	R.1977 d.24	9 N.J.R. 125(b)

(Rules in the Administrative Code for Title 10 include all adoptions prior to Dec. 8, 1976—Transmittal Sheet No. 7.)

INSURANCE — TITLE 11

11:1-5.3	Withdrawal of rule on surcharge	R.1977 d.17	9 N.J.R. 93(a)
11:1-7.1 et seq.	Service and placement fees	R.1976 d.266	8 N.J.R. 422(b)
11:1-8.1 et seq.	Property-casualty agents	R.1976 d.267	8 N.J.R. 423(a)
11:1-12.1 et seq.	Corporate and partnership licensee requirements	R.1976 d.412	9 N.J.R. 24(b)
11:3-8.1(g)	Rule on consent to nonrenewal of private passenger auto coverage	R.1976 d.328	8 N.J.R. 516(e)
11:3-8.1(b), 8.1(c)	Revisions on nonrenewals	R.1976 d.413	9 N.J.R. 24(c)
11:3-10.4	Revisions on auto physical damage claims	R.1976 d.371	8 N.J.R. 559(c)
11:4-11.1 et seq.	Rules on life insurance solicitations	R.1976 d.329	8 N.J.R. 517(a)
11:5-1.10(b)	Revisions on salesmen's commissions	R.1976 d.254	8 N.J.R. 422(a)
11:5-1.15(e)	Area advertising	R.1976 d.276	8 N.J.R. 482(a)
11:5-1.25(a)	Revisions on sales of interstate properties	R.1976 d.275	8 N.J.R. 516(d)
11:5-1.25(h)	Amendments on sales of interstate properties	R.1977 d.35	9 N.J.R. 127(b)
Temporary	Rule on final hospital payment rates; cost review	R.1977 d.18	9 N.J.R. 93(b)

(Rules in the Administrative Code for Title 11 include all adoptions prior to August 13, 1976—Transmittal Sheet No. 7.)

LABOR AND INDUSTRY — TITLE 12

(Rules in the Administrative Code for Title 12 include all adoptions prior to Oct. 25, 1976—Transmittal Sheet No. 6.)

LAW AND PUBLIC SAFETY — TITLE 13

13:27-3.4	Revisions on licensing	R.1976 d.423	9 N.J.R. 41(b)
13:28-1.3 et seq.	Revisions to rules of Board of Beauty Culture	R.1977 d.34	9 N.J.R. 129(a)
13:30-8.2	Additional dental hygiene functions	R.1976 d.353	8 N.J.R. 561(a)
13:30-8.3	Rule on use of general anesthesia by dentists	R.1976 d.367	8 N.J.R. 561(b)
13:30-8.4	Announcement of practice in special area of dentistry	R.1976 d.370	8 N.J.R. 562(a)
13:30-8.5	Complaint review procedure	R.1976 d.422	9 N.J.R. 41(a)
13:31-1.10	Rule on electrical contracting	R.1976 d.369	8 N.J.R. 563(a)
13:33-1.25	Revisions on temporary addresses	R.1977 d.42	9 N.J.R. 129(b)
13:35-8.24	Rule concerning fee schedules	R.1977 d.7	9 N.J.R. 94(c)
13:37-1.1	Revised definition of professional nursing	R.1976 d.368	8 N.J.R. 575(a)
13:37-9.6	Waivered practical nurses licensure by examination	R.1976 d.411	9 N.J.R. 26(c)
13:45A-2.1 et seq.	Revisions on motor vehicle advertising rules	R.1976 d.362	8 N.J.R. 563(b)
13:47E-2.1	Retention of public or certified weighing records	R.1976 d.421	9 N.J.R. 26(d)
13:57-1.1 et seq.	Rules on uniform crime reporting systems	R.1976 d.397	9 N.J.R. 26(b)
13:70-4.1	Revisions to harness and thoroughbred racing rules	R.1977 d.8	9 N.J.R. 94(d)
13:71-7.1, 7.13	Revisions to harness and thoroughbred racing rules	R.1977 d.8	9 N.J.R. 94(d)

(Rules in the Administrative Code for Title 13 include all adoptions prior to Nov. 8, 1976—Transmittal Sheet No. 8.)

PUBLIC UTILITIES — TITLE 14

14:5-7.1 et seq.	Delete entire text of Subchapter	R.1977 d.37	9 N.J.R. 139(a)
14:5-7.1 et seq.	Delete rules on electrical inspection authorities	R.1977 d.37	9 N.J.R. 139(a)

(Rules in the Administrative Code for Title 14 include all adoptions prior to Aug. 13, 1976—Transmittal Sheet No. 6.)

STATE — TITLE 15

15:10-3.1 et seq.	Rules on all election district maps	R.1976 d.375	9 N.J.R. 42(b)
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(Rules in the Administrative Code for Title 15 include all adoptions prior to Nov. 15, 1976—Transmittal Sheet No. 8.)

TRANSPORTATION — TITLE 16

16:28-1.33	Revised speed zones on Route 41	R.1976 d.380	9 N.J.R. 42(c)
16:28-1.49	Revised speed zones on parts of Route 35	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.66	Revised speed zones on Route 175	R.1976 d.380	9 N.J.R. 42(c)
16:28-1.132	Revised speed zones on parts of Route 47	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.133, 1.134	Delete and mark Reserved	R.1976 d.351	8 N.J.R. 582(a)
16:28-3.123	Restricted parking on parts of Routes 24, U.S. 202 and 27	R.1976 d.352	8 N.J.R. 582(b)
through 16:28-3.127			
16:28-3.128	Restricted parking on Routes 82, 28 and U.S. 9	R.1976 d.382	9 N.J.R. 43(a)
through 16:28-3.130			
16:28-3.135, 3.136	Restricted parking on various State highways	R.1977 d.2	9 N.J.R. 99(a)
16:28-6.14	No left turns on Route 35 in Matawan Township	R.1976 d.381	9 N.J.R. 42(d)
16:28-6.15	Left turns on parts of Route 171	R.1977 d.3	9 N.J.R. 99(b)
16:28-3.131	Restricted parking on various State highways	R.1977 d.4	9 N.J.R. 99(c)
through 16:38-3.134			
16:28-11.1	Drawbridge use on Route 52	R.1977 d.5	9 N.J.R. 99(d)
16:28-12.1 et seq.	No right turns on red signal on various State roads	R.1977 d.10	9 N.J.R. 100(a)
16:28-14.1	Speed limits on State highways under construction or repairs	R.1977 d.60	9 N.J.R. 142(a)
16:41-8.4, 8.6	Revised general restrictions	R.1976 d.350	8 N.J.R. 581(b)
16:55-1.1 et seq.	Revised rules on aeronautical activities	R.1977 d.52	9 N.J.R. 141(a)

(Rules in the Administrative Code for Title 16 include all adoptions prior to Nov. 8, 1976—Transmittal Sheet No. 7.)

(Continued from Page 23)

ii. Ninety-five per cent of originating direct distance dialing calls shall reach the toll network without experiencing blockage or failure.

4. Customer trouble reports: The average rate of customer trouble reports shall not be in excess of 8.0 per 100 telephones per month.

5. Transmission requirements: All customer loops shall meet the resistance design standards and trunk facilities shall conform to the transmission design factors required for meeting the objectives of direct distance dialing.

(c) The following refer to reports and records required in subsection (a) and the standards set forth in subsection (b) of this section:

1. Record keeping and reporting are to be in accordance with the following table:

Service Measure	Reporting Unit and Minimum Reporting Size
Held Primary Service Orders	Plant installation district or business office
Installation Commitments	Plant installation district or business office
Held Regrade Service Orders	Plant installation district or business office
Toll Assistance Operator Answering Time	Traffic office handling toll assistance calls—average business day call volume of 2,000 or more.

Director Assistance Operator Answering Time	Traffic office handling directory assistance calls—average business day call volume of 2,000 or more.
Dialed Local Calls	Central office entity
Direct Distance Calls	Toll recording center or area
Customer Trouble Reports	Plant maintenance center — central office under 1,000 lines need not be included in performance reports.

2. Reports on all service measures except held orders shall set forth the following:

- i. Reporting unit name and further identification if name does not convey geographic location.
- ii. Service measure, level, and months being reported.
- iii. Cause of performance at the reported level. For installation commitments and customer trouble reports, indicate locations affected if cause is localized within a reporting unit.
- iv. Corrective action and completion date.

3. Reports on held primary and regrade service orders shall set forth the following:

- i. Reporting unit name and further identification if name does not convey geographic location.
- ii. Number of held orders or stations for each month of the quarter.

4. Data shall be compiled monthly and reported quarterly.

TREASURY-GENERAL — TITLE 17

17:1-1.18 et seq.	Revisions on general administration	R.1977 d.32	9 N.J.R. 147(c)
17:1-1.21 through 17:1-1.23	Rules for pensioners' group health insurance plan	R.1976 d.338	8 N.J.R. 586(b)
17:2-1.3	Revisions concerning officers and committees		
17:2-1.4	Rules on debarment, suspension and disqualification of persons	R.1976 d.383	9 N.J.R. 48(a)
17:2-2.14	Amendments on full monthly payments	R.1977 d.61	9 N.J.R. 148(a)
17:12-6.1 et seq.	Rules on bid and performance bonds	R.1976 d.377	9 N.J.R. 47(a)
17:12-6.4	Informalities in bidding	R.1977 d.40	9 N.J.R. 147(d)
17:12-6.5	Automatic rejection of bids	R.1977 d.41	9 N.J.R. 147(e)
17:12-7.1 et seq.	Revised temporary reserve group; classification of funds	R.1976 d.378	9 N.J.R. 47(b)
17:16-5.5	Revised rule on legal papers	R.1977 d.13	9 N.J.R. 100(d)
17:16-7.4		R.1976 d.401	9 N.J.R. 46(a)
17:16-8.2	Revised rule on legal papers	R.1976 d.402	9 N.J.R. 46(b)

(Rules in the Administrative Code for Title 17 include all adoptions prior to Oct. 25, 1976—Transmittal Sheet No. 7.)

TREASURY-TAXATION — TITLE 18

18:12-7.1 et seq.	Instructions on homestead tax rebate claims	R.1976 d.333	8 N.J.R. 582(c)
18:12-7.11	Extension of filing date	R.1976 d.339	8 N.J.R. 586(c)
18:24-9.12 et seq.	Revisions to rules on Sales and Use Tax Act	R.1977 d.29	9 N.J.R. 147(b)
18:30-2.1 et seq.	Revisions for capital gains and unearned income tax	R.1976 d.399	9 N.J.R. 49(a)
18:30-15.13	Delete and mark Reserved	R.1976 d.398	9 N.J.R. 48(b)
18:30-15.13	New rule on information furnished at source	R.1976 d.400	9 N.J.R. 48(c)
18:35-1.1	Summer payment plan; gross income tax	R.1976 d.415	9 N.J.R. 52(a)
18:35-1.2	Clergymen and gross income tax	R.1976 d.424	9 N.J.R. 52(b)
18:35-1.3	Declaration of 1976 estimated tax	R.1976 d.425	9 N.J.R. 52(c)
18:35-1.5	Information furnished at source payers other than interest	R.1977 d.19	9 N.J.R. 101(a)

(Rules in the Administrative Code for Title 18 include all adoptions prior to Aug. 13, 1976—Transmittal Sheet No. 7.)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revised rules of Mortgage Finance Agency	R.1977 d.53	9 N.J.R. 152(a)
19:6-1.2 et seq.	Revisions concerning District Building Code	R.1977 d.25	9 N.J.R. 150(a)
19:8-1.9	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:8-3.1	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)

(Rules in the Administrative Code for Title 19 include all adoptions prior to Nov. 1, 1976—Transmittal Sheet No. 7.)

14:10-1.11 Measuring devices

(a) When mechanical and/or electronic measuring and record keeping devices are used at the telephone utility's premises in connection with telecommunication service, the measured data and related customer records from which the customer's bills are prepared shall show:

1. Identifying number or means to determine readily the customer's name, address and service classification;
2. Measuring device readings;
3. Date of reading;
4. Multiplier or constant, if used.

(b) As nearly as practicable, measuring devices shall be read at intervals to correspond to customer billing periods.

(c) All measuring and/or record keeping devices used to record data and prepare customers' bills shall be in good mechanical and electrical condition, shall be accurately read and shall not involve approximations. All such devices shall accurately perform the following:

1. For message rate service, the device shall accumulate the number of message units used.
2. For toll service, when in addition to counting the calls, it is necessary to time the calls, the device shall show the number of calls and the chargeable time involved in each call.
3. Where the measuring equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.

14:10-1.12 Inspections, tests and maintenance

(a) Each telephone utility shall adopt a program of periodic tests, inspections and preventative maintenance aimed at achieving efficient operation of its system and the rendering of safe, adequate and proper service.

(b) The actual transmission performance of the telephone utility's system shall be monitored in order to determine if the established objectives and operating requirements are met. This monitoring function consists of circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of a sample of customer loops in each exchange, and special transmission surveys of the system.

(c) Each telephone utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities, both for routine maintenance and for trouble location.

(d) Each telephone utility shall maintain or have access to the necessary facilities, instruments, and equipment for testing its measuring and record keeping equipment and shall adopt appropriate practices for the periodic testing of such equipment.

(e) A record of all measuring device tests and adjustments and data sufficient to allow checking of the results shall be recorded. Such record shall include the identifying number of the device, its type, the date and kind of test, and the results of each test.

(f) Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and adequate service performance. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive routines or fault location tests to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise induction, cross-talk or poor transmission characteristics, shall be corrected to the extent practicable.

(g) A telephone utility shall not connect more customers on any line than are contemplated under the grade of service for which the customers on such line are charged.

(h) Telephone utilities shall, when requested, furnish appropriate information concerning location of underground facilities, in order to prevent any interruption of service to telephone customers. Nothing in this rule is intended to affect the responsibility, liability, or legal rights of any party under applicable laws or statutes.

14:10-1.13 Service interruptions

(a) Appropriate measures shall be taken to minimize service interruptions. Each telephone utility shall make provisions to meet emergencies resulting from failure of power, sudden and prolonged increases in traffic, absences of employees or from fire, storm, or similar contingencies. Each telephone utility shall inform its employees as to procedures to be followed in the event of such contingencies in order to prevent or mitigate interruption or impairment of service.

(b) Each central office shall contain sufficient battery reserve to keep the office operational until auxiliary power can be placed into service.

(c) In exchanges exceeding 5,000 lines, a source of permanent auxiliary power shall be installed.

14:10-1.14 Construction

(a) Telephone plant shall be designed, constructed, maintained, and operated in accordance with provisions of the current National Electrical Safety Code, the National Electrical Code, and such other appropriate regulations as may be prescribed.

(b) Telephone utilities shall not provide switching service to lines or facilities that do not meet standard technical criteria and shall eliminate nonconforming switching service.

14:10-1.15 Preservation of records

All records required to be kept shall be preserved for the period of time specified in the current edition of Part 42 of the Rules and Regulations of the Federal Communications Commission, entitled "Preservation of Records of Communication Common Carriers".

14:10-2.2 Itemization of toll charges

All toll charges shall be itemized so as to facilitate the customer identifying his calls.

14:10-2.3 Out-of-service refund

In the event the customer's service is interrupted otherwise than by the negligence or willful act of the customer and it remains out-of-service for a period of 24 hours or more after being reported to be out-of-service, appropriate adjustments or refunds shall be made upon request of the customer or automatically by the telephone utility if out-of-service beyond 72 hours after being reported or found.

14:10-2.4 Voluntary suspension

Communications service shall, at the request of a customer, be temporarily suspended. The suspension period may be for any period exceeding one month or such lesser period as specified in the tariff. Each telephone utility's tariff shall provide a suspension of service rate chargeable during such period.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Board of Public Utility Commissioners
101 Commerce St.
Newark, N.J. 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.

Joel R. Jacobson
President, Board of Public
Utility Commissioners
Department of Public Utilities

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Revisions Concerning Communications

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-12 et seq., proposes to adopt revisions to various rules concerning communications.

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

The Board proposes to revise N.J.A.C. 14:1-1.7, concerning communications. Full text of the revisions follows (deletions indicated in brackets [thus]; additions indicated in parentheses (thus)).

14:1-1.7(a) All pleadings, [formal papers and] correspondence and other papers should be addressed to the Secretary, Board of Public Utility Commissioners, [28 West State Street, Trenton, New Jersey 08625, and not to individual members of the Board's staff unless otherwise specifically authorized or directed by the Board] 1100 Raymond Boulevard, Room 208, Newark, New Jersey 07102 and copies of such correspondence should be directed to the hearing examiner and parties of record in formal matters.

14:1-1.7(b) All such [papers] (pleadings) and correspondence shall be deemed to be officially received when delivered at the office of the Board at [28 West State Street, Trenton, New Jersey] (1100 Raymond Boulevard, Room 208, Newark, New Jersey 07102) but a Commissioner or the Secretary or an Assistant Secretary of the Board may in his discretion receive papers and correspondence for filing.

14:1-4.3 Designation of other than parties

Persons opposing petitions or tariff schedules filed by public utilities shall be styled "objectors" unless permitted to intervene. Participation by "objectors" shall be limited to a statement of position under oath or affirmation which may be subject to cross-examination by the parties. Objectors shall not be entitled to notices of hearing and copies of pleadings and other documents as a matter of right.

14:1-6.5(a) If a petitioner seeks ex parte action [or the] granting [of] emergency relief pending full hearing, it shall [set forth] particularize the necessity [or emergency for such requested action] (for emergent action,) and it must be supported by affidavits sufficient to make [out] a prima facie case. An ex parte petition will only be considered by the Board where the public interest is subject to irreparable harm.

14:1-6.5(b) The [party presenting such a petition shall also present a draft of the decision or order proposed]

petitioner shall present a draft of the proposed order. The order shall state the terms upon which it may be dissolved. Where the method of giving notice is not already provided for in these rules, notice in advance shall be given if practical or otherwise required by these regulations for any party affected. There must be an attempt to communicate with any other interested party by telephone. The petitioner must certify by affidavit at the time of the application that other interested parties were served copies of the petition and draft order by certified mail.

14:1-8.4 Motions

All motions shall comply with the requirements of N.J.A.C. 14:1-5.1. In addition, copies of the motion shall be sent directly to the hearing examiner. The moving party is responsible for serving the motion on all parties.

14:1-8.5 Denial of motions

All motions shall be deemed denied if not decided within 60 days, after the filing thereof, whether referred to the Board or to be decided by the examiner. The Board or the hearing examiner may waive this rule on their own motion or for good cause shown by a party.

14:1-9.4 Copies of pleadings and documents

An intervenor shall receive copies of any exhibits presented at any hearings when the intervenor or his counsel is present at that hearing.

14:1-10.1 Place, [and] time and adjournments of hearings

(a) Notice in writing will be given by the Board to parties or their attorneys of record of the place, date and hour[s] of the initial hearing at least ten (10) days before the time set therefor, unless the Board shall find that public necessity requires a hearing to be held at an earlier date or on consent of all parties.

(b) Hearings shall be held as ordered by the Board [or] as scheduled by its Secretary or pursuant to authorized adjournments thereof.

(c) Where the hearing is presided over by a hearing examiner, he shall not adjourn a matter for more than 45 days without the approval of the Board or its designee.

(d) In any proceeding the Board may require a party to give notice of the hearing and its scope to persons who may be affected by the proceeding, which may include publication and posting of notice of hearing, at such party's expense, in such manner and for such time and in such newspapers as the Board may designate.

(e) Adjournments of scheduled hearings may be granted prior to the hearing by the hearing examiner if the applying party specifies that there is no objection by any party to the proceeding. In the event an objection is noted, the hearing examiner shall determine whether or not good cause exists for the requested adjournment.

(f) No adjournment shall be granted on the hearing date except for extraordinary reasons. When an adjournment is granted on a hearing date, the examiner shall state on the record the name of the person requesting the adjournment and the reason why the adjournment was requested. Costs resulting from an adjournment requested on the day of hearing may at the Board's discretion be assessed against the party requesting the adjournment.

14:1-15.3 Proposed form of order

In all matters which will result in an order by the Board, all parties shall file a proposed form of order unless specifically waived by the hearing examiner, or staff member to whom the matter is assigned.

14:1-15.4 Time

Proposed forms of order shall be served on all other parties and filed no later than the time allowed for the filing of briefs (regardless of a brief requirement in a particular situation). If said brief time cannot be determined, then proposed forms of order shall be served on all other parties and filed within the time designated by the Board or the hearing examiner.

14:1-15.5 Content

(a) Proposed finding of fact (reference shall be made to the transcript and/or exhibits).

(b) Proposed conclusions of law (reference shall be made to leading authority in New Jersey and optionally to leading authority from other jurisdictions).

(c) A statement of the relief to be granted or denied.

(d) This rule shall not apply in rule-making proceedings.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 1, 1977, to:

Ralph C. Caprico, Secretary
Board of Public Utility Commissioners
101 Commerce St.
Newark, N.J. 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.

Joel R. Jacobson
President, Board of Public
Utility Commissioners
Department of Public Utilities

(a)

PUBLIC UTILITIES

OFFICE OF CABLE TELEVISION

Notice of Inquiry Into Agreements Between Certain Utilities and Companies

Take notice that the Office of Cable Television in the Department of Public Utilities has issued the following Notice of Inquiry into agreements between certain utilities and companies.

Full text of the Notice follows:

John P. Cleary, Director of the Office of Cable Television in the Department of Public Utilities, pursuant to authority of N.J.S.A. 48:5A-9 and in accordance with applicable provisions of the Administrative Procedure Act, proposes an inquiry into the practices and operations of CATV companies and certain utilities under the provisions of Sections 20 and 21 of N.J.S.A. 48:5A-1 et seq., the Cable Television Act.

Take notice that an initial inquiry on this subject was published October 7, 1976, at 8 N.J.R. 483(d), and extensive comments were received.

A public hearing respecting this inquiry will be held on April 5, 6 and 7, 1977, at 10:00 A.M. at:

Office of Cable Television
101 Commerce Street
Newark, New Jersey 07102

The Director of the Office of Cable Television, with the approval of the Board of Public Utility Commissioners,

upon his own motion or at the instance of any interested party, may thereafter adopt an addition to the Rules of Practice and Procedure of the Office of Cable Television, N.J.A.C. 14:17-1 et seq., pursuant to appropriate provisions of the Administrative Procedure Act.

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

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Amendments Concerning Identification

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13, proposes to amend its rule concerning identification.

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

14:11-2.22 Identification

(a) No autobus shall be operated unless it displays on each side of its exterior in clearly visible letters at least 1½ inches in height the exact name of the owner.

(b) The name of lessee, if any, shall be displayed in like manner, preceded by the words, "operated by".

(c) Every autobus shall be assigned an identifying number by the utility. This number must be displayed on the interior front, and the front, rear and both sides of the exterior. Interior number shall be at least 1¾ inches in height. All exterior numbers shall be at least 3¾ inches and of a sharply contrasting color from the background.

(d) Each autobus shall have displayed on the right-hand side thereof the number of the Board's certificate of compliance in letters and figures two inches high in the following style: NJPUC 12345.

(e) Subsections (a) through (d) of this Section do not include limousines or van-type buses limited to 11 passengers and driver, as they will be identified by a PUC-LIM license plate furnished by the Division of Motor Vehicles.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 1, 1977, to:

Ralph C. Caprio, Secretary
Board of Public Utility Commissioners
1100 Raymond Boulevard
Newark, N.J. 07102
Attn.: J. Cronshey

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

Joel R. Jacobson
President, Board of Public
Utility Commissioners
Department of Public Utilities

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Procedural Rule Transferring Jurisdiction Over Electrical Inspections to Department of Community Affairs

On December 10, 1976, the Board of Public Utility Commissioners, pursuant to authority of P.L. 1975, c.217 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a resolution whereby, after January 1, 1977, all electrical inspectors and third-party electrical inspection agencies, presently under the jurisdiction of the Board of Public Utility Commissioners, will operate under authority of the Uniform Construction Code Act, subject to regulation by the Department of Community Affairs.

Since the Board has transferred its jurisdiction over electrical inspectors and electrical inspection agencies to the Department of Community Affairs, it will no longer enforce N.J.A.C. 14:5-7.1 et seq. and therefore such rules are null and void as of January 1, 1977, and will be deleted from Title 14 of the New Jersey Administrative Code.

An order adopting this transfer of jurisdiction and deletion of rules was filed and became effective on February 17, 1977, as R.1977 d.37 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking on Parts Of Routes U.S. 9 and N.J. 29 and 23

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking along portions of Routes U.S. 9 and N.J. 29 and 23.

Full text of the proposed rules follows:

16:28-3.143 Bus stops along Route U.S. 9 in Lakewood Township, Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9 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. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along the easterly (northbound) side of Route U.S. 9 far side bus stop:

- i. Tenth Street;
- ii. County Line Road.

2. Along the westerly (southbound) side of Route U.S. 9 near side bus stop: County Line Road;

3. Along the westerly (southbound) side of Route U.S. 9 far side bus stop: Tenth Street.

(b) All far side bus stops shall be 105 feet in length, all

near side bus stops shall be 120 feet in length; measured from the curb line of the intersecting street, or the prolongation of the curb line of the street which intersects, where the bus stop is established.

16:28-3.144 Route 29 in the Township of Hopewell, Mercer County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 29 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 along both sides of Route 29 between Ewing-Hopewell Townships corporate lines and Blue Ridge Road.

16:28-3.145 Route 23 in the Township of Wantage, Sussex County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 23 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 along both sides of Route 23 from the Hardyston Township-Wantage Township corporate line to the Borough of Sussex-Wantage Township corporate line.

Interested persons may present relevant statements or arguments in writing to the proposed action on or before March 30, 1977 to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions on Restricted Parking Along Various State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to delete in its entirety the current text of N.J.A.C. 16:28-3.102 concerning restricted parking on parts of Route U.S. 9 and adopt new text therein and also adopt new rules on restricted parking on parts of Routes 57, 47 and 27.

Full text of the proposed new rules follows:

16:28-3.102 Route U.S. 9 in the Township of Middle, Cape May County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9 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 along both sides of Route U.S. 9:

- i. From the northerly curb line of Pacific Avenue to a point 100 feet north therefrom;
- ii. From the southerly curb line of Romney Place to the southerly curb line of Orbit Drive;
- iii. From a point 150 feet south of the southerly curb line of Brooks Avenue to a point 450 feet north of the northerly curb line of Brooks Avenue.

16:28-3.146 Route 57 in the Township of Franklin, Warren County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 57 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 both sides of Route 57:

- (1) From a point 80 feet east of the easterly curb line of Asbury Road-Millbrook Road to a point 200 feet west of the westerly curb line of Asbury Road-Millbrook Road;
- (2) From Thatcher Avenue to Montana Road.

ii. Along the north side of Route 57 from the easterly curb line of Edison Road to a point 800 feet easterly therefrom.

16:28-3.147 Route 47 in the Township of Middle, Cape May County

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

1. No stopping or standing:

i. Along the northbound side of Route 47 from the center line of Route U.S. 9 to a point 430 feet north of the center line of New York Avenue;

ii. Along the southbound side of Route 47 from the northerly curb line of Indian Trail (Co. Rd. 585 Spur), Green Creek to a point 275 feet north therefrom.

16:28-3.148 Route 27 in the Township of South Brunswick, Middlesex County and the Township of Franklin, 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 along both sides of Route 27 from the northerly curb line of Old Road (north intersection) to the southerly curb line of Allston Road.

Interested persons may present relevant statements or arguments in writing to the proposed action on or before March 30, 1977 to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions on Speed Zones on Portions Of Routes U.S. 9, N.J. 47 and 181

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to revise certain rules concerning speed zones on portions of Routes N.J. 47 and 181 and U.S. 9.

The proposed revisions concern the deletion in its entirety of the current text of N.J.A.C. 16:28-1.126 and the adoption of new text therein plus the adoption of new rules cited as N.J.A.C. 16:28-1.166 and 16:28-1.167.

Full text of the proposed new rules follows:

16:28-1.126 Route 47 in Cumberland County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for the certain part of State Highway Route 47 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

1. Maurice River Township:

Mileposts

i. Zone 1: 50 mph between West Creek (also Cape May Co. Line) and 420 feet south of Whitney Point Road: 24.50 to 25.40;

ii. Zone 2: 45 mph between 420 feet south of Whitney Point Road and 560 feet north of Glade Road: 25.40 to 26.65;

iii. Zone 3: 50 mph between 560 feet north of Glade Road and 575 feet south of Ferry Lane: 26.65 to 33.25;

iv. Zone 4: 45 mph between 575 feet south of Ferry Lane and 500 feet north of Fries Mill Road: 33.25 to 34.15;

v. School Zone: 35 mph in the Maurice River Township Elementary School zone, during recess or while children are going to or leaving school, during opening or closing hours;

vi. Zone 5: 50 mph between 500 feet north of Fries Mill Road and Menantico Creek (also Millville City Line): 34.15 to 36.14;

2. City of Millville:

i. 50 mph between Menantico Creek also Maurice River Twp. Line) and 150 feet north of Lilac Avenue: 36.14 to 38.66;

ii. Zone 6: 40 mph between 150 feet north of Lilac Avenue and Whitall Avenue: 38.66 to 39.25;

iii. Zone 7: 35 mph between Whitall Avenue and Buck Street: 39.25 to 39.88;

iv. Zone 8: 30 mph between Buck Street and D Street: 39.88 to 40.60;

v. School Zone: 25 mph in the Culver School Zone, during recess or while children are going to or leaving school, during opening or closing hours;

vi. Zone 9: 35 mph between D Street and 300 feet north of Foundry Street: 40.60 to 40.90;

vii. Zone 10: 45 mph between 300 feet north of Foundry Street and City of Vine-land Line: 40.90 to 42.51

(a)

- 3. City of Vineland:
 - i. 45 mph between City of Millville Line and Chestnut Street: 42.51 to 46.05;
 - ii. Zone 11: 40 mph between Chestnut Street and Park Avenue: 46.05 to 46.92;
 - iii. Zone 12: 45 mph between Park Avenue and Oak Road: 46.92 to 47.70;
 - iv. Zone 13: 50 mph between Oak Road and Franklin Township Line (also Gloucester Co. Line): 47.70 to 51.93.

16:28-1.166 Route U.S. 9

Regulation LS-69-1 is hereby amended along Route U.S. 9 in the City of Absecon, Atlantic County, by establishing a 35 mph school speed limit within the Holy Spirit High School zone, during recess or while children are going to or leaving school, during opening or closing hours.

16:28-1.167 Route 181 in Morris and Sussex Counties

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route 181 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

- | | |
|--|-----------------|
| 1. Jefferson Township: | Mileposts |
| i. Zone 1: 40 mph between Weldon Road and Prospect Point Road: | 6.8 to 8.25; |
| ii. Zone 2: 45 mph between Prospect Point Road and the Jefferson Township-Hopatcong Borough line (Morris Co.-Sussex Co. line): | 8.25 to 8.45. |
| 2. Hopatcong Borough: | |
| i. 45 mph within corporate limits: | 8.45 to 8.6. |
| 3. Sparta Township: | |
| i. 45 mph between the Hopatcong Borough line and Blue Herron Road: | 8.6 to 10.25; |
| ii. Zone 3: 40 mph between Blue Herron Road and Birch Tree Lane: | 10.25 to 11.35; |
| iii. Zone 4: 35 mph between Birch Tree Lane and 800 feet south of Main Street: | 11.35 to 12.0; |
| iv. Zone 5: 30 mph between 800 feet south of Main Street and 800 feet north of Main Street: | 12.0 to 12.35; |
| v. Zone 6: 35 mph between 800 feet north of Main Street and Sparta-Newton Road (Rt. 517): | 12.35 to 12.65; |
| vi. Zone 7: 50 mph between Sparta-Newton Road (Rt. 517) and Route 15: | 12.65 to 14.2. |

Interested persons may present relevant statements or arguments in writing to the proposed action on or before March 30, 1977 to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

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

Alan Sagner
Commissioner
Department of Transportation

TRANSPORTATION THE COMMISSIONER

Revised Rules Concerning Licensing Of Aeronautical Activities

On February 23, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revised rules concerning the licensing of aeronautical activities, substantially as proposed in the Notice published December 9, 1976, at 8 N.J.R. 576(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Transportation.

A summary of the more pertinent substantive changes follows:

- a. Section 16:55-1.1 Policy
 - Title of this section changed to "Scope" and section rewritten in its entirety to:
 - (1) Describe more clearly what Chapter 55 does.
 - (2) Provide an exemption for flight instructors employed by licensed pilot school and mechanics employed by licensed repair facility.
 - (3) Advise licensees of their obligation to comply with legitimate rules and regulations of airport owners.
- b. Section 16:55-1.3 Definitions
 - (1) **Flying Club**
 - i. For mandatory licensing a flying club now must have five rather than three members.
 - ii. Sailplane and Glider Associations excluded.
 - iii. Three or four individuals may apply for flying club license.
 - (2) Added definitions of "Air Carrier", "Air Transportation", "Air Taxi Operator", and "Commuter Air Carrier".
- c. Aircraft Rental or Leasing
 - Excluded from this category leases where:
 - (1) Term of lease is six months or longer.
 - (2) Consideration paid for lease does not exceed cost of operating and maintaining aircraft during term of lease.
 - (3) Lessor retains no operational control, and lessee assumes responsibility for operation, and where lessor otherwise complies with Truth-In-Leasing provisions of FAR'S.
- d. Section 16:55-1.5
 - (1) Specified that no particular method of record keeping was required and that no change would be required in system of records customarily kept.
 - (2) Deleted requirement to provide evidence of control of federally certificated personnel.
 - (3) In most cases, deleted requirement to maintain record of take-off and landing times.
 - (4) Exempted those registered and operating in accordance with FAR Part 135 and/or FAR Part 298 from Air Taxi or Charter specific requirements.
 - (5) Exempted FAR Part 145 Repair Stations from Certified Aircraft Mechanics; Certificated Repair Stations specific requirements.
 - (6) Changed time for retention of a/c maintenance records to 90 days.

An order adopting these revised rules was filed and became effective on February 23, 1977, as R.1977 d.52.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION THE COMMISSIONER

Rules on Speed Limits on Roads Undergoing Construction

On February 24, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning speed limits on roads undergoing construction.

Full text of the adopted rules follows:

SUBCHAPTER 14. ROADS UNDER CONSTRUCTION OR REPAIRS; SPEED LIMITS

16:28-14.1 State highways

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the speed limit for any State Highway undergoing construction, major repairs or reconstruction shall during such period be deemed to have been modified whenever, based on an engineering and traffic investigation, regulatory speed limit signs bearing the modified maximum limit have been erected by the Commissioner of Transportation or his agent.

(b) Such modified speed limits shall supersede any existing or statutory regulations.

(c) Such modified speed limits shall cease to be effective when the period of construction, major repairs or reconstruction have been completed and the official signs have been removed. At that time, the speed limit shall revert to the speed limit in existence prior to the posting of the modified speed limit.

An order adopting these rules was filed and became Emergency Rule).
effective on February 24, 1977, as R.1977 d.60 (Exempt,
G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Proposed Revisions to Rules on Board Meetings, Compulsory Retirement and Medical Examinations

The Board of Trustees of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17 et seq., proposes to adopt revisions to its rules concerning board meetings, compulsory retirement and medical examinations.

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

17:2-1.1(a) The board of trustees shall meet on the third [Tuesday] Wednesday of each month or at such other time as may be deemed necessary by the board.

17:2-6.15(a)3. Such a member may be continued in employment and active membership beyond age 70 provided the appointing authority files a notice with the retirement system, at least 60 days prior to the member's scheduled compulsory retirement date, certifying the specific period of extended employment that has been approved:

i. Such period may not be [for] more than nor less than one year at a time, with the exception of an elected official.

17:2-6.26 Medical examinations; physicians

Where the statute prescribes that a physician shall be designated by the retirement system to perform a medical examination, such physician shall be selected from the current membership directory of the [New Jersey] Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the retirement system.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Division of Pensions
Department of the Treasury
20 West Front Street
Trenton, N.J. 08625

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

Clifford A. Goldman
State Treasurer
Department of the Treasury

(c)

TREASURY

DIVISION OF PENSIONS

Proposed Rules on State Prescription Drug Program

The Division of Pension in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., proposes to adopt new rules concerning the administration of the State Prescription Drug Program.

Full text of the proposed rules follows:

SUBCHAPTER 10. PRESCRIPTION DRUG PROGRAM

FOREWORD

The State Prescription Drug Program was initially made available to certain State employees pursuant to a contract which became effective on December 1, 1974. On November 1, 1976, the administration of the program was transferred to the Division of Pensions. The Prescription Drug Program covers all eligible State employees and dependents who are also eligible to participate in the State Health Benefits Program.

17:1-10.1 State Prescription Drug Program; comparable to State Health Benefits Program

In accordance with the guidelines issued by the State Health Benefits Commission under terms of Chapter 12, Public Law 1975 and as those guidelines establish eligibility for coverage, the opportunity for an annual enrollment period, continuation of coverage during a leave of absence without pay, and circumstances concerning the change in, or the termination of, coverage on a basis identical to that of the State Health Benefits Program as administered by the commission in accordance with the provisions of Chapter 49, Public Law 1961 as such apply to active State employees, the administration of the State Prescription Drug Program shall in all possible respects be identical to the State Health Benefits Program for such State employees. Any enrollment, application for a change or a termination of coverage in the State Health Benefits Program shall be considered for a comparable result in the State Prescription Drug Program, except for the lack of rights of conversion and coverage continued during an approved leave of absence without pay for illness of not more than three months (six biweekly pay periods). The annual enrollment period, or the effective date or the termination date of coverage in the State Health Benefits Program for State employees shall likewise pertain to the State Prescription Drug Program.

17:1-10.2 Prescription drug cards and booklets

(a) Identification cards and booklets must be reissued at least once in every contract year. Each such issue shall reflect the bargaining unit in which the State employee participates at the time the cards are to be duplicated. All other cards will be issued by the carrier during the contract year upon the initial enrollment or change of coverage. All cards and booklets will be distributed through the payroll and personnel officers. During the contract year, requests for the general booklet shall be made to the division. Upon termination of employment, payroll and personnel officers shall make every effort to obtain a return of the identification card.

(b) Applications for the replacement of cards will be accepted from those certifying a loss of their card or, in the case of divorce or separation, where coverage may be continued to a dependent.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Division of Pensions
Department of the Treasury
20 West Front Street
Trenton, N.J. 08625

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

Clifford A. Goldman
State Treasurer
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Revisions For Assessors, Collectors And County Tax Board Secretaries

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1976, c.72, proposes to revise various rules concerning assessors, collectors and County Tax Board secretaries.

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

18:12-7.1(c) 1. iii. An application for a homestead tax rebate shall be filed with the assessor of the taxing district on or before [November 1, 1976, and shall reflect the prerequisites for the rebate as of October 1, 1976.] **December 1 annually and reflect the prerequisites for rebate as of October 1, 1976, and on or before November 1 annually shall reflect the prerequisites for rebate on October 1 of the respective pretax year, except that a property owner who is first entitled to a rebate under the act by reason of the amendment to section 1 of P.L. 1976, c.72 (C. 54:4-3.80) shall on or before April 1, 1977 within 45 days from the date of the enactment of the amendatory act) file a rebate application. Payment of the full amount of the rebate for such claimants shall be made on or before October 1, 1977.**

2. Eligibility requirements:

i. Citizenship: The claimant must be a citizen of New Jersey. This does not mean that the claimant need hold United States citizenship. If the property owner resides in New Jersey and such State is his principal place of residence or his domicile, then he meets the test of New Jersey citizenship:

(1) In case of doubt, the following are some of the tests that may be applied to determine citizenship; motor vehicle registration address; drivers license address; Federal income tax return address; voting registration; and Social Security records.

ii. Ownership of property: The claimant must be the owner of the property for which the homestead tax rebate is claimed on October 1, of the pretax year (October 1, 1976, in order to qualify for the rebate to be received in 1977). The assessor may require that the claimant show proof of his full legal title;

(1) Where the title to the property is shared by the claimant with other owners, for example, as tenants in common or as joint tenants) he is entitled to a homestead tax rebate up to 50 per cent of his share of the net pretax year taxes. Unless some other situation is shown to exist, each participant in such arrangement is assumed to hold an equal share of the property. In no event, no more than the equivalent of one full homestead rebate in regard to such property shall be allowed in any year with respect to any dwelling house. A full homestead rebate shall be equivalent to the basic rebate plus no more than one additional rebate either for age, disability or a surviving spouse.

(2) Property held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but no more than one homestead rebate in regard to such property shall be allowed in any year.

(3) Property owned by a partnership is entitled to a homestead rebate based on the qualifying partner's interest.

(4) Property held by a guardian, trustee, committee, conservator or other fiduciary for any person who would otherwise be entitled to claim such rebate is entitled to a homestead rebate.

(5) Property [owner] owned by a corporation is not entitled to a homestead rebate.

(6) Entitlement to rebate also exists for:

(A) Property held by a tenant for life;

(B) Property held by a tenant under lease for 99 years or more;

(C) Property held by a person who is entitled to and actually takes possession of the land and dwelling house under an executory contract for a sale thereof; or

(D) Property held by a person who is entitled to and actually takes possession of the land and dwelling house under an agreement with a lending institution which holds title as security for a loan.

3. Residence: The claimant must meet two aspects of residence requirements:

i. Residence within New Jersey; and ii. Residence in the dwelling house for which the homestead tax rebate is claimed which constitutes the place of his domicile which is owned and used by him as his principal residence as of October 1 of the pre-tax year. (October 1, 1976, in order to qualify for the rebate to be received in 1977.)

4. Dwelling house: "Dwelling house" includes any residential property assessed as real property or assessed as real estate situated on land owned by another or others consisting of not more than four units of which not more than one may be used for business or commercial purposes.

18:12-7.1(c)4 i. Where the dwelling house as to which a homestead tax rebate is claimed is a residential property consisting of more than one unit, the claimant shall [not] be allowed a rebate [in an amount in excess of the proportionate share that the equalized value of the residential unit occupied by the claimant bears to the total equalized value of the property,] calculated on the basis of his proportionate share of equalized value of the residential unit occupied by him, as determined by the assessor. However, in no instance can there be more than one homestead rebate to a property; nor may more than one additional \$50.00 rebate, for a senior citizen or a totally and permanently disabled citizen or a surviving spouse in certain cases, be allowed to a property.

ii. Example 1: As is an owner of a dwelling house having an equalized value of \$30,000 and which consists of two equal units one of which is occupied by A and the other unit is rented. A shall be entitled to a full rebate.

[ii. Example 1:] iii. Example 2: A and B are owners of a dwelling house having an equalized value of \$40,000 and which consists of two equal units occupied by A and B respectively. Each shall be entitled to one-half of a full rebate.

[iii. Example 2:] iv. Example 3: If the same dwelling house consisted of three equal units which is owned by A, B and C who separately occupy each of the three units, each owner would be entitled to one-third of a full rebate in 1977. (Note—in all cases, the total rebate for any dwelling house cannot exceed 50 per cent of the net taxes for the year 1976.)

5. Proof of age: The form calls for the furnishing of proof of age. In determining proof, assessors should be guided by the following: Where a taxpayer has furnished proof of age in conjunction with a senior citizen's tax deduction, no further proof of age shall be required. In all other cases, a claimant shall furnish satisfactory proof of age. Wherever possible, a copy of such proof should be attached to the application. Where the property owners appear in person with proof, the assessor shall

note the type of proof of the "official use" portion of the form and, in such case, no such proof of age need be attached.

1. The following types of records or documents are examples of proof which the assessor may accept: birth certificate, baptismal record, family bible, official census records, marriage certificate, court record, social security record, military record, immigration documents, military discharge, insurance policy, Blue Cross and Blue Shield identification card, driver's license, and any other proof which may help to establish claimant's age. Claimant must show that he became 65 years of age on or before December 31, 1976.

6. Proof of permanent and total disability: In all cases where an additional exemption is claimed because of permanent and total disability, applicant must include a physician's certificate or Social Security Award Certificate Form SSA-30 (1-74) verifying that the claimant is permanently and totally disabled and is, therefore, unable to engage in any substantial, gainful activity. In the claim by a person who is blind, he may additionally submit a certificate from the New Jersey Commission for the Blind certifying to blindness as defined by law. In all such cases the certificate of a duly licensed physician must be attached to the application.

7. Proof of surviving spouse: An applicant who claims an additional exemption as a surviving spouse must attach a statement to the effect that the deceased spouse, during his lifetime, was entitled to and received a senior citizen real property tax deduction. Such statement shall also indicate that the surviving spouse is unmarried and resides in the same dwelling house for which the original property tax deduction was granted. The surviving spouse must also offer proof that at the time of the death of the spouse he or she was 55 years of age or older. Attached to the application, therefore, shall be included a copy of the death certificate of the deceased spouse.

18:12-7.2 Review of application

(a) Assessors are required to review each application in order to assure that the claimant is entitled to the rebate, has provided all the information necessary to process the form and has signed the application.

(b) Application must be disapproved in any of the following circumstances:

1. The rebate has been claimed for property classified as vacant land, qualified farm, commercial or industrial or any residential property containing more than four units or more than one unit used for business or commercial purposes.

2. Claimant did not hold title to the property on October 1, 1976[.] as defined in the Act and N.J.A.C. 18:27-7.1(c)2.ii.

3. Claimant did not occupy the property as his principal residence on October 1, 1976.

(c) Applications must be returned to the claimant for completion in any of the following circumstances:

1. The claimant has failed to provide a valid mailing address.

2. The claimant has omitted his and/or his spouse's social security number or has supplied numbers which are obviously invalid (that is, numbers which do not contain nine digits). Where applicable, none or deceased should appear in the spouse's social security number space.

3. The claimant has failed to submit adequate proof of eligibility for an additional rebate claimed. (Item 3—Schedule A or Item 4—Schedule B.)

4. A claimant owning a multiple-unit property has failed to answer questions 1 and 3 on Schedule B.

5. A claim by multiple owners does not answer questions 1, 4 and 5 on Schedule B.

6. The claim has not been signed by all qualified owners as shown in Item 4, Schedule B. Tenants by the entirety may be signed by either the husband or wife. Must be the same as shown in Item 1, name of owner.

(d) Applications must be corrected by the assessor in any of the following circumstances:

1. County and municipality are absent or incorrectly completed.
2. More than one claimant's name appears in the name and address block. Circle that name first appearing in signature of claimant's section.
3. Block and lot number are absent or incorrectly completed.
4. Assessed value is absent or incorrectly completed.
5. Property tax is absent or incorrectly completed. The property tax is the net tax after veteran or senior citizen deductions and excludes any special assessments.

(e) After reviewing the application the assessor is to:

1. Enter the Local Property and Public Utility Branch county-district code at the right of and on the same line as the municipality and county name.
2. Clearly indicate approval or disapproval of the claim by checking the appropriate box(es).
3. Sign or stamp the form.
4. Number each approved application consecutively, placing the number in the upper right-hand corner of the application, at time of forwarding.
5. Keep disapproved applications on file.

(f) The State will make every effort to expedite processing of approved applications. However, most of the information necessary to compute the rebates and distribute them to the taxpayers is available only from the assessor or the taxpayer. If any of this information is missing from an application or is illegible, it will be necessary to return the form to the assessor for correction. Thorough review of the applications as they are filed will avoid this additional work on the part of the assessor and the consequent delay in payment to the taxpayer.

18:12-7.3 Disallowance of claim

(a) If the application for the homestead tax rebate has been disapproved, a notice of such disallowance shall be forwarded to the claimant by regular mail within ten days of disallowance and shall set forth the reason or reasons for the disallowance and shall also set forth a statement notifying the taxpayer of his right to appeal to the county board of taxation on or before August 15 of the tax year.

(b) An aggrieved taxpayer may appeal from the disapproval of a claim for a homestead tax rebate by filing a petition of appeal with the county board of taxation within 60 days from the date that such claim has been disapproved. If the property owner's claim for homestead tax rebate is disapproved by the county board of taxation, he may appeal therefrom to the State Division of Tax Appeals within 60 days from the date of such disapproval. The Division of Tax Appeals shall render its judgment within 90 days from the date the appeal was filed with it. In the event that the Director of the Division of Taxation refuses to certify the property owner's homestead tax rebate claim, the director shall indicate the reasons why such claim has not been certified and the claimant shall be permitted to file a petition of appeal with respect to such refusal with the State Division of Tax Appeals within 60 days of the date that a notice of refusal has been mailed to the claimant by the director.

[(b)] (c) No appeal or review may be taken by any person or any municipality with respect to the determination

or calculation of the effective tax rate or equalization ratios except in the case of an arithmetical or typographical error.

[(c)] (d) A homestead tax rebate under this act shall not be affected by any change in the assessment of any property.

18:12-7.5 General guidelines

(a) General guidelines include the following:

1. Ownership; life estate: The claimant who is in possession of a life estate, by deed, shall be deemed to meet the requirement of ownership as outlined in Instruction A of application.

2. Executory contract of sale: The claimant occupying a dwelling house under an executory contract of sale where the purchaser is actually in possession of the dwelling shall be deemed to meet the statutory requirement of ownership.

3. Sale of property on October 1, 1976: The owner as of the end of the day and who is in actual possession of the dwelling house and residing therein at such time shall be deemed to be the owner entitled to file a claim.

4. Ownership by will: Claimant owning and occupying property meets ownership requirement when copy of will or other document is attached to claim form.

5. Valuation; equalized value of property when added assessment is involved: A homestead tax rebate may be applied to an added assessment provided that the land on which the improvement was made and the dwelling house was owned and occupied by an eligible claimant on October 1 of the pre-tax year.

6. Valuation; equalized value of property when omitted assessment is involved: A homestead tax rebate may be applied to an omitted assessment if all requirements of the applicant and the omitted assessment laws are fulfilled.

7. Filing the application: An application for the homestead tax rebate may be filed on or before December 31 of the pre-tax year setting forth the prerequisites for the rebate as of October 1 of said pre-tax year by any property owner subject to tax for the ensuing year who has not previously filed a claim for the rebate or has previously filed a claim for rebate and there has taken place subsequent thereto with respect to said property an added or omitted assessment or a change in the status of the property owner:

i. Each assessor may at any time inquire into the right of a claimant to the continuance of a homestead tax rebate hereunder and for that purpose he may require the filing of a new application or the submission of such proof as he shall deem necessary to determine the right of the claimant to continuance of such exemption.

ii. It is the duty of every claimant to inform the assessor of any change in his status or property which may affect his right to continuance of such rebate.

iii. Property owned by military personnel, who are on duty in the armed forces of the United States, and are citizens and residents of this State shall be entitled to a homestead rebate provided that said property is not rented or leased to another.

iv. In the case of farm property classified as 3A on the tax list, the assessor shall establish the assessed value and net tax due for the residential dwelling and land for the fair enjoyment thereof for the purpose of a homestead rebate.

v. The following shall not be allowed a homestead rebate:

- (1) A shareholder in a cooperative;
- (2) [Dwelling located on leased land;] Deleted; and
- (3) Mobile home not assessed as real property by the taxing district.

18:12-7.11 Garnishment, attachment, execution or other legal process; anticipation

The homestead tax rebate authorized under the act shall not be subject to any garnishment, attachment, execution or other legal process under any circumstances whatsoever, nor shall the payment thereof be anticipated.

18:12-7.12 Delinquency

(a) For the purpose of the Act, property which is on appeal and for which the statutory amount of the tax has been paid shall not be regarded as delinquent.

(b) Each tax collector shall, on or before February 1 and June 30, of each year furnish the director with a list of delinquent property tax owners in his district for taxes due and payable for the year immediately preceding and the amounts of such delinquencies.

(c) Where delinquencies remain on February 1, the Director of the Division of Taxation shall ascertain the amounts of homestead rebate withheld (otherwise due April 1, 1977) because of such delinquencies in each municipality in the State and shall certify such withheld amounts to the State Treasurer as soon thereafter as may be practicable.

(d) On or before June 1, the director shall notify each taxpayer, whose rebate has been withheld because of delinquency, that the amount of such rebate to which he would have been entitled will be sent to the tax collector in his municipality to be credited against such delinquency.

(e) Upon certification by the director as to the amount of rebates withheld because of such delinquency, the State will pay such amount on or before June 1 to the collector in each municipality.

(f) Where delinquencies remain on June 30, the Director of the Division of Taxation shall ascertain the amounts of homestead rebate withheld (otherwise due October 1, 1977) because of such delinquencies in each municipality in the State and shall certify such amounts to the State Treasurer as soon thereafter as may be practicable.

(g) On or before November 1, the Director shall notify each taxpayer, whose rebate has been withheld because of delinquency, that the amount of such rebate to which he would have been entitled will be sent to the tax collector in his municipality to be credited against such delinquency.

(h) Upon certification by the director as to the amount of rebates withheld because of such delinquency, the State will pay such amount on or before November 1 to the collector in each municipality.

(i) The tax collector shall credit the tax delinquency of each property owner who appears on the delinquency list. In the event the amount so credited exceeds the amount of delinquency, the tax collector may return the difference to the taxpayer, or credit such amount to the subsequent tax bill.

(j) However, in the event the taxpayer meets all of his delinquency payments by June 30, 1977, the second one-half rebate due and payable on October 1, 1977 will be sent to him directly.

18:12-7.13 Duplicate copy of property tax bill

Each municipal tax collector shall, upon request of a property owner, a person having an interest in the property, or the Director of the Division of Taxation, furnish to such persons, without cost, a duplicate copy of a property tax bill for use under the Homestead Tax Rebate Act or the New Jersey Gross Income Tax Act.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08625

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

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Amendments in Tax Assessment Lists And Duplicates and EDP

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury pursuant to authority of N.J.S.A. 54:3-14 et seq., proposes to amend a portion of the rules concerning County Boards of Taxation and tax assessment lists and duplicates (EDP).

Full text of the proposed amendments follows:

18:12A-1.16 (h) An approved household improvement exemption (Chapter 104, Laws of 1975) shall be indicated on the assessors' tax lists and duplicates by the symbol "H". The symbol "H" and the amount of the exemption shall be shown in column 7 of the assessors' tax lists and duplicates.

(i) There shall be an additional list produced which shall be designated as the "Chapter 104 Record List". This list shall contain the following data:

1. Name and code numeral of county and taxing district;
2. Name and address of owner;
3. Block number, lot number and qualification code, if any, as shown on the official tax map of the taxing district;
4. Effective date(s) of the exemption(s);
5. Total of exemption(s) for each tax year;
6. Expiration date of each exemption.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08625

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Notice of Printing Errors

Take notice that, in the Notice of Adoption of the rule on declaration of estimated tax for 1976 (R.1976 d.42) appearing in the January 6, 1977, issue of the New Jersey Register at 8 N.J.R. 52(c), there appeared two printing errors in N.J.A.C. 18:35-1.3(h)2.i.(4) and (5). In these places the figure of \$102.50 should have read \$112.50.

The correct text of these two portions of the rule follows:

18:35-1.3(h)2.i.(4) \$5,625 times two per cent: \$112.50;

(5) In this example, a tax paid of less than \$112.50 will be subject to penalty.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Revisions to Rules on Sales and Use Tax Act

On February 2, 1977, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 18:24-9.12 concerning sales of meals and rental of rooms to exempt organizations and deleted in its entirety the current text of N.J.A.C. 18:24-9.13 reserving that section for future use, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 44(b).

An order adopting these revisions was filed and became effective on February 3, 1977, as R.1977 d.29.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF PENSIONS

Revisions in Rules on General Administration

On January 26, 1977, 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, adopted revisions to N.J.A.C. 17:1-1.18, 17:1-2.2, 17:1-2.12 and 17:1-2.17 concerning general administration, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 43(b).

An order adopting these revisions was filed and became effective on February 8, 1977, as R.1977 d.32.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Revisions Concerning Informalities in Bidding

On February 16, 1977, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:34-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 17:12-6.4 concerning informalities in bidding, substantially as proposed in the Notice published January 6, 1977, at 9 N.J.R. 43(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of the Treasury.

The substantive change made is indicated in boldface thus below:

17:12-6.4(a) The Director reserves the right to waive any minor informalities in the compliance with the **specifications**, terms and conditions of the invitations to bid, including, but not limited to:

An order adopting these revisions was filed and became effective on February 22, 1977, as R.1977 d.40.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(e)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Rule on Automatic Rejection of Bids

On February 16, 1977, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:34-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 17:12-6.5, concerning the automatic rejection of bids, substantially as proposed in the Notice published January 6, 1977, at 9 N.J.R. 44(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of the Treasury.

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

17:12-6.5(a)6. Failure to initial price alterations: If a unit price in the bid has been altered by any method, for example, by being crossed out and reentered, or through erasure, use of correction fluid or use of a self-correcting typewriter, and so forth, the vendor's initials must appear adjacent to the alteration. If the alteration has not been so initialed, that particular item only in the bid will be automatically rejected[.], **except as follows: If the extended price is correct and does not contain alterations, it shall be considered the bid price.** [If the extended total price does not contain alterations and the altered unit price is not initialed, the extended total price is considered as the bid price.] In the event of an automatic rejection (and) when the bid contains multiple items, the remainder of the bid will be evaluated;

7. If a bid is submitted in pencil.

An order adopting this rule was filed and became effective on February 22, 1977, as R.1977 d.41.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

SUPPLEMENTAL ANNUITY COLLECTIVE TRUST

Amendments Concerning Full Monthly Payments

On February 16, 1977, William J. Joseph, Secretary of the Supplemental Annuity Collective Trust in the Division of Pensions in 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, adopted amendments to N.J.A.C. 17:8-2.14 concerning full monthly payments, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 538(a).

Take notice that a printing error occurred in that Notice on the first line concerning the word "retirement" which should have read "retirant".

Full text of the adopted rule follows (additions indicated in boldface thus):

17:8-2.14 Full monthly payments

No annuity shall be due to a retirant or beneficiary unless it constitutes a payment for an entire month. **Payments of benefits to eligible survivors shall become effective on the first of the month of the retirant's death and shall terminate as of the month in which the survivor no longer qualifies for such benefits.**

An order adopting these amendments was filed and became effective on February 24, 1977, as R.1977 d.61.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Other Agencies)

(b)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Proposed Revisions to District Zoning Regulations

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to adopt revisions to its zoning regulations concerning new abbreviations, new special exceptions in the low density residential zones, and changes to the official zoning map.

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

19:4-2.2 Definitions

M.P.	Marshland Preservation
P & R	Park & Recreation
L.D.R.	Low Density Residential
W.R.	Waterfront Recreation
H.C.	Highway Commercial
S.H.C.	Service Highway Commercial
R.P.	Research Park
R.D.P.	Research Distribution Park
L.I.A.	Light Industrial & Distribution "A"
L.I.B.	Light Industrial & Distribution "B"
H.I.	Heavy Industrial
P.U.	Public Utilities
A.F.	Airport Facilities
S.C.	Sports Complex
P.R.	Parkside Residential
I.R.	Island Residential
B.C.C.	Berrys Creek Center
T.C.	Transportation Center
S.U.	Special Use
R.O.W.	Right of Way

19:4-4.28(a) 5. **Mobile home parks, not exceeding the density permitted for other single family dwellings and conforming with all other regulations applicable to development within the LDR District.**

CHANGES TO OFFICIAL ZONING MAP

Municipality	Block	Lots	Change		Acres
			From	To	
1. Carlstadt	152	104, 107A 78B, 127-129 132-134 174-175 172 (part)	RDP	IR-4	83.9
2.	151	Various	M.P.	L.I.B. East of Starke Drive	2.2
3.	152	120A-126 130, 131 156A-158A 159, 160A 161A 162-171 172 (part) 172-173 201A, 205A 206A 207-210	M.P.	IR-4	256.2
4.	160	136C, 136A 136B, 138 140, 141	IR-4	RP	74.2
	152	144-147 116B, 149, 118B			
5.	161	139	IR-4	W.R.	26.7
	152	142, 143			
6. East Rutherford sports complex			SC	MP	135.0
7. Jersey City	Part- 681,673	All	PU	H.I.	30
8. Kearny	150	32,64	R.P.	R.D.P.	49.7
9.	284	6, 7 Part	H.C.	H.I.	9.7
10.	284	7 (part) 9, 11, 13 (part)	H.C. H.I.	R.O.W. R.O.W.	12.6
11.	Various	Various	Various	Rt. 17 South R.O.W.	
11. Kearny	285	11, 13	L.I.B.	SU-3	392.
	286	22, 24, 30, 31, 33 38-40			
	205	22, 23			
	287	4	S.H.C.	SU-3	
	287	8, 21, 22, 35-39	L.I.B.	SU-3	
	287	7, 17-20, 28-31 33, 34	M.P.	SU-3	
12. Little Ferry	108C	1	L.I.B.	W.R.	1.9
	45	11-16	L.I.B. & M.P.	W.R.	
	111	11, 12, 13A (part)	L.D.R. & M.P.	W.R.	
13. Lyndhurst	237 (225)	9, 10 & 11	R.D.P.	P & R	92.3
14.	236 (225)	Part Lot 1 (West of N.J. Turnpike)	P & R	M.P.	99.0
15.	228	1B (11A-1)	R.D.P.	P & R	.85
16.	Various	Various	Various	Rt. 17 South R.O.W.	
17.	237	1-7	P.R. 1	M.P.	162.0
18.	231	1-8	R.P.	R.D.P.	69.0
19. Moonachie	22	1	P & R	L.I.B.	18.6
	31	1-5			

Municipality	Block	Lots	Change		Acres
			From	To	
20.	75	All	L.I.B.	L.D.R.	7.3
	74	All			
	73	All			
21.	37	1, 2A	L.D.R.	L.I.B.	.9
22.	28	2, 1 (part)	L.D.R.	L.I.B.	1.1
23.	65	1, 3	L.I.B.	L.D.R.	10.7
	64	2B, 2C			
24.	62	2	L.I.B.	L.D.R.	12.4
25. North Arlington	Various	Various	Various	Rt. 17 South R.O.W.	
26.	176-192	All	R.D.P.	P & R	388.2
	194-195		R.P.		
	197				
27. North Arlington	193	1	R.P.	P.U.	5.75
28.	175	1, 2 Part	R.P.	P.U.	30.40
	177	1, 2 Part			
29. North Bergen	453C	22-25 Part	R.O.W.) L.I.A.)	R.P.	67.58
30. Ridgefield	180	1-5	M.P.	S.U.-4	99.3
31.	167	1 Part	M.P.	P.U.	9.0
32. Rutherford	219A	72K, 84	R.P.	H.C.	9.8
33. Secaucus	12	All	TC-3	L.I.A.	44.5
	13	All			
	7	5-1	TC-3	H.I.	
34.	195	1 Part	R.O.W.	H.C.	
			L.I.A.	R.P.	
35.	77	1	WR	I.R.-1	2.98
36.	17	5	L.I.A.	P & R	3.40
37.	74	5, 5-1	L.I.A.	H.C.	4.1
38.	1	13	M.P.	P.U.	12.3
39.	192	27	M.P.	L.D.R.	10.4
40.	2	7-10	P & R	H-I	91.6
41.	3	3-1 (Part)	PR-3	L.I.A.	9.2
				R.O.W.	
42.	199	3	IR-2	P.U.	9.05
43.	199	1 & 2	IR-2	L.D.R.	.2
44.	190	1-4, 4A	S.H.C.	L.D.R.	2.7
45.	198	1	L.D.R.	P & R	.3
46. South Hackensack	106	3, 4, 5	M.P.	I.R.-4	36.6

Public hearings respecting the proposed action will be held on March 16, 1977, at 7:30 P.M. in the Borough Hall, Lyndhurst, N.J., and on March 30, 1977, at 7:30 P.M. in the Clarendon School, Secaucus, N.J.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

Hackensack Meadowlands Development Commission
1099 Wall Street West
Lyndhurst, N.J. 07071

The Hackensack Meadowlands Development Commission, 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
Chairman
Hackensack Meadowlands
Development Commission

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Revisions to the District Building Code

On January 26, 1977, 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, adopted emergency revisions to a portion of its rules concerning the District Building Code.

The revisions concern the deletion in its entirety of the current text of N.J.A.C. 19:6-1.2 and 19:6-1.11 and the adoption of new text therein; the deletion in its entirety of the current text of N.J.A.C. 19:6-1.9 and marking that section as Reserved; and other revisions as indicated below.

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

19:6-1.2 District Building Code

(a) The following subcodes, codes, regulations and manuals, except as modified and amended, shall be applicable in the Hackensack Meadowlands District and are hereby adopted and established as the Building Code for the Hackensack Meadowlands District:

Code Regulation

Subject Area Covered

1. BOCA Basic Building Code/1975, including all subsequent revisions and amendments thereto, as adopted by the Department of Community Affairs (see N.J.A.C. 5:23-1.1 et seq), except as specified below:

All buildings and structures;

2. Hackensack Meadowlands Development Commission Foundation Supplement, 1969:

Footings and foundations to be used in conjunction with those provisions of the BOCA Code applicable to foundations design;

3. National Standard Plumbing Code/1975, including all subsequent revisions and amendments thereto, as adopted by the Department of Community Affairs:

Plumbing;

4. National Electrical Code/1975, including all subsequent revisions and amendments thereto, as adopted by the Department of Community Affairs:

Electrical;

5. Fire Protection Subcode, as adopted by the Department of Community Affairs:

Fire protection.

19:6-1.7 Enforcing official

The enforcing agency of this resolution and the regulations contained herein shall be the office of the Chief Engineer of the Hackensack Meadowlands District and whenever the term "enforcing official" or "construction official" is used in the District Building Code or Subcodes, the same shall be deemed to be the Chief Engineer of the HMDC who shall be the chief administrator of the enforcing agency.

19:6-1.9 [Plumbing exemption] (Reserved)

[(a) The provisions of sections 14.5 through 14.11.1, inclusive of Part E (Plumbing Code) of the Standard Building Code of New Jersey shall not be deemed applicable whenever such provisions are being enforced by any constituent municipality having territorial jurisdiction over any lands within the Hackensack Meadowlands District and such municipality has established a Board of Plumber Examiners pursuant to section 14.6.1 of said Part E.

(b) The provisions of said sections shall be in full force and effect for those areas of the Hackensack Meadowlands District falling within the territorial jurisdiction of any municipality which shall not enforce the provisions of said sections and shall not have appointed said Board of

Plumber Examiners, and for such purpose, the term "Administrative Authority" as used in said Sections shall be deemed to mean the officer of the Chief Engineer.]

19:6-1.11 Change of occupancy

It shall be unlawful to occupy any building or structure, or portions thereof, unless a certificate of occupancy shall first have been obtained from the office of the Chief Engineer certifying that the proposed occupancy complies with the intent and purpose of the applicable provisions governing new buildings and structures.

19:6-1.[11]12 Repeal

All existing codes and regulations or portions thereof which are inconsistent with this resolution are hereby repealed.

Interested persons may present written comments on this emergency action to:

Hackensack Meadowlands
Development Commission
1099 Wall Street West
Lyndhurst, N.J. 07071

An order adopting these revisions was filed and became effective on February 2, 1977, as R.1977 d.25 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Revisions Governing Use of Motorcycles on Garden State Parkway

The New Jersey Highway Authority, pursuant to the authority of N.J.S.A. 27:12B-1 et seq., proposes to revise its rules concerning the use of motorcycles on the Garden State Parkway by making permanent the temporary rule previously adopted as R.1975 d.332 (See: 7 N.J.R. 491(a), 7 N.J.R. 579(b), 8 N.J.R. 493(b) and 8 N.J.R. 587(a)), but eliminating the restrictions (See: 7 N.J.R. 579(b)).

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

19:8-1.1 Definitions

"Car" means a passenger motor vehicle, including station wagons, and passenger vans, hearses, funeral flower and funeral service vehicles for which issuance of passenger car plates is authorized, [and] taxicabs and motorcycles.

"Motorcycle[s]" means a two or three-wheel vehicle with the motive power a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, excluding motor scooters, minibikes and bicycles and any other vehicle not registered with the New Jersey Division of Motor Vehicles for use on [the] limited access highways of this State having a regulatory speed limit of 55 miles per hour.

"Passenger motor vehicle" means a [four-wheeled] motor vehicle used and designed to transport passengers.

19:8-1.9(b)3. All bicycles [with or without motors, minibikes and motor scooters] other than motorcycles;

19:8-1.9(c) Where the Parkway has been divided in such a manner that there are three or more traffic lanes for traffic in any one direction, no vehicles [() except cars while not in funeral cortege(), including omnibuses, campers, motorcycles, noncommercial trailers, semitrailers or any combination of vehicle and trailer and cars while in funeral cortege,] shall be driven in the farthest left-hand lane except when and to the extent necessary to prepare for a left-hand turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left lane or when reasonably necessary in response to emergency conditions.

19:8-1.9(d) Where the Parkway has been divided in such a manner that there are two or more roadways of divided traffic in any one direction, regardless of the number of lanes, no vehicles [() except cars,] while not in funeral cortege(), including omnibuses, campers, motorcycles, noncommercial trailers, semitrailers or any combination of vehicle and trailer and cars, while in funeral cortege,] shall be driven in the left or inner roadway except when and to the extent necessary to prepare for a left turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left or inner roadway or when reasonably necessary in response to emergency conditions.

19:8-1.9 [(e) Use of automatic toll lanes by motorcycles is prohibited, except on ramps when no manual lane is open.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 30, 1977, to:

F. Joseph Carragher
Executive Director
Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

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

F. Joseph Carragher
Executive Director
Highway Authority

(a)

MORTGAGE FINANCE AGENCY

Complete Revision of Agency's Rules

On February 22, 1977, Christopher G. Kelly, Executive Director of the Mortgage Finance Agency, pursuant to Chapter 38, P.L. 1970, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules which revised all of the rules of the Agency. The new rules replace the current text of N.J. A.C. 19:1-1.1 et seq.

Full text of the adopted, revised rules follows:

CHAPTER 1.

NEW JERSEY MORTGAGE FINANCE AGENCY

SUBCHAPTER 1. GENERAL PROVISIONS

19:1-1.1 Authority

These rules and regulations are issued under and pursuant to the authority of the New Jersey Mortgage Finance

Agency Law, constituting Chapter 38, Laws of New Jersey 1970, as amended.

19:1-1.2 Purpose and objective

(a) These rules and regulations are established to effectuate, and shall be applied so as to accomplish, the general purposes of the New Jersey Mortgage Finance Agency Law and the following specific objectives:

1. The expansion of the supply of funds in the State available for new residential mortgages and rehabilitation and home improvement loans;

2. The provision of the additional housing needed to remedy the shortage of adequate housing in the State;

3. The rehabilitation of a large number of substandard dwellings; and

4. The effective participation by mortgage lenders and mortgage sellers in the programs authorized by said Act and the restriction of their financial return from such programs to that necessary and reasonable to induce such participation.

19:1-1.3 Definitions

All words and terms which are defined in the New Jersey Mortgage Finance Agency Law are used in these rules and regulations as defined in the Act. The following words or terms when used in these rules and regulations shall have the following meanings, unless the context clearly indicates otherwise.

"Collateral" shall mean with respect to any loan those securities, mortgages or other instruments defined as eligible pursuant to the terms of the assignment of collateral and trust agreement relating to such loan.

"Commitment" shall mean the aggregate unpaid principal amount of eligible loans which a mortgage seller offers to deliver and sell to the Agency and the Agency agrees to purchase, such sale and purchase to be made under a mortgage purchase agreement.

"Collateral requirement" shall mean, as of any date of calculation and with respect to any loan, the amount at which collateral securing such loan is required to be maintained pursuant to the terms of the assignment of collateral and trust agreement relating to such loan.

"Loan" or "loans" shall mean any loan or loans made by the Agency to a mortgage lender or mortgage lenders pursuant to Section 6 of the Act.

"Mortgage loan" shall mean any residential mortgage loan which is an eligible loan as defined in the Act.

"Mortgage purchase agreement" shall mean an agreement, entered into between a mortgage seller and the agency, under which the mortgage seller agrees to deliver and sell to the Agency and the Agency agrees to purchase mortgage loans.

"Mortgage servicing agreement" shall mean an agreement, entered into between a mortgage seller or other person acceptable to the Agency, under which the mortgage seller or other person agrees to service the mortgage loans purchased by the Agency from such mortgage seller under a mortgage purchase agreement.

"Multi-family dwelling" shall mean real estate upon which there is located a structure designed primarily for residential use and consisting of dwelling units for more than one family, but not more than four families, provided that at least one such dwelling unit shall be occupied by the owner or owners thereof, or a member of their immediate family, as a primary residence.

"Residential use" shall mean use as a primary dwelling and not as a vacation or "second" home. Areas designed or used for nonresidential purposes shall not exceed those specified by the Federal Housing Administration

minimum property standards for one and two living units as in effect from time to time.

"Single-family dwelling" shall mean real estate upon which there is located a structure designed primarily for residential use for one family which is occupied by the owner thereof or a member of the immediate family of such owner. A condominium unit shall be considered a single-family dwelling.

19:1-1.4 Examination of books and records

The Agency may cause to be made an examination of the books and records of each mortgage lender which has an outstanding loan from the Agency, including the collateral therefor and of each mortgage seller which has a mortgage purchase agreement or a mortgage servicing agreement with the Agency, so as to determine compliance with the terms of such loan or agreements and the Act. The Agency may require each mortgage lender or mortgage seller to pay the costs of any such examination.

19:1-1.5 Consent to jurisdiction of Superior Court

The terms of each loan and each mortgage purchase agreement and each mortgage servicing agreement shall require that the mortgage lender and its agent or the mortgage seller consent to the jurisdiction of the Superior Court of the State over any proceeding to enforce compliance with the terms of the Act, these rules and regulations and any document relating to any loan, or such agreements.

SUBCHAPTER 2. LOAN TO LENDERS PROGRAM

19:1-2.1 Requests for loans

(a) The Agency shall provide a loan application to each mortgage lender located within any particular area of the State for which the Agency has determined that there is an inadequate supply of new residential loans. Alternatively, the Agency may notify each such mortgage lender of a proposed loan program and provide a loan application only to those mortgage lenders requesting the same. Such application shall be sent to mortgage lenders at least 14 days in advance of the date all such applications must be submitted to the Agency. The loan application shall be in the form prescribed by the Agency and shall contain, among other things:

1. Provision for the mortgage lender to state the maximum amount of loan requested;
2. The date by which the loan application must be submitted so as to be considered for an allocation of loan funds and the date upon which loans will be awarded by the agency;
3. Provision for the mortgage lender to furnish information regarding the mortgage lender's deposit and mortgage activity during a time period prescribed by the Agency;
4. The terms and conditions of the loan including, among others, the maximum interest rate, the term, the percentage of the principal to be paid each year or the manner of determining principal payments, and the prepayment terms and the requirements or conditions of the reinvestment of the loan proceeds including:
 - i. The type of new residential loan,
 - ii. Location of residence to be financed,
 - iii. The number of family units,
 - iv. Maximum sales price or loan amounts,
 - v. Loan to value ratios,
 - vi. Minimum or maximum mortgage term, and
 - vii. Maximum income levels for owners or occupants;
5. The schedule of any fees and charges of the Agency with respect to loans; and

6. An undertaking by the mortgage lender to take any loan granted by the Agency up to the amounts specified in the application and providing for liquidated damages in the event that the mortgage lender does not take such loan.

19:1-2.2 Allocation of loans

In allocating funds available for loans, the Agency shall consider among other things the credit worthiness of the mortgage lenders submitting loan applications, the adequacy of supply of new residential loans in the area in which the mortgage lender operates, and the mortgage and deposit activity reported in the loan application. Allocations of loan funds by the Agency shall be conclusive.

19:1-2.3 Award of loans

The amount of loan awarded to each mortgage lender shall be promptly confirmed by the Agency to such mortgage lender. Thereupon each such mortgage lender shall be obligated to take such loan in accordance with the terms thereof. The obligations of the Agency to make any loan or loans shall be, in each case, subject to the sale and issuance of bonds of the Agency within the period prescribed by the loan application in an amount sufficient to make the loans which shall have been awarded.

19:1-2.4 Interest rate and other terms of loan

Loans shall bear interest at a rate which shall not exceed the maximum rate of interest specified in, or determined in accordance with the provisions of, the loan application. Other terms of the loans shall comply with the loan application, the Act and the provisions of any contract with holders of outstanding bonds of the Agency. Each loan shall be evidenced by a note in the form prescribed by the Agency.

19:1-2.5 Collateral for loans

As security for the payment of the principal of and interest on each loan to a mortgage lender, collateral in an amount at least equal to the collateral requirement shall be assigned in trust to the Agency and maintained by such mortgage lender, all in accordance with an assignment of collateral and trust agreement in the form prescribed by the Agency which shall be entered into by the mortgage lender with the Agency at such time as the Agency shall require. The collateral for each loan to a mortgage lender may be held by such mortgage lender in accordance with and subject to the terms of the Act and said assignment of collateral and trust agreement. Each mortgage lender shall service or cause to be serviced and preserve the collateral securing its loan or loans from the Agency at its own expense in accordance with said assignment of collateral and trust agreement. The collateral shall be valued periodically by the Agency or a person or institution designated by the Agency in accordance with the provision of the assignment of collateral and trust agreement relating to such collateral.

19:1-2.6 Application of loan proceeds; restrictions; new residential loans

(a) The terms of each loan shall require that the proceeds thereof paid to the mortgage lender be segregated from its other funds, and that such mortgage lender shall, within the time period specified in the loan agreement relating to such loan, make and disburse from such loan proceeds, new residential loans to individuals only. The Agency may require that such new residential loans be restricted to certain areas of the State if the Agency determines that such areas are in particular need of loan funds.

(b) Each such new residential loan shall comply with such terms and conditions as shall be prescribed by the Agency in connection with the loan application therefor.

(c) The aggregate principal amount of such new residential loans made by a mortgage lender from such loan proceeds shall at least equal the amount of such loan proceeds. All such new residential loans shall be made pursuant to written commitments issued subsequent to the date of the submission by the mortgage lender of its loan application. Such written commitments shall specify the maximum interest rate which will be borne by the new residential loan and must state that such new residential loan covered by the commitment is to be funded out of the proceeds of a loan from the New Jersey Mortgage Finance Agency. Reports by mortgage lenders as to the application of loan proceeds shall be made at such time and in such manner as shall be provided by the terms of the loan.

(d) Such new residential loans may be made by the mortgage lender either directly or through one or more agents. All new residential loans made by a mortgage lender through an agent shall be made pursuant to a written agreement between such mortgage lender and such agent which agreement shall have been approved in writing by the Agency. The Agency may decline to approve any such agreement for any reason which it, in its sole discretion, deems sufficient. The Agency may require any such agreement to provide, among other things, the following:

1. Such agreement shall not take effect until the approval of the Agency is endorsed on an executed copy thereof;
2. All new residential loans made thereunder shall be made in the name of the mortgage lender pursuant to written commitments issued in the name of the mortgage lender subsequent to the date of the Agency's approval of such agreement;
3. The Agency shall have the right to inspect the books and records of the agent appointed pursuant to such agreement at any and all reasonable times;
4. No compensation or fees of any kind shall be paid to or charged by the agent in connection with any new residential loan made pursuant thereto except as therein specifically set forth;
5. All commitments issued by an agent shall be subject to the same requirements as hereinabove set forth for mortgage lenders.

19:1-2.7 Restrictions on return realized by mortgage lenders

The Agency may in the case of loans to be made from any issue of bonds of the Agency establish maximum rates of return which may be realized by any mortgage lender or any agent of any mortgage lender from the new residential loans made from the proceeds of such loans and may regulate, limit, restrict or prohibit the charge or collection of any commitment fee, premium, bonus, points or other fees in connection with the making of any new residential loan.

19:1-2.8 Fees and charges of the Agency; loan accounts

(a) An initial fee may be established by the Agency in connection with loans to be made from the proceeds of any issue of Agency bonds, and collected by the Agency as and for a discount below par with respect to each such loan. The initial fee shall be for the purpose of reimbursing the Agency for all or part of its reasonably expected administrative costs of issuing such Agency bonds and making the loans.

(b) The Agency may establish such other premiums and penalties as it in its sole discretion shall determine to be necessary in connection with the prepayment of, or any default on, or any default under any agreements relating to, any loan or loans.

19:1-2.9 Purchase of Agency bonds

No mortgage lender (including any related person thereof, as defined in Section 103(b)(6)(C) of the Internal Revenue Code) shall, pursuant to any arrangement, formal or informal, purchase the bonds of the Agency in an amount related to the amount of the Agency loans to be made to such mortgage lender (or related person, as aforesaid) by the Agency.

SUBCHAPTER 3. NEIGHBORHOOD LOAN PROGRAM

19:1-3.1 Commitment applications

(a) The Agency shall make available to all mortgage sellers who so request a form of commitment application for each proposed program to purchase mortgage loans. Such application shall be sent to mortgage sellers who request it at least 14 days in advance of the date all such applications must be submitted to the Agency. The commitment application shall be in the form prescribed by the Agency and shall contain, among other things:

1. Provision for the mortgage seller to state the maximum principal amount of mortgage loans which the mortgage seller offers to sell to the Agency;
2. The date by which the commitment application must be submitted to the Agency in order to be considered for an allocation of funds and the date by which commitments will be accepted by the Agency;
3. Forms of the proposed mortgage purchase agreement and mortgage servicing agreement;
4. Provision for the mortgage seller to furnish information regarding its mortgage loan origination and servicing activities during a time period to be prescribed by the Agency;
5. Provision for liquidated damages to be paid by the mortgage seller in the event that it fails to execute a mortgage purchase agreement for the commitment accepted by the Agency; and
6. Provision for payment by the mortgage seller of a commitment fee in an amount prescribed by the Agency as consideration for the Agency's acceptance of the commitment application and agreement to purchase mortgage loans from the mortgage seller.

19:1-3.2 Allocation of commitments

In allocating funds available to meet the commitments requested by mortgage sellers, the Agency shall consider, among other things, the amounts of the commitments requested by the various mortgage sellers, the adequacy of supply of mortgage loans in the areas in which the mortgage sellers propose to originate mortgage loans, the financial strength and stability of the mortgage sellers, the mortgage loan originating and servicing activity reported in the commitment application and the ability of the mortgage sellers to originate and service mortgage loans under the terms and conditions of the mortgage purchase agreement and the mortgage servicing agreement.

19:1-3.3 Execution of mortgage purchase agreement and mortgage servicing agreement

Upon notice of acceptance by the Agency to a mortgage seller of all or a portion of the commitment requested by it, the Agency shall specify the dates by which the mortgage seller and the Agency shall execute the mortgage purchase agreement and the mortgage servicing agree-

ment. If the mortgage seller indicates in the commitment application it does not desire to service mortgage loans the Agency may, at its option, agree to waive any requirement that the mortgage seller agree to service such mortgage loans.

10:1-3.4 Eligible neighborhoods

The Agency may designate those areas of the State in which the purchase of mortgage loans by the Agency shall best effectuate the general purposes of the Act and the objectives of expansion of the supply of funds in the State available for mortgage loans, provision of additional housing needed to remedy the shortage of adequate housing in the State and elimination of substandard dwellings. If the Agency makes such a designation, the residences which may be financed by a mortgage loan shall be located in the areas so designated by the Agency and shall be limited to one-to-four family dwellings used as a primary residence. The Agency may set limitations on the principal amounts of a mortgage loan to effectuate the purposes of the Act.

19:1-3.5 Regulation of points charged by mortgage sellers

The Agency may regulate, limit, restrict or prohibit the charge or collection of any commitment fee, premium, bonus, points or other fees in connection with the origination of mortgage loans by mortgage sellers to be purchased by the Agency.

19:1-3.6 Refinancing of pre-existing mortgage loans

(a) The Agency will not acquire any mortgage loans made for the purpose of refinancing pre-existing mortgage loans. However, a mortgage loan made by a mortgage seller to finance the substantial rehabilitation of property upon which there is a pre-existing mortgage loan may include the refinancing of the pre-existing mortgage loan and still qualify as an mortgage loan under the following conditions:

1. At least 50 per cent of the proceeds of the mortgage loan made by the mortgage seller shall be used to pay for labor and materials used to rehabilitate the property;
2. The mortgage loan shall be made only to a person determined in advance by the Agency to be a person of low or moderate income;
3. The economic facts and circumstances of the mortgage and the property are such that the rehabilitation could not have been financed by other means;
4. The mortgage seller delivers to the Agency a certificate executed by the mortgage seller certifying that it reasonably believes, based upon prior investigation, that the conditions above have been met and that the refinancing of the pre-existing mortgage loan is incidental and necessary to the purpose of accomplishing the rehabilitation of the property and stating the facts and circumstances upon which the determination in paragraph 3 above was made; and
5. The Executive Director of the Agency determines and certifies that the facts and circumstances in the mortgage seller's certificate support the conclusion that the refinancing of the pre-existing mortgage loan is incidental and necessary to the purpose of accomplishing the rehabilitation of the property.

19:1-3.7 Purchase of Agency bonds

No mortgage seller (including any related person thereof, as defined in Section 103(b)(6)(C) of the Internal Revenue Code) shall, pursuant to any arrangement, formal or informal, purchase the bonds of the Agency in an amount related to the amount of the mortgage loans to be purchased from such mortgage seller (or related person, as aforesaid) by the Agency.

An order adopting these revised rules was filed and became effective on February 23, 1977, as R.1977 d.53 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

COMMISSIONER ADVOCATES NEW APPROACH TO AUTO INSURANCE

State Insurance Commissioner James J. Sheeran last month told a State Assembly Committee that the auto insurance market in New Jersey needs reform and that a reinsurance facility would be the "most efficient and equitable mechanism for accommodating both the public and the industry".

Testifying before the Assembly's Committee on Banking, Commerce and Insurance, Sheeran said, "My proposal to meet the market problems involves the end of the assigned risk plan for New Jersey. In its place I would create a reinsurance facility, an association of all of the some 250 auto insurance companies doing business in the State".

He explained that it would work this way: "Every automobile owner would be entitled to obtain his insurance from the company of his choice. No company would be permitted to turn down an applicant.

"However, the companies would not be denied their underwriting standards. After policies are issued, the companies could evaluate the risks and those they don't want could be ceded to the reinsurance association. The association would then be responsible for payment of claims, but the original insuring company would continue to service the policy".

AUTO INSURANCE GUIDE AVAILABLE

State Insurance Commissioner James J. Sheeran announced public distribution of a new 18-page booklet on auto insurance prepared by his department.

Written in easy-to-understand language, it provides basic information about auto insurance designed to help consumers understand their policies, he said. A Spanish translation is also being distributed.

Entitled "Stop to Shop for Automobile Insurance", the booklet describes the various kinds of mandated and optional insurance coverages and the factors that go into the making of rates. It offers tips on how to save money in shopping for insurance and identifies pitfalls to be avoided.

Copies have been sent to libraries, banks, consumer agencies, Better Business Bureaus and Cooperative Extension Service offices for free distribution to the public.

The booklet may also be obtained by writing: Department of Insurance, Division of Consumer Services, 201 East State St., Trenton, N.J. 08625.

OLD CANAL VILLAGE ADDED TO HISTORIC PLACES REGISTER

Governor Brendan Byrne recently announced that historic Waterloo Village on the Morris Canal has been added to the State Register of Historic Places and that the restored 19th century canal port in Sussex County will be expanded by an additional 365 acres.

Waterloo, which is in Byram Township on the Musconetcong River seven miles northeast of Hackettstown, also was nominated to the National Park Service for inclusion in the National Register.

The village sprang up after the opening of the Morris Canal in the 1830's and prospered for years as a commercial center until railroad transportation began to replace the use of canals during the second half of the 19th century.

The Governor noted that Waterloo is the last village of its type on the canal and reflects the social influence of the brief canal era in America.

The State Register is a listing of properties and areas worthy of preservation for their historic, cultural, architectural and archeological distinctions. Inclusion on the National Register makes an area eligible for Federal historic preservation funds. Register sites also have a measure of protection from government-sponsored construction encroachments.

FIVE EASTERN STATES WOULD COOPERATE

Governor Brendan Byrne, along with the Governors of New York, Pennsylvania, Delaware and Maryland, have asked the United States Department of Commerce to designate their five-state area as an Economic Development Region, in order to identify, analyze and act on common economic problems facing the region.

The Governor said the region's problems include "aging industrial cities, obsolescent economic infrastructure, outmigration of labor and capital, widespread unemployment, falling employment growth rates, a declining relative standard of living, escalating energy costs and high welfare burdens".

Under the plan, the Mid-Atlantic Regional Commission would formulate and carry out joint economic development programs extending across State boundaries, and would coordinate other State and Federal programs.

SALES TAX EXEMPTION

Governor Brendan Byrne last month signed a bill exempting the purchase of business machinery and equipment from the sales tax. However, the measure, A-1761, sponsored by Assemblyman Steven Perskie (D-Atlantic) does not become effective until January 1, 1978.

Exemptions under the bill include sales of machinery, apparatus and equipment for use or consumption directly and primarily in the production of tangible personal property manufacturing, processing, assembling or refining businesses; newspaper production machinery, apparatus and equipment; railroad track materials, and communications, signal and power transmission equipment.

EDUCATOR DUNGAN IS HONORED

The National Governors' Conference recently announced selection of Ralph A. Dungan, Chancellor of Higher Education in New Jersey, as one of ten State officials receiving the NGC's first Annual Award for Distinguished Service to State Government.

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1976 REGISTER BOUND VOLUME AGAIN AVAILABLE AT \$14

Orders are being accepted from subscribers for the annual bound volume of 1976 issues of the New Jersey Register.

In addition to the 12 issues, the 600-page volume contains an index of all rules adopted during the year—and of rules proposed but not yet adopted at year-end. A similar cumulative index for 1975 is included.

Price is \$14 per copy, payable in advance, with shipment postpaid. Similar bound volumes for preceding years are available at the same price.

Checks should be made out to, and orders placed with: Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608.