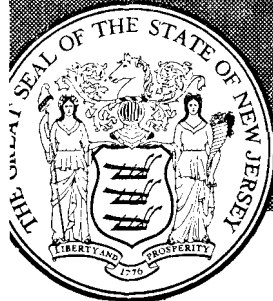


# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director, Office of Administrative Law

G. Duncan Fletcher, Director of Administrative Procedure

Peter J. Gorman, Rules Analyst

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(Includes rules filed through May 15, 1980)

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(a)

## AGRICULTURE

### STATE BOARD OF AGRICULTURE

#### Proposed Amendments Concerning Licensing of Biological Products

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-107 through 4:5-112, proposes to amend N.J. A.C. 2:6-1.3 and 2:6-1.4 concerning the licensing of biological products.

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

2:6-1.3 Enumeration of biologics permitted for distribution  
(a) Permission to manufacture, sell, distribute or give away the following biological products is hereby given without further application or permission:

1. Anthrax Serum (All Species);
2. Anti-Mixed Infection Serum (Canine);
3. Autogenous Bacterin (Except Brucella<sup>1</sup>);
4. Autogenous Vaccine (Except [Brucellas] Brucella<sup>1</sup>);
5. Blackleg Aggressin;
6. Blackleg Bacterin;
7. Botulinus Antitoxin;
8. Calf Scour Bacterin;
9. Calf Scour Serum;
10. Canine Distemper Serum (Homologous);
11. Canine Distemper Vaccine;
12. Canine Distemper Virus;
13. Canine Mixed Bacterin;
14. Clear Anti Hog Cholera Serum;
15. Encephalomyelitis Serum;
16. Encephalomyelitis Vaccine;
17. Enteritis Bacterin (Swine);
18. Enteritis Serum (Feline);
19. Equine Abortion Bacterin;
20. Erysipelas Serum (Swine);
21. Hemorrhagic Septicemia Aggressin;
22. Hemorrhagic Septicemia Bacterin;
23. Hemorrhagic Septicemia Serum;
24. Influenza Bacterin;
25. Influenza Serum (Equine);
26. Keratitis Bacterin;

27. Mastitis Bacterin;
28. Mastitis Serum (Bovine);
29. Metritis Bacterin;
30. Mixed Bacterin (Avian);
31. Mixed Bacterin (Feline);
32. Mixed Bacterin (Ovine);
33. Navel III Mixed Bacterin;
34. Navel III Serum (Equine);
35. Newcastle Killed Virus Vaccine;
36. Normal Bovine Serum;
37. Normal Horse Serum;
38. Pneumonia Bacterin;
39. Pneumonia Bacterin (Swine);
40. Polyvalent Mixed Bacterin;
41. Pullorum Antigen;
- [42. Rabies Vaccine];
- [43] 42. Soremouth Vaccine (Ovine);
- [44] 43. Staphylococcus Bacterin (Canine);
- [45] 44. Tetanus Antitoxin;
- [46] 45. Tetanus Toxoid.

2:6-1.4 Biologics requiring license; term

(a) Licenses to manufacturers to sell, distribute, give away or use the following biological products may be obtained upon application to the New Jersey Department of Agriculture, and when issued, shall be for a calendar year and will expire on December 31st of each year regardless of the time of issuance:

1. Anthrax Vaccine (All Types);
2. Brucella Antigen;
3. Brucella Abortus Vaccine;
4. Equine Rhinopneumonitis Virus Vaccine;
5. Fowl Cholera Vaccine;
6. Fowl Pox Vaccine;
7. Inf. Bronchitis Vaccine, or any comb. Bronchitis-Newcastle Vaccine;
8. Johnin;
9. Laryngotracheitis Vaccine;
10. Newcastle Vaccine (Live Virus);
11. Newcastle Vaccine (Modified Live Virus);
12. Pigeon Pox Vaccine;
13. Rabies Vaccine;
- [13] 14. Transmissible Gastroenteritis Vaccine;
- [14] 15. Tuberculin.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

## NEW JERSEY REGISTER

*The official publication containing notices of proposed rules and rules adopted 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. Issued monthly since September, 1969.*

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William E. Kenny  
Assistant Secretary  
N.J. Department of Agriculture  
P.O. Box 1888  
Trenton, N.J. 08625

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

William E. Kenny  
Assistant Secretary  
Department of Agriculture

(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Proposed Amendments Concerning Notices By Milk Dealers, Processors and Stores

The Department of Agriculture, Division of Dairy Industry, pursuant to the authority of N.J.S.A. 4:12A-1 et seq. proposes to repeal N.J.A.C. 2:52-2 and 3 and 2:53-4 and adopt new language therefore, to repeal 2:52-5 and to amend 2:52-4.1.

Full text of the new and amended rules follows (additions and new rules indicated in boldface thus; deletions or amended rules indicated in brackets [thus]).

#### SUBCHAPTER 2. DEALER AND SUBDEALER NOTICE OF INTENT TO SERVE UNLICENSED STORE

##### 2:52-2.1 Notice of intent

(a) A dealer or subdealer licensee may begin selling milk and milk products to an unlicensed store (other than a governmental agency) upon approval by the Director:

1. With a two week notice by the store to the present supplier or his agent and telephone notification by the proposed new supplier to the Division of Dairy Industry if no money is owed by the unlicensed store for milk and milk products purchased from the present supplier(s). Provided, however, that the new supplier shall mail a report of such service to the Division of Dairy Industry on forms provided for that purpose within five days thereafter.

2. With a two-week notice to the present supplier and to the Division of Dairy Industry if money is owed by the unlicensed store for milk and fluid milk products purchased from the present supplier. Such notice shall be filed by the proposed new supplier on forms provided for that purpose.

3. Without notice, if the Director finds after investigation, that the supplier(s) is failing to provide adequate service or to supply products desired by the store or is supplying milk and milk products which do not meet minimum standards of the appropriate health authority.

(b) Approval to serve the unlicensed store may be denied if the Director determines that the offer violates the Milk Control Act or rules and regulations issued pursuant thereto. Also until the store pays all indebtedness, less any legal rebates and discounts earned for milk and fluid milk products purchased from the previous supplier(s) approval to change supplier(s) shall be withheld.

##### 2:52-2.2 Commencement of the two-week period and Approval

The two-week period referred to in N.J.A.C. 2:52-2.1(a)2 shall commence upon receipt of the form in the office of

the Division of Dairy Industry. All parties to the change shall be notified of any approval or denial within the two-week period.

#### SUBCHAPTER 3. DEALER AND SUBDEALER NOTICE OF INTENT TO CHANGE SOURCE OF SUPPLY

##### 2:52-3.1 Change in source of supply

(a) A dealer or subdealer may change his source of supply or engage an additional source of supply of milk and milk products upon approval by the Director:

1. With a two week notice by the dealer or subdealer to the present supplier or his agent and telephone notification by the proposed new supplier to the Division of Dairy Industry if no money is owed by the dealer or subdealer for milk and milk products purchased from the present supplier(s). Provided, however, that the dealer or subdealer making the change shall mail a report of such change to the Division of Dairy Industry on forms provided for that purpose within five days thereafter.

2. With a two week notice to the present supplier(s) and to the Division of Dairy Industry if money is owed by the dealer or subdealer for milk and milk products purchased from the present supplier(s). Such notice shall be filed by the dealer or subdealer making the change on forms provided for that purpose.

3. Without notice, if the Director finds after investigation, that the supplier(s) is failing to provide adequate service or to supply products desired by the dealer or subdealer requesting the change or is supplying milk and milk products which do not meet minimum standards of the appropriate health authority.

(b) Approval to change supplier(s) may be denied if the Director determines that the offer violates the Milk Control Act or rules and regulations issued pursuant thereto. Also, until the dealer or subdealer pays all indebtedness, less any legal rebates and discounts earned, for milk and fluid milk products purchased from the previous supplier(s) approval to change supplier(s) shall be withheld.

##### 2:52-3.2 Commencement of the two-week period and approval

The two-week period referred to in N.J.A.C. 2:52-2.1(a)2 shall be notified of any approval or denial within the two-week period of the Division of Dairy Industry. All parties to the change shall be notified of any approval or denial within the two-week period.

##### 2:52-4.1 Notice to wholesale customers of discontinuance of service

(a) Before a processor, dealer, or subdealer licensee may discontinue selling any milk, cream, or fluid milk products to a dealer, subdealer, licensed store or unlicensed store (other than a governmental agency), the licensee shall notify the customer and the Director, in writing, of his intent to discontinue service at least [60 days] two weeks prior to the proposed date of discontinuance.

(b) Such [60 day] two week notice shall not be required if the customer releases the supplier in writing and a copy of such release is sent to the Division of Dairy Industry.

#### SUBCHAPTER 4. NOTICE OF INTENT TO CHANGE SOURCE OF SUPPLY

##### 2:53-4.1 Notice of intent

(a) A licensed store may change source of supply or engage an additional supply of milk and milk products upon approval by the Director:

1. With a two week notice by the store to the present supplier or his agent and telephone notification by the proposed new supplier to the Division of Dairy Industry if no money is owed by the store for milk and milk products purchased from the present supplier(s). Provided, however, that the store shall mail a report of such change to the Division of Dairy Industry on forms provided for that purpose within five days thereafter.

2. With a two-week notice to the present supplier and to the Division of Dairy Industry if money is owed by the store for milk and milk products purchased from the present supplier(s). Such notice shall be filed by the store on forms provided for that purpose.

3. Without notice, if the Director finds after investigation, that the supplier(s) is failing to provide adequate service or to supply products desired by the store or is supplying milk and milk products which do not meet minimum standards of the appropriate health authority.

(b) Approval to change supplier(s) may be denied if the Director determines that the offer violates the Milk Control Act or rules and regulations issued pursuant thereto. Also until the store pays all indebtedness, less any legal rebates and discounts earned, for milk and fluid milk products purchased from the previous supplier(s) shall be withheld.

#### 2:53-4.2 Commencement of the two-week period and approval

The two-week period referred to in N.J.A.C. 2:52-2.1(a)2 shall commence upon receipt of the form in the office of the Division of Dairy Industry. All parties to the change shall be notified of any approval or denial within the two-week period.

Interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the above proposal on or before June 25, 1980 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 may thereafter adopt this proposal substantially as proposed without further notice.

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

(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Proposed Amendments to Milk Marketing Orders Regulating Prices to Dairy Farmers

The Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J. S.A. 4:12A-25, proposes to repeal the current text of N.J. A.C. 2:54 and adopt new text therein concerning milk marketing orders regulating prices to dairy farmers.

On June 30, 1955, the Director, Office of Milk Industry, State of New Jersey (the predecessor to the Division of Dairy Industry) entered into a memorandum of agreement with the United States Secretary of Agriculture; under

which the agencies agreed to adopt joint and concurrent orders regulating the purchase of milk by milk dealers from dairy farmers. On July 31, 1964 the Director, Office of Milk Industry, and the Administrator, Agricultural Marketing Service, United States Department of Agriculture, confirmed the agreement and signed an agreement concerning policy and procedures related to the administration and enforcement of the joint and concurrent orders of the two agencies.

Pursuant to the agreement, the Office of Milk Industry and its successor Division of Dairy Industry, New Jersey Department of Agriculture, has entered joint and concurrent orders with the United States Department of Agriculture. The first such order was designated Order 57-1 and became effective during 1957 for the New Jersey counties included in the New York-New Jersey Milk Marketing Area. In 1963 a second joint order was entered and designated Order 63-1 for the remaining New Jersey counties included in the Middle Atlantic Milk Marketing Area.

Since these orders were originally entered, there have been numerous amendments resulting from joint public hearings notice of which has been published in the time and manner required by the New Jersey Milk Control Act, N.J.S.A. 4:12A-1 et seq., and the Agricultural Marketing Agreement Act of the United States. Since the passage of the Administrative Procedure Act of the State of New Jersey amendments to the New Jersey orders have been adopted by reference to the Federal Register in which the respective findings, determinations, and orders have been published.

The following order consolidates both the original orders and the amendments into the New Jersey Administrative Code:

Full text of the proposed new rules follows.

#### CHAPTER 54 STATE-FEDERAL MILK MARKETING ORDERS

##### SUBCHAPTER 1. HANDLING OF MILK IN NEW JERSEY MILK MARKETING AREA NUMBER 1

###### 2:54-1.1 Order 57-3 (Federal Order No. 2)

Pursuant to the memorandum of agreement between the United States Department of Agriculture and the Director, Office of Milk Industry (now Division of Dairy Industry), the Director, Division of Dairy Industry adopts Part 1002 of the Code of Federal Regulations, Volume 7 as revised to 44 FR 21003 ff. (April 9, 1979) as a joint and concurrent order for the Division of Dairy Industry and herein designates the order as 57-3 insofar as the said order relates to the State of New Jersey.

##### SUBCHAPTER 2. HANDLING OF MILK IN NEW JERSEY MILK MARKETING AREA NUMBER 2

###### 2:54-2.1 Order 63-1 (Federal Order No. 4)

Pursuant to the memorandum of agreement between the United States Department of Agriculture and the Director, Office of Milk Industry (now Division of Dairy Industry), the Director, Division of Dairy Industry adopts Part 1004 of the Code of Federal Regulations, Volume 7 as revised to 45 FR 12811 ff. (February 27, 1980) as a joint and concurrent order of the Division of Dairy Industry; and herein designates the order as 63-1 insofar as the said order relates to the State of New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Woodson W. Moffett, Jr.  
Director, Division of Dairy Industry  
N.J. Department of Agriculture  
P.O. Box 1999  
Trenton, N.J. 08625

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

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

**(a)**

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Proposed Amendments to Milk Marketing Orders

The 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., proposes to amend N.J.A.C. 2:54-2 and will hold a joint and concurrent public hearing with the United States Department of Agriculture beginning at 9:30 A.M. on Tuesday, June 10, 1980, at the Best Western Thruway Motel, 1375 Washington Avenue, Albany, New York 12206, to consider amendments to the milk marketing order for the northern portion of New Jersey being commonly referred to as Federal Order No. 2.

Testimony will be heard on proposals to increase the farm-to-plant hauling allowances under the order to allow local plant operators to be reimbursed by producers to a greater extent than now for cost they incur in hauling milk from farms to processing plants.

The notice of hearing is being published in the Federal Register on Friday, May 16, 1980. A copy of the specific proposals may be requested by phone or by writing to:

Woodson W. Moffett, Jr.  
Director, Division of Dairy Industry  
N.J. Department of Agriculture  
P.O. Box 1999  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the State of New Jersey's proposed action on or before June 25, 1980, to the New Jersey Division of Dairy Industry at the above address.

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

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

**(b)**

## AGRICULTURE

### STATE SOIL CONSERVATION COMMITTEE

#### Proposed Amendments to Standards

The State Soil Conservation Committee in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:24-42, proposes to amend and supplement Standards for soil erosion and sediment control currently included in

"Standards for Soil Erosion and Sediment Control in New Jersey" and identified in N.J.A.C. 2:90-1.3. The following vegetative standards currently included in pages 3.11 to 3.94 are proposed for modification:

Temporary vegetative cover for soil stabilization  
pgs. 3.11-3.14  
Permanent vegetative cover for soil stabilization  
pgs. 3.21-3.28  
Stabilization with mulch only pgs. 3.31-3.32  
Permanent stabilization with sod pgs. 3.41-3.42  
Topsoiling pgs. 3.51-3.52  
Dune stabilization pgs. 3.71-3.72

The following engineering standards currently included in pages 4.11 to 4.101 are proposed for modification:

Diversions pgs. 4.21-4.26  
Grassed waterway pgs. 4.31-4.34  
Sediment basins pgs. 4.41-4.414  
Channel stabilization pgs. 4.61-4.64  
Dust control pgs. 4.10.1

The following engineering standards are proposed as additions to currently adopted standards:

Lined waterway pgs. 4.11.1-4.11.3  
Riprap pgs. 4.12.1-4.12.10  
Sediment barrier pgs. 4.13.1-4.13.2  
Conduit outlet protection pgs. 4.14.1-4.14.3  
Stabilized construction entrance pg. 4.15.1  
Storm sewer inlet protection pgs. 4.16.1-4.16.2

Copies of the proposed modifications and additions may be reviewed at each of the soil conservation district offices listed below and at the office of the State Soil Conservation Committee, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625.

#### List of SCDs and addresses:

Bergen SCD, 389 Main Street, Hackensack, N.J. 07601  
Burlington SCD, Cramer Building, Rt. 38,  
Mt. Holly, N.J. 08060  
Camden SCD, Municipal Building, 59 S. White Horse,  
Berlin, N.J. 08009  
Cape-Atlantic SCD, Atlantic Co. Office Building,  
1200 W. Harding Highway, Mays Landing, N.J. 08330  
Cumberland SCD, P.O. Box 148, Rt. 77,  
Seabrook, N.J. 08302  
Freehold SCD, 16 Court Street, Freehold, N.J. 07728  
Gloucester SCD, P.O. Box L, N. Blackhorse Pike,  
Williamstown, N.J. 08094  
Hudson, Essex and Passaic SCD,  
201 Bloomfield Avenue, Verona, N.J. 07044  
Hunterdon SCD, Route 6, Box 49, Flemington, N.J. 08822  
Mercer SCD, 930 Spruce Street, Trenton, N.J. 08648  
Morris SCD, Court House, Morristown, N.J. 07960  
Ocean SCD, 6 Mott Place, C.N. 2191,  
Toms River, N.J. 08753  
Salem SCD, 1000 East, Rt. 40, Box 47,  
Woodstown, N.J. 08908  
Somerset-Union SCD, 308 Milltown Road,  
Somerset County 4-H Center, Bridgewater, N.J. 08807  
Sussex SCD, R.D. 1, Box 13, Route 206 South,  
Newton, N.J. 07860  
Warren SCD, Stiger Street, Hackettstown, N.J. 07840

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before June 25, 1980 to:

William E. Kenny  
Assistant Secretary  
N.J. Department of Agriculture  
P.O. Box 1888  
Trenton, N.J. 08625

The State Soil Conservation Committee may thereafter adopt rules concerning this subject without further notice.

Phillip Alampi, Chairman  
State Soil Conservation Committee  
Department of Agriculture

(a)

## AGRICULTURE

### DIVISION OF PLANT INDUSTRY

#### Amendments Concerning Seed Certification Requirements

On May 1, 1980, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Chapter 16 of Title 2 of the New Jersey Administrative Code concerning seed certification requirements as proposed in the Notice published April 10, 1980 at 12 N.J.R. 170(a).

An order adopting these amendments was filed and became effective on May 12, 1980 as R.1980 d.210.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## BANKING

### DIVISION OF BANKING

#### Proposed Rules on Savings Banks' Deposits

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-184C(e), proposes to adopt new rules concerning savings banks' deposits.

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

#### 3:6-8.2 Escrow accounts

An escrow account established on behalf of any depositor may exceed the \$150,000.00 maximum deposit limitation prescribed in N.J.S.A. 17:9A-184C provided it is established in conjunction with a mortgage loan or such other loan as the savings bank may invest.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
P.O. Box CN040  
Trenton, N.J. 08625

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

Angelo R. Bianchi  
Commissioner  
Department of Banking

(c)

## BANKING

### DIVISION OF BANKING

#### CONSUMER CREDIT BUREAU

#### Emergency Rules on Insurance Premium Finance Company Act

On May 6, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:16D-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the Insurance Premium Finance Company Act.

Full text of the adoption follows.

#### CHAPTER 22

#### INSURANCE PREMIUM FINANCE COMPANY ACT

#### SUBCHAPTER 1. FINANCE CHARGE RATE

#### 3:22-1.1 Maximum finance charge rate permissible

(a) The maximum finance charge rate to be charged, contracted for or received for the financing of insurance premiums on or after 12:01 A.M., May 9, 1980, shall not exceed an annual percentage rate of 17 per cent. Such finance charge shall be calculated in accordance with the provisions of N.J.S.A. 17:16D-10 (Chapter 221, P.L. 1968).

(b) This section shall have prospective effect only.

(c) The rate established by this section shall be effective 12:01 A.M., May 9, 1980, and shall remain in force until such time as this section is rescinded or until said rate is increased or decreased by a subsequent regulation.

An order adopting these rules was filed on May 8, 1980 as R.1980 d.203 (Exempt, Emergency Rule) to become effective on May 9, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## BANKING

### THE COMMISSIONER

#### Emergency Rules on Maximum Interest Rate Regarding Small Business Loans

On May 6, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-59.27 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the maximum interest rate regarding small business loans.

Full text of the adoption follows.

#### SUBCHAPTER 9. SMALL BUSINESS LOAN INTEREST RATE

#### 3:6-9.1 Maximum interest rate

The maximum rate of interest which may be contracted for and received on small business loans on or after 12:01 A.M., May 9, 1980, shall be 15 per cent per annum. This section shall have prospective effect only. Such interest shall be calculated in accordance with N.J.S.A. 17:9A-59.25 et seq. and shall remain in force until such

time as this regulation is rescinded or until said rate is revised by a subsequent regulation.

An order adopting these rules was filed on May 8, 1980 as R.1980 d.204 (Exempt, Emergency Rule) to become effective on May 9, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## BANKING

### DIVISION OF BANKING

#### CONSUMER CREDIT BUREAU

##### Emergency Rules Concerning Implementation Of the Credit Union Law

On May 9, 1980, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:13-27(k) and in accordance with applicable provisions of the Administrative Procedure Act, adopted new, emergency rules concerning the implementation of the credit union law.

Full text of the adoption follows.

#### 3:21-1.8 Loan interest rate

(a) Except as provided herein or otherwise provided by law, the rate of interest charged on credit union loans to members shall not exceed 12 per cent per year inclusive of all finance charges.

1. Subject to approval by the Commissioner, the board of directors of a credit union may authorize the taking of interest on loans to members at a rate in excess of 12 per cent per year, to a maximum of 15 per cent per year inclusive of all finance charges, if the following procedures are met:

i. The authorization to exceed the taking of interest at a rate in excess of 12 per cent per year shall be approved, by resolution, at a meeting of the board of directors, by a simple majority of the entire board of directors;

ii. Subsequent to such approval, the board of directors shall provide notice to the credit union's members, which notice shall include:

(1) A statement that the board of directors has voted to authorize the taking of interest at a rate in excess of 12 per cent per year;

(2) The number of directors voting in favor of such increase, and the number of directors voting against such increase;

(3) The amount of the new maximum loan interest rate;

(4) The reasons for the increased loan interest rate;

(5) The effective date of the increased loan interest rate; and

(6) Such other information as the board of directors deems appropriate.

iii. The above required notice to members shall be accomplished by:

(1) The posting of a conspicuous written notice in the main office and all branch offices of the credit union. Notice shall be given by posting only if the board of directors has reason to believe that such posting will provide actual notice to a majority of the credit union's members; or

(2) Providing actual notice, by mail or otherwise, to all members receiving the credit union's most recent statement of account.

iv. The board of directors shall provide the Commis-

sioner, in writing, with the following:

(1) A copy of the board of directors' resolution and vote authorizing the increased loan interest rate;

(2) A statement of the effective date of the increased loan interest rate; and

(3) A certification by the board of directors that notice has been provided to the credit union membership.

2. If a credit union follows the above procedures for authorizing increased loan interest rate to members, the Commissioner shall approve such action. Such approval shall be considered granted as of the scheduled effective date of the increase unless the credit union is otherwise advised by the Commissioner.

An order adopting these rules was filed on May 9, 1980 as R.1980 d.207 (Exempt, Emergency Rule) to become effective on May 12, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Amendments to Uniform Construction Code and New Home Warranty Rules

Joseph A. LeFante, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-119 et seq., as amended, and 46:38-1 et seq., proposes to amend portions of the Uniform Construction Code and new home warranty rules concerning the requirement that homes to be enrolled in the State new home warranty security plan or a private plan prior to the issuance of a certificate of occupancy; to revise the fees for late payment of premiums; to define the scope of arbitration; to establish a procedure for monetary awards; and to make other changes for purposes of clarification.

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

5:23-2.7(b)2. No certificate of occupancy shall be issued for any new home, built by a builder, as such terms are defined in N.J.A.C. 5:25-1.3, except after filing by the builder with the construction official of proof that the new home has been enrolled in either the State New Home Warranty Security Plan or a private plan approved by the Department of Community Affairs. If the new home is enrolled in the State New Home Warranty Security Plan, proof shall be in the form of a copy of the Certificate of Participation, required pursuant to N.J.A.C. 5:25-5.5, and proof of payment of the warranty premium.

3. No certificate of occupancy shall be issued for any new home built by an owner or in which any design construction, plumbing or electrical work has been done by the owner unless the owner shall file with the construction official an affidavit in which he certifies that all work has been done in conformity with applicable law, acknowledges that work done by him is not covered under the New Home Warranty and Builders' Registration Act (N.J.S.A. 46:3B-1 et seq.) and states that he will disclose this to any person purchasing the property from him within 10 years of the date of issuance of a certificate of occupancy. The affidavit shall be filed on a form prescribed by the Department of Community Affairs.

The words "Bureau of Housing Inspection" are hereby deleted and the words "Bureau of Construction Code Enforcement" substituted therefor in the following sections contained in Chapter 23 of Title 5 of the New Jersey Administrative Code: 2.10(d)1i; 4.5(a)1i; 4.5(b)1; 4.5(c)1; 4.9(a)1 and 5.2(a)1.

**5:25-2.5(a)6. Failed to enroll or warrant any new home with a private plan, which new home was sold during the time he was participating in such private plan.**

Renumber 6 through 10 as 7 through 11.

**5:25-3.3(d)1.** Any portion of a covered home which is not completed by the warranty date; except that, after completion, such portions will be covered until the end of the warranty period specified for that portion, pursuant to section 2 of this subchapter. Builder failure to complete construction of such portions may constitute the basis for a complaint pursuant to section 5 (Denial, suspension or revocation of registration) of this subchapter. Any item for the completion of which funds are being held in escrow shall be deemed to be an incompleteness rather than a defect. If such item exhibits a defect after the release of the escrowed funds, then it shall be included in the warranty. In all cases, the warranty period shall be deemed to have commenced on the warranty date.

**5:25-5.3 Builder participation; new home warranty and security fund**

Any builder not participating in a private plan shall be required to participate in the State Plan. The State Plan shall cover any new home purchased from a builder except a home enrolled in and warranted under a private plan.

**5:25-5.4(a)2.** Each payment shall be forwarded to the Department at least [within] 10 days prior to [after] the date of settlement and shall be accompanied by a completed and executed Certificate of Participation on the form prescribed by the Director. The Department shall then validate the Certificate of Participation and return four validated copies to the builder.

**5:25-5.5(a)2.** [The builder shall prepare, on or before the warranty date, a Certificate of Participation for each new home, as prescribed by the Director. The Certificate shall be prepared in five copies and distributed] Upon receipt of the four validated copies of the Certificate of Participation returned by the Department pursuant to N.J.A.C. 5:25-5.5(a)2, the builder shall distribute said validated copies in the following manner:

- i. On the warranty date, one copy (the owner's settlement copy) shall be furnished to the owner.
- ii. Within 10 days of the warranty date, one copy shall be furnished by the builder to the mortgage, if any, of the new home.
- iii. [Within 10 days of the warranty date two copies shall be provided to the Bureau of Construction Code Enforcement of the Division of Housing and Urban Renewal of the Department of Community Affairs and shall be accompanied by a check for the premium due as determined in accordance with section 4 of this subchapter.] One copy shall be furnished to the local construction official as part of the application for a certificate of occupancy.
- iv. One copy shall be retained by the builder as a file copy.

**3.** The Certificate of Participation shall be in such form and contain such information as shall be prescribed by the Director. A late payment fee [of \$50] shall be assessed and, having been assessed, shall be paid for each failure

to remit payments due the Department [premiums due the Bureau] on time, as provided in section 4 of this subchapter [this subsection]. Such late payment fee shall not exceed \$50 for the first thirty days, or for any part thereof, and \$500 for each thirty-day period or part thereof thereafter.

**4.** The builder shall, on or before the warranty date, provide the owner with written notice concerning the business address to which notifications concerning alleged defects can be directed. The builder shall further provide written notice by regular mail of the new address to which notifications may be directed should the business address of the builder change at any time during the first two years following the warranty date.

**5.** Should any builder fail to provide the notice concerning a new business address required by paragraph 3 of this subsection then a monetary penalty may be assessed and the builder's registration may be subject to revocation.]

**[6.]5.** Whenever an owner shall provide a builder with a notice of defect, then the builder shall arrange, with the owner, a mutually agreeable time for an inspection of the defect. Upon completion of the inspection, but in no case later than 30 days from receipt of the notice of the defect, the builder shall provide the owner with a written statement setting forth [statement in writing, as to] the action he will take to correct the defect and the time by which the defect will be corrected.

**5:25-5.5(c)1.** The Division shall, upon receipt of a Notice of Claim, designate a conciliator and schedule a conciliation hearing. Whenever possible, such hearing shall take place at the warranted premises. Any resulting agreement shall be in writing, listing the specific actions to be taken by the builder to repair or replace defects in the home and a date by which corrections shall take place. [If a monetary award from the builder to the owner is to be made in lieu of repair or replacement, procedures to be followed shall be the same as those provided in paragraph 3 of this subsection.]

**2.** When the defect is corrected or a monetary settlement [award] is made in lieu thereof, the builder shall present the owner with a release for execution. One copy of the signed release shall be retained by the builder, one by the owner, and one copy shall be forwarded to the Division.

**5:25-5.5(c)i.(4)** Whenever arbitration shall result in a finding for the owner, the arbitrator shall prescribe that the builder correct the defect or make necessary replacements. [If the builder is unable or unwilling to make the corrections or replacements specified, a monetary award shall be made and paid by the builder which is sufficient to have the defect(s) corrected. A builder may consent to a monetary award in the initial proceedings, or elect a monetary award at any time prior to the final judgement of the arbitrator.]

**5:25-5.5(e)** Final payment in event of builder default rules are:

**1.** If any builder shall, after receiving the decision of the arbitrator or the Director, as the case may be, refuse or fail to correct the defect [or make the payment required] within the time period specified in the decision, then the owner may file a request for payment with the Department. Upon verification of the right to payment, the Director shall certify the amount of the award to the Treasurer, who shall make payment [to the claimant] from the fund.

**2.** The amount of the award shall, in all cases, be based upon the lower or lowest of two or more bona fide esti-

mates for the work intended to be covered. Payment shall be made jointly to the owner and to the contractor performing the work upon certification by both of them that the work is complete and the defect has been removed. An owner electing to perform the work himself shall receive payment in an amount not to exceed the cost of materials upon certification by him of the completion of the work and the removal of the defect.

3. In the event that an owner refuses to accept the amount certified by the Director as being in settlement of all claims against the fund for the defect at issue, the Director shall provide an opportunity for an Administrative Hearing pursuant to the Administrative Procedures Act.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 1, 1980 to:

William M. Connolly  
Deputy Director  
Division of Housing  
Department of Community Affairs  
363 West State St.  
Trenton, N.J. 08625

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

James A. Sinclair  
Deputy Commissioner  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Repeal of Rules of Practice of Bureau of Housing Inspection

On May 8, 1980, James A. Sinclair, Deputy Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13A-6(e) and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 5:19 regarding the rules of practice of the Bureau of Housing Inspection.

The rules are either repetitive of statutory provisions or cover matters to be covered by the Uniform Administrative Procedure Rules by which they will therefore be superseded on or about June 1, 1980.

An order repealing these rules was filed on May 8, 1980 as R.1980 d.205 (Exempt, Emergency Rule) to become effective on June 1, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Emergency Rules Concerning Exemptions from Taxation

On May 8, 1980, James A. Sinclair, Deputy Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 104, P.L. 1979, c. 233, and in accordance with applicable provisions of the Administrative Procedure Act,

adopted new, emergency rules concerning exemptions from taxation.

These new rules replace the current text of N.J.A.C. 5:22 which expired on April 1, 1980.

Full text of the adoption follows.

#### CHAPTER 22.

#### EXEMPTIONS FROM TAXATION

#### SUBCHAPTER 1. ONE- AND TWO-UNIT RESIDENCES

##### 5:22-1.1 Definitions

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

"Act" means N.J.S.A. 54:4-3.72 et seq. (P.L. 1975, C. 104, as amended and supplemented).

"Assessor" means the assessor, board of assessors or other official or body charged with the duty of assessing real property for the purpose of general taxation.

"Qualified municipality" means any municipality in which residential neighborhoods have been declared by the county planning board, or by the Commissioner of the Department of Community Affairs, after an administrative hearing, to be in need of rehabilitation pursuant to N.J.S.A. 54:4-3.74.

##### 5:22-1.2 Municipal appeals; administrative hearing

(a) A municipality seeking qualified municipality status pursuant to the Act, which has not been granted such status by the county planning board within 30 days of the submission by the municipality to the county planning board of a petition requesting such status, shall be given an opportunity to present oral or written testimony at an administrative hearing at which it shall be represented by its counsel. The administrative hearing shall be conducted by an administrative law judge of the Office of Administrative Law and the final decision in the matter shall be made by the Commissioner of the Department of Community Affairs.

(b) Together with the hearing request, the municipality shall submit copies of all documents previously submitted to the county planning board and any new material that it wishes to submit. Copies of any such new material shall be submitted to the county planning board at least ten days prior to the hearing.

(c) The county planning board shall in all cases be served with notice of the hearing and be given an opportunity to appear and present evidence in opposition to the municipality's petition requesting qualified municipality status.

##### 5:22-1.3 Neighborhoods in need of rehabilitation

(a) In any administrative hearing on qualified municipality status, the existence of any of the following characteristics in a residential neighborhood shall establish a rebuttable presumption that it is in need of rehabilitation.

1. The neighborhood has previously been declared, pursuant to N.J.S.A. 40:55-21.1 et seq., to be blighted or is in close proximity to an area that has been so declared to be blighted; or

2. There is evidence of substantial housing or health code violations in at least 25 per cent of the dwelling units in the neighborhood; or

3. At least 25 per cent of the dwelling units in the neighborhood are in buildings at least 40 years old; or

4. At least 25 per cent of the dwelling units in the neighborhood are in buildings having real property tax arrearages in at least the amount of one year's taxes.

(b) Factors other than those set forth in subsection (a) of this section may also be considered if germane to the

question of whether a municipality's residential neighborhoods are in need of rehabilitation.

(c) The establishment of standards in this section shall in no way affect the status of any municipality heretofore determined to be a qualified municipality.

#### 5:22-1.4 Supplemental procedural rules for assessors

(a) The assessor shall designate any exemption allowed pursuant to the Act by the symbol "H" under "Specific exemptions" on the real property tax list and reflect it in column 7 on the said list.

(b) The provisions of N.J.S.A. 54:4-63.1 to 63.11, the Added and Omitted Assessment Laws, shall not apply to the allowable increase in the amount of assessed valuation in the year in which the improvements qualify for the exemption.

(c) When application for exemption is made with respect to an improvement or improvements which do not qualify, the assessor shall notify the claimant of the disallowance in writing upon form H.I.E.-2 within 20 days after disallowance and properly note thereon the specific reasons for the disallowance.

(d) Any improvement that has the effect of modernizing or rehabilitating a dwelling shall be deemed to be a home improvement qualifying for tax exemption pursuant to the Act, including, without limitation, swimming pools assessable as real property and fireplaces.

### SUBCHAPTER 2. MULTIPLE DWELLINGS

#### 5:22-2.1 Definitions

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

"Act" means P.L. 1979, c. 233, Sections 1 through 9.

"Conversion" means the alteration or renovation of a nonresidential building or structure, or hotel, motel, motor hotel or guesthouse, in such manner as to convert such building from its previous use to use as a multiple dwelling.

"Multiple dwelling" means any building or structure of one or more stories, and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied, by three or more persons who live independently of each other. This definition shall not include hotels, motels, motor hotels, guesthouses, properties subject to the Rooming and Boarding House Act of 1979, or dwelling units of any mutual housing corporation constructed under the Lanham Act (National Defense Housing) on or before June 1, 1941.

#### 5:22-2.2 Areas in need of rehabilitation

(a) Standards for determining if an area is in need of rehabilitation are as follows:

1. Pursuant to Section 3 of the Act, the governing body of any municipality may determine that areas within such municipality are in need of rehabilitation and that one or more multiple dwellings located within such areas are in need of rehabilitation, or that one or more other buildings or structures located within such areas are in need of rehabilitation and could advantageously be converted to multiple dwellings, or both.

2. No area within a municipality shall be determined to be in need of rehabilitation pursuant to the Act unless:

i. The area has been previously declared, pursuant to N.J.S.A. 40:55-21.1 et seq., to be blighted; or

ii. There is evidence of substantial housing or health code violations in at least 25 per cent of the dwelling units in the area; or

iii. At least 25 per cent of the dwelling units in the area are in buildings at least 40 years old; or

iv. At least 25 per cent of the dwelling units in the area are in buildings having real property tax arrearages in at least the amount of one year's taxes; or

v. The demand for multi-family housing within the municipality exceeds the supply and the conversion of non-residential buildings or structures, hotels, motels, motor hotels or guesthouses within the area to use as multiple dwellings would help satisfy the existing demand.

3. No area within a municipality shall be determined to be in need of rehabilitation pursuant to the Act unless there is located therein at least one building which is either:

i. A multiple dwelling deemed to be in need of rehabilitation; or

ii. A non-residential building or structure or hotel, motel, motor hotel or guesthouse deemed to be in need of rehabilitation and capable of being advantageously converted into a multiple dwelling.

4. Any area delineated pursuant to the Act shall bear a reasonable relationship to existing neighborhood boundaries or zones.

5. No boundary shall be established for any area, pursuant to the Act, which unreasonably includes or excludes any particular property.

6. No area shall be so delineated that more than 15 per cent of the privately-owned land contained therein consists either of a single property or of two or more contiguous properties under common ownership or control.

#### 5:22-2.3 Buildings in need of rehabilitation

(a) Standards for determining if a building is in need of rehabilitation are as follows:

1. A multiple dwelling shall not be deemed to be in need of rehabilitation unless it either:

i. Contains substantial housing or health code violations in or affecting at least 25 per cent of the dwelling units therein; or

ii. Is at least 40 years old.

2. A building, other than a multiple dwelling, shall not be deemed to be in need of rehabilitation unless it either:

i. Contains substantial violations of applicable housing, health, building or safety codes in or affecting at least 25 per cent of the units, in the case of a hotel, motel, motor hotel or guesthouse, or 25 per cent of the area of the building, in the case of any industrial or other non-residential building; or

ii. Is at least 40 years old; or

iii. Cannot feasibly be continued in its present use as a result of functional or economic obsolescence.

#### 5:22-2.4 Conversion of buildings into multiple dwellings

(a) Standards for determining if a building, other than a multiple dwelling, can be advantageously converted into a multiple dwelling are as follows:

1. No building shall be deemed to be capable of being advantageously converted into a multiple dwelling unless it is either a non-residential building or a hotel, motel, motor hotel or guesthouse.

i. No health-care facility licensed or subject to licensure by the State Department of Health shall be deemed to be capable of being advantageously converted into a multiple dwelling.

ii. No building licensed or subject to licensure by the Department of Community Affairs pursuant to the Rooming and Boarding House Act of 1979 shall be deemed to be capable of being advantageously converted into a multiple dwelling.

iii. No building containing sleeping or dwelling accommodations for transient or permanent occupants shall be deemed to be capable of being advantageously converted into a multiple dwelling in the absence of certification

by the State Department of Health that the property is neither licensed nor subject to licensure by it or in the absence of certification by the Department of Community Affairs that the property is neither licensed by it pursuant to the Rooming and Boarding House Act of 1979 not subject to licensure pursuant thereto.

2. No building shall be deemed to be capable of being advantageously converted into a multiple dwelling unless:

i. The building has been vacant for at least one year immediately prior to the filing of any request for exemption pursuant to the Act with any officer of the municipality; or

ii. Proof is presented to the municipality that all persons employed at such building, or who were employed at the building at any time during the preceding twelve-month period and who ceased to be so employed for any reason having to do with the desire of the owner to convert the building into a multiple dwelling, can be or have been readily re-employed in comparable jobs reasonably accessible to them without any reduction in wages or salary.

#### 5:22-2.5 Relocation assistance

The rehabilitation of any building pursuant to the Act shall be deemed to be part of a "program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision" with the meaning of N.J.S.A. 20:4.1.

An order adopting these rules was filed and became effective on May 8, 1980 as R.1980 d.206 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Amendments to Rules on Special Education (Procedures for Due Process)

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:46-1 et seq., 18A:46A-1 et seq. and Public Law 94-142, proposes to revise N.J.A.C. 6:28-1.9 concerning the procedures for due process in the rules on special education.

The proposed revisions set forth specific procedures for appeal to the Commissioner of Education from decisions by a classification officer under Public Law 94-142. There has been some confusion regarding such appeals because the current regulations do not indicate the time period within which an appeal must be made; the duties of the appellant and respondent regarding the filing of appropriate papers; and the record which must be considered by the Commissioner in his/her decision making. The proposed revision of the regulations will serve to specify these matters, and result in more expeditious review and decision making in the area of special education.

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

6:28-1.9(j)8. Either party may appeal the classification officer's decision to the Commissioner of Education [in accordance with the provisions of N.J.S.A. 18A:6-9 and per-

inent rules and regulations with time constraints following Public Law 94-142;] as follows:

i. The petition of appeal shall be filed within 30 calendar days from the date of mailing of the decision of the classification officer.

ii. The petition of appeal shall include the points upon which appellant relies and shall contain accurate references to the evidence and authorities, if any, in support of those points.

iii. Appellant shall serve upon respondent or a representative one copy thereof with proof of mailing.

iv. Within 10 calendar days thereafter respondent shall file with the commissioner an answer to the points with supporting references and authorities and shall serve a copy upon appellant or a representative.

v. Upon receipt of the petition of appeal, the commissioner shall direct that the record of the proceedings before the classification officer be transmitted forthwith to him/her by the Bureau of Special Education and Pupil Personnel Services.

vi. The appeal shall be decided by the commissioner on the basis of the record submitted pursuant to subparagraphs ii., iv. and v. above; however, the commissioner may require oral argument when it is deemed necessary. The commissioner or his/her designee shall preside at any such oral argument.

vii. The commissioner shall affirm, modify, reverse, reject, or remand the decision to the classification officer.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

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

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

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

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Amendments Concerning Library Incentive Grant Program

On May 7, 1980, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:74-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:68-2 concerning the library incentive grant program substantially as proposed in the Notice published April 10, 1980 at 12 N.J.R. 175(a) with only inconsequential structural or language changes in the opinion of the Department of Education.

An order adopting these amendments was filed and became effective on May 15, 1980 as R.1980 d.224.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## EDUCATION

### DIVISION OF BUSINESS AND FINANCE

#### Emergency Amendments Concerning Tuition and Public Schools

On May 7, 1980, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:38-19 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 6:20-3.1 and 6:20-3.4 concerning tuition and public schools.

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

6:20-3.1(f) In any year in which the receiving district can prove to the satisfaction of the commissioner that the maintenance charge for the use of the school facilities is not adequate, the commissioner may approve an additional charge for the use of such school facilities.

6:20-3.4(e) In any year in which the receiving district can prove to the satisfaction of the commissioner that the maintenance charge for the use of the school facilities is not adequate, the commissioner may approve an additional charge for the use of such school facilities.

An order adopting these amendments was filed and became effective on May 15, 1980 as R.1980 d.225.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Readoption of Rule Concerning Discharges of Petroleum And Other Hazardous Substances

Jerry Fitzgerald English, Commissioner of Environmental Protection, proposes to readopt the Department of Environmental Protection's "Rules Concerning Discharges of Petroleum and Other Hazardous Substances," N.J.A.C. 7:1E, pursuant to the additional authority of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

The Department originally proposed rules to implement the newly-enacted Spill Compensation and Control Act ("Spill Act"), P.L. 1976, c. 141, on February 10, 1977 (9 N.J.R. 68(c)). Portions of those rules were designed to implement Section 5(f) of the Spill Act, N.J.S.A. 58:10-23.11d(f).

Subchapter 4 and portions of subchapter 3 as proposed in February 1977 set out detailed technical standards for the items contemplated under section 5(f) of the Spill Act. Industry reaction to those proposed standards led the Department to adopt on March 31, 1977, one day before the effective date of the Spill Act itself, a set of interim rules sufficient to implement the minimal requirements of the Spill Act (9 N.J.R. 217(b), May 5, 1977). The interim rules designated a list of hazardous substances, established procedures for notifying the Department of discharges as required under N.J.S.A. 58:10-23.11e, and called

for the filing of certain information with the Department by discharge cleanup organizations and "major facilities" (oil and chemical-handling facilities with storage capacities in excess of 400,000 gallons).

Subsequently the Department convened a task force composed of representatives from industry, business and environmental organizations to obtain suggestions and feedback on new proposals for discharge prevention regulations. This group met for approximately 5 months during the latter part of 1977, and on January 5, 1978 the Department proposed a revised set of regulations to replace those adopted in March 1977 (10 N.J.R. 8(a)). The major new feature of this proposal was a rewritten subchapter 4, entitled "Major Facilities: Plans, Reports and Standards." This new subchapter 4 was the core of the Department's effort to implement section 5(f) of the Spill Act. In keeping with the spirit of that section (fostering prevention of discharges of hazardous substances into waters and water-related lands of the State through the use of prudently designed and emplaced equipment, trained personnel and well-thought-out procedures) the Department established a series of technical standards based on practices generally recognized in industry as sound techniques for discharge prevention and control. The new rules were adopted on March 30, 1978. Revised subchapter 4 became effective September 1, 1978.

On October 13, 1978, GATX Terminals Corporation filed suit in the Appellate Division of Superior Court challenging the validity of N.J.A.C. 7:1E-4.1 through 7:1E-4.24, as inconsistent with the language of the Spill Act. On April 23, 1980, the Appellate Division ruled that those provisions of subchapter 4 which do not pertain to "procedures, personnel and equipment" for discharge prevention, cleanup and removal exceed the statutory mandate and are therefore unenforceable. The court did not, however, specify exactly which provisions were invalid. *GATX Terminals Corp. v. N.J. Dept. of Environmental Protection*, Docket No. A-417-78 (App. Div. 1980).

The Department has petitioned for certification to the State Supreme Court to review that part of the final judgment of the Appellate Division which invalidated sections of subchapter 4. Nevertheless, in order to ensure the continuity of the Department's water pollution/hazardous substance discharge prevention program in the event of an adverse decision by the Supreme Court, the Department at this time proposes to readopt the regulations invalidated under the GATX decision, and all of N.J.A.C. 7:1E, under the concurrent authority of the New Jersey Water Pollution Control Act, L. 1977, c.74, N.J.S.A. 58:10A-1 et seq.

The Department's authority to take this action derives from N.J.S.A. 58:10A-4, which states:

The commissioner shall have power to prepare, adopt, amend, repeal and enforce, pursuant to the "Administrative Procedures Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), reasonable codes, rules and regulations to prevent, control or abate water pollution and to carry out the intent of this act, either throughout the State or in certain areas of the State affected by a particular water pollution problem. Such codes, rules and regulations may include, but shall not be limited to, provisions concerning:

a. The storage of any liquid or solid pollutant in a manner designed to keep it from entering the waters of the State;

b. The prior submission and approval of plans and specifications for the construction or modification of any treatment work or part thereof;

c. The classification of the surface and ground

waters of the State and the determination of water quality standards for each classification;

d. The limitation of effluents, including toxic effluents as indicated herein;

e. The determination of pretreatment standards;

f. The establishment of user charges and cost recovery requirements in conformance with the Federal Act.

The rules codified in N.J.A.C. 7:1E constitute "reasonable codes, rules and regulations to prevent, control or abate water pollution." They were designed for those purposes, which are common to both the Water Pollution Control Act and the Spill Compensation and Control Act. The grant of rulemaking power under the Water Pollution Control Act is more comprehensive than that under section 5(f) of the Spill Act, and in the Department's view provides clear authority for N.J.A.C. 7:1E-4. Indeed, GATX conceded this point in its brief before the Appellate Division. Brief of Appellant, pp. 20-22. Thus, within the context of the controversy between GATX and DEP there appears to be no dispute as to the grant of rulemaking authority under the Water Pollution Control Act.

The singling out of "major facilities" for special treatment under the Spill Act reflected a still-valid perception that those facilities having larger storage capacities represent a greater potential for serious spills than smaller facilities. Additionally, from a practical point of view, it makes sense to concentrate the Department's limited resources on regulatory programs that promise the greatest returns in terms of environmental quality for the resources invested.

The technical bases of subchapter 4 were extensively discussed and debated during the regulation development processes in 1977 and 1978, and need not be detailed here. All the materials relating to the Department's efforts to ensure that the final rules established a reasonable balance between environmental needs and economic costs will be found in the files pertaining to the original rulemaking proceedings, Docket No. DEP 004-77-01.

The Department also attempted wherever possible to harmonize subchapter 4 with existing federal regulations, particularly those on Oil Pollution Prevention (40 CFR Part 112) and Vessels and Oil Transfer Facilities (33 CFR Parts 150 et seq.). This was done pursuant to the legislative direction expressed in section 5(f) of the Spill Act, and also because it was good policy. Where the Department sought to go beyond the federal rules, it did so because those rules did not cover a number of matters of concern to the State. These included the protection of ground water, a subject largely neglected under the Federal Water Pollution Control Act as it existed in 1977, and the applicability of federal Spill Prevention (SPCC) regulations to hazardous substances other than oil. Developments in federal law since 1977 indicate an extension of federal controls is imminent in these areas, and when this occurs the Department expects to make appropriate modifications in its discharge prevention program.

In the meantime, it is the Department's intention to continue in effect its existing discharge prevention, containment and cleanup rules until such time as they can be appropriately superseded, augmented or absorbed into a revised discharge prevention strategy. The Department strongly believes, for example, that the rules in subchapter 4 are sound, reasonable ones which represent a good portion of what will ultimately be adopted under Section 304(e) of the Clean Water Act, 33 U.S.C. 1314(e) as Best Management Practice rules. (For details on the Best Management Practices (BMP) program under development by U.S. EPA, see 40 CFR 125.100 et seq. (1980

ed.) and 45 FR 17997, March 20, 1980. In passing, the Department notes that the Draft NPDES Best Management Practices Guidance Document, EPA-600/9-79-045, advocates as either base-line or advanced BMP's almost all of the practices described in the Department's existing rules.) The Department seeks, in light of the GATX decision, to re-adopt the existing N.J.A.C. 7:1E-1.1 et seq. under the broad authority of N.J.S.A. 58:10A-4 in order to ensure continuity in the discharge prevention program.

A public hearing on this proposal will be held on Monday, June 30, at 10:00 A.M. in the State Museum Auditorium located in the State House Complex, Trenton, New Jersey. Although the Department expects to re-adopt N.J.A.C. 7:1E in substantially the form it is presently written, the Department will at this time open the hearing record for public comments on ways in which the rules should be modified, particularly in light of changes in federal law and regulations. These comments may form part of the basis for subsequent amendment proposals.

In addition, the Department upon re-adoption of N.J.A.C. 7:1E intends to make certain non-substantive amendments reflecting changes in the organization of the Department since 1978.

The text of N.J.A.C. 7:1E is found in Title 7 of the New Jersey Administrative Code, available at the State Law Library, at county courthouses and law schools in the state, and at many public libraries. (Persons who consult the Code should note two recent amendments in the definition of "hazardous substances" and of "petroleum products." See 12 N.J.R. 68(a), February 7, 1980, and 12 N.J.R. 179(a), April 10, 1980. Both amendments have been adopted substantially as proposed.) Copies can also be obtained from:

Mr. David C. Mack  
Office of Hazardous Substances Control  
New Jersey Department of Environmental Protection  
120 Route 156  
Yardville, New Jersey  
Tel. (609) 292-5560

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 3, 1980 to the Department of Environmental Protection at the above address.

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

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### PINELANDS COMMISSION

#### Proposed Pinelands Comprehensive Management Plan

The Pinelands Commission, pursuant to the authority of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., and the National Parks and Recreation Act of 1978, 16 U.S.C. section 471i, proposes to adopt a comprehensive management plan for the Pinelands area as delineated in N.J.S.A. 13:18A-10. A map of this area appears at 12 N.J.R. 182. By virtue of N.J.S.A. 13:18A-7, the compre-

hensive management plan shall be adopted on or before August 8, 1980. Such plan, if adopted, will appear in N.J.A.C. 7:1G or referenced therein.

The goal of the comprehensive management plan is to protect, preserve and enhance the significant values of the resources of the Pinelands area. Volume one of the plan includes an assessment of the amount and type of human development and activity which the ecosystem of the Pinelands area can sustain while still maintaining the overall ecological values thereof. The plan also includes a comprehensive statement of policies for planning and managing the development and use of land in the Pinelands area. Volume two of the plan contains minimum standards for the adoption of municipal and county plans and ordinances concerning the development and use of land, including but not limited to standards for minimum lot sizes and stream setbacks, maximum appropriate population densities, and regulated or prohibited uses for specific portions of the Pinelands area.

Subsequent to its adoption, the comprehensive management plan will govern all construction and development in the Pinelands area. Within one year of the date of adoption, each county and municipality located in whole or in part in the Pinelands area must revise its master plan and ordinances in order to implement the objectives of the comprehensive management plan and conform with the minimum standards contained therein.

Copies of the two volumes of the full text of this proposal are available for review during regular business hours by all interested persons at any of the clerks' offices, planning board offices of any of the counties within the Pinelands area, the clerk's offices or municipal libraries of any of the municipalities within the Pinelands area, any college library within New Jersey and any libraries designated by the State Library as a State document library.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 23, 1980 to:

Terrence D. Moore  
Executive Director  
Pinelands Commission  
P.O. Box 7  
New Lisbon, N.J. 08064

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

Terrence D. Moore  
Executive Director, Pinelands Commission  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules Concerning Grants for Restoring Publicly Owned Freshwater Lakes

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., proposes to adopt new rules, to be cited as N.J.A.C. 7:9-15, concerning grants for restoring publicly owned freshwater lakes. Such proposal is known within the Department of Environmental Protection as Docket No. DEP #026-80-04.

The purpose of the rules is to set forth criteria for grant eligibility and to establish policies and procedures for the distribution of funds to local governments for studies and implementation activities designed to improve water quality in freshwater lakes. This program is being conducted by the Department of Environmental Protection in conjunction with the United States Environmental Protection Agency's Clean Lakes Program established pursuant to section 314 of the Clean Water Act, 33 U.S.C. 1251 et seq.

The proposed rules include the following sections:

Grant Eligibility  
Types of Grants Assistance  
Phase I Grant Assistance Criteria  
Phase II Grant Assistance Criteria  
Public Participation  
Program Administration

Copies of the proposed rules may be obtained from:

John Brzozowski, Lakes Management Coordinator  
New Jersey Department of Environmental Protection  
Division of Water Resources  
P.O. Box CN-029  
Trenton, New Jersey 08625

Interested persons may present written comments relevant to the proposal to the above address on or before June 25, 1980.

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

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Amendments to Floodway Delineation of Bound Brook in the Borough of Middlesex, Middlesex County and the Raritan River Basin

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:10-1 et seq., proposes to amend the delineation of Bound Brook, adopted May 21, 1973, by revising the floodway limits along the Bound Brook between Lincoln Avenue and the Penn-Central Railroad Bridge in the Borough of Middlesex, Middlesex County, New Jersey. Such proposal is known as DEP Docket No. 024-80-04.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulations, are listed in N.J.A.C. 7:13-1.11.

This list is amended from time-to-time as the Department delineates additional floodways or revokes, amends, alters or modifies previously delineated floodways. After the Department has a hearing on the amended delineation for Bound Brook located within the Borough of Middlesex, Middlesex County, New Jersey, the Department intends to adopt this amended delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

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 CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before July 3, 1980 to: Clark Gilman, Acting Bureau Chief of Flood Plain Management, at the above address, or at a hearing to be held at 11:00 A.M. on July 3, 1980, in the Division of Water Resources' Conference Room, second floor, 1474 Prospect Street, Trenton, New Jersey.

The Department of Environmental Protection may thereafter adopt this amendment substantially as proposed without further notice.

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Proposed Amendments to Floodway Delineation of Green Brook in the Borough of West Caldwell, Essex County and the Passaic River Basin

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 58:16A-50 et seq., as amended, and N.J.S.A. 13:10-1 et seq., proposes to amend the delineation of Green Brook, adopted October 10, 1979, by revising the floodway limits along the Green Brook between Passaic Avenue and Douglas Place in the Borough of West Caldwell, Essex County, New Jersey. This proposal is also known as DEP Docket No. 025-80-04.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulations, are listed in N.J.A.C. 7:13-1.11.

This list is amended from time-to-time as the Department delineates additional floodways or revokes, amends, alters or modifies previously delineated floodways. After the Department has a hearing on the amended delineation for Green Brook located within the Borough of West Caldwell, Essex County, New Jersey, the Department intends to adopt this amended delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

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 CN-029, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements, or comments on this proposal relevant to the proposed action in writing on or before June 25, 1980 to: Clark Gilman, Acting Bureau Chief of Flood Plain Management, at the above address, or at a hearing to be held at 10:00 A.M. on June 25, 1980, in the Division of Water Resources' Conference Room, second floor, 1474 Prospect Street, Trenton, New Jersey.

The Department of Environmental Protection may there-

after adopt this amendment substantially as proposed without further notice.

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION THE COMMISSIONER

### Proposed Amendments to Definition Of Treatment Works

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of the "New Jersey Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq., N.J.S.A. 13:1B-5, and N.J.S.A. 13:1D-1 et seq., proposes to amend N.J.A.C. 7:14-1.4 concerning "treatment works" to clarify the authority of the Department to regulate all facilities which may affect ground and/or surface water quality.

The amendments make it clear that a facility which is subject to the requirements of the "Solid Waste Management Act," N.J.S.A. 13:1E-1 et seq., is subject to review pursuant to the "New Jersey Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq., where that facility may affect ground and/or surface water.

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

#### 7:14-1.4 Definitions

"Treatment works" means any device or system, whether public or private used in the storage, treatment, recycling, or reclamation of municipal or industrial waste of a liquid nature including intercepting sewers, outfall sewers, sewage collection systems, cooling towers and ponds, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any other works including sites for the treatment process or for ultimate disposal of residues resulting from such treatment. Additionally, "treatment works" means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of pollutants, including storm water runoff, or industrial waste in combined or separate storm water and sanitary sewer systems[.]; [The term "treatment works" shall not be construed to include any facility subject to the requirements of the "Solid Waste Management Act" N.J.S.A. 13:1E-1 et seq.].

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Dr. Marwan Sadat  
Assistant Director for Water  
Quality Management  
P.O. Box CN-029  
Trenton, N. J. 08625

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

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules Concerning Marine Fisheries

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:2B-6, proposes to adopt new rules concerning marine fisheries. Such proposed rules have been submitted to the Marine Fisheries Council.

Full text of the proposal follows:

#### SUBCHAPTER 18. MARINE FISHERIES

##### 7:25-18.1 Size limits

No person shall purchase, sell, offer for sale or expose for sale any sea sturgeon measuring less than 42 inches in length. No person shall purchase, sell, offer for sale or expose for sale any quantity of fish, where more than five per cent of the summer flounder, commonly called fluke, measure less than 14 inches in length, more than five per cent of the codfish measure less than 12 inches in length, more than five per cent of the bluefish or weakfish measure less than nine inches in length, more than five per cent of the sea bass or kingfish measure less than eight inches in length, more than five per cent of the blackfish, mackerel or porgy measure less than seven inches in length or more than five per cent of the winter flounder measure less than six inches in length..

##### 7:25-18.2 Fishpound nets

No fishpound net shall have a mesh smaller than two inches and no such fishpound net shall be set, erected, operated or maintained within 1½ miles of any other fishpound net in the Atlantic Ocean or within 1,000 feet of any other fishpound net in Raritan, Sandy Hook or Delaware Bay.

##### 7:25-18.3 Net identification tags

(a) Any identification tag furnished by the division for a licensed net shall be displayed in a prominent and easily accessible place on such net.

(b) No identification tag furnished by the division may be counterfeited or transferred.

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Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 6, 1980 to:

Robert Santaloci  
Division of Fish, Game and Wildlife  
363 Pennington Ave.  
Trenton, N. J. 08625

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

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules Concerning the Atlantic Coast Harvest Season

Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1B-3, N.J.S.A. 23:2B-6 and N.J.S.A. 50:1 and 5, proposes to adopt new rules concerning the Atlantic Coast Harvest season. The proposed new rule is to be cited as N.J.A.C. 7:25-19.1 et seq. and has been submitted to the Marine Fisheries Council.

Full text of the proposal follows:

#### SUBCHAPTER 19. ATLANTIC COAST HARVEST SEASON

##### 7:25-19.1 Atlantic Coast harvest season; generally

(a) No person shall catch or take oysters or clams by any means from the Reef, Fitney Bit, Turtle Island, Oyster Bed Point beds in Great Bay; the Mullica River above Deep Point; the Great Egg Harbor River; the Tuckahoe River and the Middle River except with hand tongs during the harvest season.

(b) The harvest season for these oyster beds shall be determined by the size of the seed oysters planted, the time of planting and the growth and survival rate of the seed oysters.

(c) Based upon the data referred to in section (b), the harvest season for these oyster beds shall be established by the Commissioner, pursuant to N.J.S.A. 50:1-5, with the advice of the Atlantic Coast Shellfish Council except that no harvesting shall be permitted between June 30 and September 1.

(d) Nothing contained herein shall prevent or prohibit the harvest of shellfish from any of the leased shellfish beds along the Atlantic Coast by the lessee or his substitute harvester.

(e) Nothing contained herein shall prevent or prohibit the appropriate state authorities from conducting oyster management programs during the closed harvest season.

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Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 6, 1980 to:

Robert Santaloci  
Division of Fish, Game and Wildlife  
363 Pennington Ave.  
Trenton, N.J. 08625

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

Jerry Fitzgerald English  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Temporary Rule Suspending Fishing And Shellfish Activities in Portions Of the Raritan/Newark Bay Area

On April 22, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 23:2B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency, temporary rule to be cited as N.J.A.C. 7:25-18.1 which suspended all commercial and recreational fishing and shellfishing activities in the area generally westward of the New York Harbor boundary line (a line running from East Rockaway Inlet Breakwater Light to Sandy Hook Light, as shown on National Ocean Survey Chart No. 12326 32nd edition, 1978), North to the George Washington Bridge, including the tidal waters of Middlesex, Union, Essex, Bergen, Passaic, Hudson and Monmouth Counties, excluding Shark River.

The explosion and fire at the Chemical Control facility in Elizabeth has resulted in a significant runoff of potentially toxic waters into the Arthur Kill, which flows into the Newark and Raritan Bays, as well as the New York Harbor. The runoff poses an immediate threat to the public health and safety.

The closure will be in effect for a period of up to 72 hours and will be extended only if tests indicate such an extension is necessary to protect the public health.

An order adopting this rule was filed and became effective on April 22, 1980 as R.1980 d.177 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Amendments to the Industrial Survey Project

On April 18, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-9(a) and (c), and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:1F concerning the industrial survey project as proposed in the Notice published March 6, 1980 at 12 N.J.R. 107(c).

An order adopting these amendments was filed and became effective on April 25, 1980 as R.1980 d.181.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Repeal of Rule on Other Disinfectants in Sewer Systems And Wastewater Treatment Plants

On April 18, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-4, 58:10A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 7:9-1.98 concerning other disinfectants in sewer systems and wastewater treatment plants as proposed in the Notice published March 6, 1980 at 12 N.J.R. 108(b).

An order deleting this rule was filed and became effective on April 25, 1980 as R.1980 d.182.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Repeal of Portion of Rules Concerning the Urban Neighborhood Assistance Program

On April 18, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 13:1H-8 and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 7:37-1.5(d) concerning the urban neighborhood assistance program as proposed in the Notice published March 6, 1980 at 12 N.J.R. 111(b).

An order deleting this rule was filed and became effective on April 25, 1980 as R.1980 d.183.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## ENVIRONMENTAL PROTECTION

THE COMMISSIONER

### Emergency Fishing Ban in New York Bay Area

On April 25, 1980, Jerry Fitzgerald English, Commissioner of the New Jersey Department of Environmental Protection, pursuant to the authority of the Marine Fisheries Management and Commercial Fisheries Act (C. 23:2B-1 et seq.) and Titles 23, 24, 50, 58 of the Revised Statutes and N.J.S.A. 13:1D-1 et seq., ordered the suspension of all commercial and recreational fishing and shellfishing activities within the following geographical boundaries:

1. North Boundary; Newark Bay, South Reach Railroad Lift Bridge;
2. East Boundary; Bayonne Bridge over Bergen Point, West Reach;

3. South Boundary; Overhead Power Cable at Piles Creek in Pralls Island Reach.

The explosion and fire at the Chemical Control facility in Elizabeth has resulted in a significant runoff of potentially toxic waters into the Arthur Kill, which flows into the Newark and Raritan Bays, as well as the New York Harbor.

This order supersedes and revokes the order issued by the Commissioner on April 22, 1980, and referred to by the Department as Docket No. DEP 027-80-04 and will be codified in N.J.A.C. 7:25-20.1.

The closure will be in effect until further notice.

An order adopting this ban was filed and became effective on April 25, 1980, as R.1980 d.184 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Amendments Concerning Discharges of Petroleum and Other Hazardous Substances

On April 23, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-9, 58:10-23.11b(k) and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:1E-1.3 concerning discharges of petroleum and other hazardous substances and various Appendices therein substantially as proposed in the Notice published February 7, 1980 at 12 N.J.R. 68(a), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

An order adopting these amendments was filed and became effective on April 28, 1980 as R.1980 d.185.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### BUREAU OF RADIATION PROTECTION

##### Amendments Concerning Transportation

On May 1, 1980, Max M. Weiss, Chairman of the Commission on Radiation Protection, and Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:28-12 concerning transportation substantially as proposed in the Notice published May 10, 1979 at 11 N.J.R. 227(a), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Environmental Protection.

An order adopting these amendments was filed and became effective on May 1, 1980 as R.1980 d.191.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Rules on the Disposal of Dead Deer

On May 1, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-4, 23:4-43 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:25-17, concerning the disposal of dead deer as proposed in the Notice published March 6, 1980 at 12 N.J.R. 111(a).

An order adopting these rules was filed and became effective on May 2, 1980 as R.1980 d.193.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Amendments Concerning Oyster Seed Beds

On May 13, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3, 50:1-5, 50:3-8 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:25-7.2 concerning oyster seed beds as proposed in the Notice published January 10, 1980 at 12 N.J.R. 8(a).

An order adopting these amendments was filed and became effective on May 15, 1980 as R.1980 d.215.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Rules on Oyster Dredging Prohibition

On May 14, 1980, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3, 50:1-5, 50:3-8 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:25-7.4, concerning oyster dredging prohibition as proposed in the Notice published January 10, 1980 at 12 N.J.R. 8(b).

An order adopting these rules was filed and became effective on May 15, 1980 as R.1980 d.216.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments Concerning Drug Manufacturers' Labeling Requirements

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-18, proposes to repeal N.J.A.C. 8:21-1.13 and adopt new rules, to be cited as N.J.A.C. 8:21-1.31 and 8:21-1.32 if adopted, concerning drug manufacturers' labeling requirements.

Full text of the proposal follows:

#### 8:21-1.31 Drug manufacturer's labeling requirements

(a) A drug or drug product (as defined in N.J.S.A. 24:1.1e) in finished package form is misbranded under N.J.S.A. 24:5-18 if its label does not bear conspicuously the name and place of business of the manufacturer, packer, or distributor. This subsection does not apply to any drug or drug product dispensed pursuant to a prescription.

(b) As used in this section, and for purposes of N.J.S.A. 24:5-18 a and b, the manufacturer of a drug product is the person who performs all of the following operations that are required to produce the product: 1. Mixing; 2. Granulating; 3. Milling; 4. Molding; 5. Lyophilizing; 6. Tableting; 7. Encapsulating; 8. Coating; 9. Sterilizing; and 10. Filling sterile, aerosol, or gaseous drugs into dispensing containers.

(c) If no person performs all of the applicable operations listed in subsection (b) of this section, no person may be represented as manufacturer except as follows:

1. If the person performs more than one half of the applicable operations listed in subsection (b) of this section and acknowledges the contribution of other persons who have performed the remaining applicable operations by stating on the product label that "Certain manufacturing operations have been performed by other firms"; or

2. If the person performs at least one applicable operation listed in subsection (b) of this section and identifies by appropriate designation all other persons who have performed the remaining applicable operations, e.g., "Made by (Person A), Filled by (Person B), Sterilized by (Person C)"; or

3. If the person performs at least one applicable operation listed in subsection (b) of this section and the person is listed along with all other persons who have performed the remaining applicable operations as "joint manufacturers." A list of joint manufacturers shall be qualified by the phrase "Jointly Manufactured By \_\_\_\_\_," and the names of all of the manufacturers shall be printed together in the same type size and style; or

4. If the person performs all applicable operations listed in subsection (b) of this section except for those operations listed in subsection (d) of this section.

(d) The Department finds that it is the common practice in the drug industry to contract out the performance of certain manufacturing operations listed in subsection (b) of this section. These operations include:

1. Soft-gelatin encapsulating; 2. Aerosol filling; 3. Sterilizing by irradiation; 4. Lyophilizing; and 5. Ethylene oxide sterilization.

(e) A person performs an operation listed in subsection (b) of this section only if the operation is performed, including the performance of the appropriate in-process

quality control operations, except laboratory testing of samples taken during processing, as follows:

1. By individuals, a majority of whom are employees of the person and, throughout the performance of the operation are subject to the person's direction and control;

2. On premises that are continuously owned or leased by the person and subject to the person's direction and control; and

3. On equipment that is continuously owned or leased by the person.

(f) The name of the person represented as manufacturer under subsection (b) or (c) must be the same as the name of the establishment (as defined in N.J.S.A. 24:6B) under which that person is registered at the time the labeled product is produced. In addition, the name shall meet the requirements of subsection (b) of this section.

(g) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. A separately incorporated subsidiary shall use its actual corporate name and not the name of its parent company. However, if it chooses, a separately incorporated subsidiary may also identify its parent corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(h) Except as provided in this section, no person other than the manufacturer, packer, or distributor may be identified on the label of a drug or drug product.

1. The appearance on a drug product label of a person's name without qualification is a representation that the named person is the sole manufacturer of the product. That representation is false and misleading, and the drug product is misbranded under section N.J.S.A. 24:5-18 if the person is not the manufacturer of the product in accordance with this section.

2. If the names of two or more persons appear on the label of a drug or drug product, the label may identify which of the persons is to be contacted for further information about the product.

3. If a trademark appears on the drug or drug product label or appears as a mark directly on the drug product (e.g., tablet or capsule), the label may identify the holder or licensee of the trademark. The label may also state whether the person identified holds the trademark or is licensee of the trademark.

4. If the distributor is named on the label, the name shall be qualified by one of the following phrases: "Manufactured for \_\_\_\_\_," "Distributed by \_\_\_\_\_," "Manufactured by \_\_\_\_\_ for \_\_\_\_\_," "Distributor: \_\_\_\_\_," "Marketed by \_\_\_\_\_". The qualifying phrases may be abbreviated.

5. If the packer is identified on the label, the name shall be qualified by the phrase "Packed by \_\_\_\_\_" or "Packaged by \_\_\_\_\_". The qualifying phrases may be abbreviated.

(i) The statement of the place of business shall include the street address, city, State, and ZIP Code. For a foreign manufacturer, the statement of the place of business shall include the street address, city, country, and any applicable mailing code. The street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply to consumer commodity

labels developed or revised after July 1, 1969. In the case of nonconsumer packages, the ZIP Code shall appear either on the label or the labeling (including the invoice).

(j) If a person manufactures, packs, or distributes a drug or drug product at a place other than the person's principal place of business, the label may state the principal place of business in lieu of the actual place where such drug or drug product was manufactured or packed or is to be distributed, unless such statement would be misleading.

(k) Subsections (b), (c), (d), (e), and (f) of this section, do not apply to the labeling of drug components.

(l) A drug product is misbranded under N.J.S.A. 24:5-18 if its labeling identifies a person as manufacturer, packer, or distributor, and that identification does not meet the requirements of this section.

(m) This section does not apply to biological drug products that are subject to the requirements of section 351 of the Public Health Service Act, 42 U.S.C. 262 or Devices as defined in N.J.S.A. 24:1-1g.

#### 8:21-1.32. Device manufacturers' labeling requirements

(a) The label of a device in package form shall specify conspicuously the name and place of business of the manufacturer, packer or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer or distributor shall be deemed to be satisfied in the case of a corporation only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company", "Incorporated", and so forth, may be used and "The" may be omitted. In the case of an individual, partnership or association, the name under which the business is conducted shall be used.

(c) Where the device is not manufactured by the person whose name appears on the label the name shall be qualified by a phrase that reveals the connection such person has with such device; such as "Manufactured for \_\_\_\_\_", "Distributed by \_\_\_\_\_", or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and Zip code; however, the street address may be omitted if it is shown in a current city or telephone directory. The requirement for inclusion of the Zip code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the Zip code shall appear either on the label or the labeling (including the invoice).

(e) If a person manufactures, packs or distributes a device at a place other than his principal place of business in lieu of the actual place where such device was manufactured or packed or is to be distributed, unless such statement would be misleading.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Donald J. Foley  
Chief, Drug Control  
N.J. Department of Health  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendments Concerning Recognized Public Health Activities And Minimum Standards of Performance For Local Boards of Health

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-15(i), proposes to amend various portions of Chapter 51 in Title 8 of the New Jersey Administrative Code concerning recognized public health activities and minimum standards of performance for local boards of health.

The proposed amendments concern the Foreword; administration and supporting services; environmental health; communicable diseases; maternal and child health; and chronic illness. The purpose of such proposal is to remove environmental health activity which is now under the jurisdiction of the Department of Environmental Protection.

Copies of the 30 pages of the full text of this proposal may be obtained from or made available for review by contacting:

John H. Harrison  
Director, Health Aid Services  
N.J. Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to the Department of Health at the above address.

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Emergency Amendments Concerning Chemical Preparations

On April 16, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of CFR 21, Part 1308.24(i) and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 8:65-10.8 concerning chemical preparations.

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

#### 8:65-10.8 Exempt chemical preparations

(a) A list of preparations and mixtures in 21 CFR 1308.24(i) as amended through Volume 45, No. 35, of the Federal Register dated February 20, 1980, which in the form and quantity listed in the application (indicated as the "date of application"), including chloral, are designated as exempt chemical preparations and not subject

to the provisions of the New Jersey Controlled Dangerous Substance Act.

[(b) A complete list of the preparations and mixtures to be deleted from Section 1308.24(i) of 21 CFR; and a complete list of preparations and mixtures to be added to Section 1308.24(i) of 21 CFR, are found in Volume 44, No. 94, of the Federal Register dated May 14, 1979.]

(b) [(c)] A complete listing of these preparations and mixtures subject to this proposal may be reviewed in the office of Drug Control, Consumer Health Services, 1911 Princeton Avenue, Trenton, N.J. 08648 (609-392-1180).

An order adopting these amendments was filed and became effective on April 23, 1980, as R.1980 d.180 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HEALTH

### THE COMMISSIONER

#### Rules on Labeling, Sale and Distribution of Cosmetics For Professional Use Only

On May 15, 1980, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:21-1.29, concerning the labeling, sale and distribution of cosmetics for professional use only as proposed in the Notice published January 10, 1980 at 12 N.J.R. 11(a).

An order adopting these rules was filed and became effective on May 15, 1980 as R.1980 d. 218.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HIGHER EDUCATION

### STUDENT ASSISTANCE BOARD

#### Amendments to Garden State Scholarship Eligibility Requirements

On May 12, 1980, Lynn Goldthwaite, Chairman of the Student Assistance Board in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-26.8 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 9:7-4.1 concerning the Garden State scholarship eligibility requirements.

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

#### 9:7-4.1 Eligibility requirements

Undergraduate Garden State scholars must meet minimum academic requirements as defined below, demonstrate financial need as defined herein, and be selected by the institution they attend or plan to attend. In addition to the financial need determination explained in N.J.A.C.

9:7-2.4 and 9:7-2.9, [undergraduates must have an estimated family contribution of cost of attendance minus the amount of the scholarship or \$3300, whichever is less, to qualify for a monetary award. The family contribution level will be reviewed annually thereafter.] undergraduates must have demonstrated financial need to qualify for an award. Demonstrated financial need is the difference between the applicant's estimated family contribution and the total cost of college attendance (college budget). The undergraduate's demonstrated financial need will be reviewed annually by the institution to determine renewal eligibility. Garden State Scholarship recipients who transfer to another eligible New Jersey institution may transfer their Garden State Scholarship eligibility status provided they have demonstrated satisfactory academic progress and have demonstrated financial need at the institution they will attend. Graduate fellows will be selected primarily on the basis of academic merit. In academic year 1978-79, only initial awards will be made. The program will be phased in one year at a time thereafter.

An order adopting these amendments was filed and became effective on May 14, 1980 as R.1980 d.212 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HUMAN SERVICES

### DIVISION OF MENTAL HEALTH AND HOSPITALS

#### OFFICE OF COMMUNITY SERVICES

#### Proposed Amendments to the Rules and Regulations Governing State Aid Under the Community Mental Health Services Act

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:9A-1 et seq., proposes to substantially amend N.J.A.C. 10:37 concerning Rules and Regulations Governing State Aid Under the Community Mental Health Services Act. The proposed amendments, which were previously announced in the March 6, 1980, New Jersey Register, have been widely circulated throughout the State. Those proposed Rules and Regulations have again been substantially modified after careful review of the many comments received by the Department from the community.

The Commissioner is now proposing that these newly modified amendments delete the current text of sub-chapters one through twelve of N.J.A.C. 10:37 and replace it with new rules and regulations, developed jointly with the community, to meet State and Federal guidelines for the planning and development of community mental health and related social services.

A summary of the major areas addressed in the proposed amendments is as follows:

- 10:37-1 Introduction and Purpose
- 10:37-2 State Community Mental Health Citizens' Advisory Board
- 10:37-3 County Mental Health Boards

- 10:37-4 Consumer Requirements for All Community Mental Health Program Elements
- 10:37-5 Program Element Requirements
- 10:37-6 General Administrative Requirements for All Community Mental Health Program Elements
- 10:37-7 Fiscal Administration, Audit Requirements, and Allowable Costs
- 10:37-8 Conditions Governing State Grants for Construction Assistance for Community Mental Health Facilities

Copies of the 113 pages of the full text of the proposed amendments may be obtained for review by contacting:

Ms. Geraldine Botwinick, Director  
Office of Community Services  
N.J. Division of Mental Health and Hospitals  
Capital Place One - 2nd Floor  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed amendments on or before June 30, 1980, to the Department of Human Services at the above address.

The Department of Human Services may, thereafter, adopt rules and regulations concerning this subject without further notice. If the rules and regulations are adopted, they will become effective July 1, 1980.

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amendments to Pharmaceutical Services Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:51 concerning the Pharmaceutical Services Manual.

The proposed amendments concern the liberalization of the refill rules; implementing the generic substitution requirements; and rules concerning record keeping requirements.

Copies of the 27 pages of the full text of the proposal may be obtained from or made available for review by contacting:

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 June 25, 1980 to the Division of Medical Assistance and Health Services at the above address.

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

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rules on Out-of-State Hospital Reimbursement (Outpatient Services)

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules on out-of-State hospital reimbursement (outpatient services).

This proposal supersedes the previous Notice of Proposal on the same subject matter published January 10, 1980, at 12 N.J.R. 24(a).

Full text of the proposal follows.

#### 10:52-1.17 Out-of-State outpatient hospital services

(a) Reimbursement for covered services in the outpatient department of the hospital shall be determined by the Commissioner of the Department of Human Services. The rates of reimbursement are established by the Commissioner at 60 per cent of charges.

(b) Reimbursement for outpatient services in out-of-State non-approved hospitals is limited to an initial visit for emergency services.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(c)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amendments Concerning Special Hospital Services Manual

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:53-1.6 in the Special Hospital Services Manual concerning covered outpatient hospital services and prior authorization for psychiatric services.

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

10:53-1.6(b) Partial hospitalization, as defined in section 1 of this subchapter is covered as an outpatient service. Day, evening or night care (night care must include overnight stay) does not require prior authorization from the New Jersey Division of Medical Assistance and Health Services for the first thirty calendar days.

1. Prior authorization is required for partial hospitaliza-

tion after the first thirty calendar days. Each authorization for this service may be granted for a maximum period of six months. Additional authorizations may be requested.

i. When prior authorization is required for psychiatric services, the request is to be submitted on a "Request for authorization of psychiatric services" form (FD-07) to the Chief, Bureau of Mental Health Services, P.O. Box 2486, Trenton, New Jersey 08625. Items 1 through 17 must be completed.

ii. The request must include the diagnosis, as set forth in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association (latest edition), and also must include the treatment plan and progress report in detail. No post facto authorization will be granted.

iii. If request for authorization is approved, the contractor and provider copy will be returned to the provider who retains the provider copy and attaches the contractor copy to the "Outpatient Hospital Claim" form (MC-4) when submitting the claim for payment.

iv. If request for authorization is denied, the provider shall be notified of the reason, in writing, by the Chief of Mental Health Services.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amendments to Definition of Specialist

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend N.J.A.C. 10:54-1.1 in the Physician's Services Manual concerning the definition of specialist.

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

#### 10:54-1.1 Definitions

"Specialist," for purposes of New Jersey Medicaid Program, means a fully licensed physician who limits his practice to his specialty and who:

1. Is a diplomate of the appropriate American board, or osteopathic board; or
2. Is a fellow of the appropriate American specialty college, or a member of an osteopathic specialty college; or
3. Has been notified of admissibility to examination by the appropriate American board, or osteopathic board,

or has evidence of completion of an appropriate qualifying residency approved by the American Medical Association, or American Osteopathic Association; or

4. Holds an active staff appointment with specialty privileges in a voluntary or governmental hospital which is approved for training in the specialty in which the physician has privileges; or

5. Is recognized in the community as a specialist by his peers.

[Note: Specialists rendering services outside their field of specialization will not be reimbursed as a specialist.]

NOTE: For specialists as defined above to be paid at the specialist rate, 90% of their Medicaid practice must be limited to their specialty. Those providers who otherwise qualify as specialists, but who do not limit 90% of their Medicaid practice to their specialty, will be paid at the non-specialist rates, and recovery of the difference between the specialist and non-specialist rates, may be sought together with any appropriate penalties if warranted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning Minimum Documentation in a Transferred AFDC Case

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend the Public Assistance Manual concerning minimum case documents which must be forwarded from one CWA to another when a case is transferred (N.J.A.C. 10:81-3.27).

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

10:81-3.27(b)2.i. (1) Transfer, within five working days from the date it is notified of the actual move, a copy of pertinent case material to the receiving county [;]. Such material shall include, at a minimum a copy of the first application and the most recent PA-IJ form; the most recent CODES 105A and B forms; Social Security numbers or copies of SS-5 forms; all birth verifications; and, where ongoing recoupment is involved, the amounts and net balances;

Interested persons may present statements or arguments

in writing relevant to the proposal on or before June 25, 1980 to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, New Jersey 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning Elimination of Requirement that CWAs Submit to DPW Notification of Receipt of Subpoena for Information and/or Records

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend the Public Assistance Manual concerning elimination of requirement that CWAs submit to DPW notification of receipt of subpoena for information and/or records (N.J.A.C. 10:81-7.32).

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

10:81.1.32(a) [3. Immediately upon receipt of any such subpoena, notification shall be given to the Division of Public Welfare.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 25, 1980 to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627  
Trenton, New Jersey 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning The Effective Date of the Initial Grant of Assistance

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to amend N.J.A.C. 10:82-2.3 in the Assistance Standards Handbook concerning the effective date of the initial grant of assistance.

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

10:82-2.3(c) The effective date of the initial grant shall be the date of the application if the client was eligible on that date. If the client was found eligible on any other date, the initial grant shall be retroactive to the date eligibility commenced.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning the Treatment Of Earned Income for Irregularly Employed Clients, the Effective Date of Adjustments in the Monthly Assistance Grant and to Provide Conformity with DYFS Regulations

Ann Klein, Commission of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend the Assistance Standards Handbook concerning the treatment of earned income for irregularly employed clients, the effective date of adjustments in the monthly assistance grant and to provide conformity with DYFS regulations (N.J.A.C. 10:82-2.14, 10:82-2.20 and 10:82-4.9).

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

10:82-2.14 (c) When [the] a recently employed client has been [employed] paid for less than 4 weeks prior to [the date a notice of adverse action is mailed] the 13th of the month, the [average] weekly gross earnings shall be determined [for the actual employment period of 1, 2, or 3 weeks] by averaging the earnings received through the 12th of this month.

1. Example: New employment began 3 weeks ago, and the client has been paid twice. [with wages (g)Gross earnings[] in amounts of] received are \$80 [, \$62] and \$68. Average weekly earnings are [\$70] \$74.

(d) Any change in employment circumstances, such as change in base pay, change to full or part-time work, or a different job, must be reported to the CWA immediately and a recalculation of earned income promptly made. If this change has occurred less than 4 weeks prior to [the date the grant becomes effective or of mailing a notice of adverse action, whichever is applicable,] the 13th of the month [an average] the weekly gross earnings shall be determined [for the 1, 2, or 3 week period as appropriate (see example) in accordance with the procedure outlined in Section 241.3[]].

1. When the client is irregularly employed, some weeks as part-time and some as full-time, then the earnings shall be treated in accordance with Section 241.4 above.

10:82-2.20 Changes in need while assistance is being received

(a) [When] A change in the circumstances of the eligible unit may result[s] in an [authorized] adjustment upward or downward in the amount of the assistance payment Unless Section 252.2 applies, the effective date of any-such adjustment [shall] must be [as of] effective no later than the first day of the [next regular payment period] second month following the [date] month the change in circumstances [was reported to or identified by the county welfare agency unless Section 252.2 is applicable] occurred. Downward adjustments are subject to timely and adequate notice, in accordance with PAM Section 7100.

1. Example: A client's income increases during January. The county welfare agency must complete necessary verification and all administrative procedures, including the mailing of the appropriate adverse action notice, during February to ensure that the change is reflected in the March grant.

10:82-4.9(c) The basic rates for foster care as established by the Division of Youth and Family Services are as follows:

1. Child under 6 years	\$116 per month
2. 6 through [10]9 years	122 per month
3. [11]10 through 14 years	132 per month
4. 15 years and over	144 per month

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 25, 1980 to:

G. Thomas Riti, Director  
Division of Public Welfare  
Box 1627

Trenton, New Jersey 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments Concerning Salary Increases for County Welfare Agencies' Employees

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 proposes to amend Ruling 11, Part I, Appendices I and II concerning salary increases for county welfare agencies' employees (N.J.A.C. 10:109).

Copies of the 61 pages of the full text of the proposal may be obtained from or made available for review by contacting the Division of Public Welfare at the address below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 25, 1980 to:

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

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

Commissioner  
Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Proposed Amendments to Administration Rules

Ann Klein, Commissioner of Human Services, pursuant to authority under N.J.S.A. 30:1-1 et seq. and N.J.S.A. 30:4C-1 et seq., proposes to amend the Administration Foreword section to N.J.A.C. 10:120.

The proposed regulation will replace the current Foreword in its entirety.

Full text of the proposal follows.

#### 10:120. FOREWORD

The Division of Youth and Family Services was created in May, 1972, as part of the Department of Human Services. It assumed the responsibilities of the former Bureau of Children's Services as well as various day care, juvenile justice, licensing, and early childhood development programs then housed in other state government agencies. The Division also assumed responsibility for supervision of the social service units of the county welfare agencies.

The Division of Youth and Family Services (DYFS) serves as the state's comprehensive social services agency for children and families in New Jersey. Its primary goal is to preserve and strengthen the family unit by providing a wide range of supportive and reinforcing services designed to encourage and maintain family stability and self-sufficiency.

The entire service delivery function of the Division is vested in four regional offices. Each regional office is headed by an administrator responsible for local district offices as well as for adoption and foster care units, direct and purchased day care, purchase of service contracts, and supervision of county welfare agency social service units in the counties comprising that region.

The four regional offices are: Northern, which includes Bergen, Hudson, Morris, Passaic, Sussex, and Warren Counties; Metropolitan, which includes Essex and Union Counties; Central, which includes Hunterdon, Mercer, Middlesex, Monmouth, Ocean, and Somerset Counties; and Southern, which includes Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties.

The Central Office in Trenton provides support functions to the regional and local offices. Some of these functions are policy and procedure development and publication, management and fiscal services, monitoring residential placement facilities, and staff training.

Services provided directly to children and their families by the Division include protective services for abused and neglected children, adoption services, foster and institutional placement, day care services, casework and counseling, and parole supervision for certain juveniles paroled from state training schools. In addition, the Division provides services to Juveniles in Need of Supervision

(JINS) who are referred by the courts and accepted under supervision by DYFS. The Division is responsible for licensing or regulating certain privately operated child care centers, private adoption agencies placing children for adoption in New Jersey, JINS shelters, shelters for dependent and neglected children, and children's residential treatment centers and group homes accommodating DYFS children.

The Division supervises the social service units of the County Welfare Agencies. These units provide a wide range of services through Titles XX and XIX of the federal Social Security Act, including home health aid, homemaker, medical transportation, housing related services, counseling and information and referral. Their service population includes public assistance recipients requesting services and other adults and families requesting services who have limited income. The CWA social service units are also designated to be responsible for the provision of adult protective services and services to those in boarding homes or in need of boarding home services.

The Division is the state agency responsible for the administration of both direct and purchased service programs under Title XX of the federal Social Security Act. Programs operating under Title XX contracts are funded on a three-to-one federal to state-local matching basis. Among the programs provided by such contracts are day care for children, protective services for battered spouses, adult day care, home delivered meals and transportation for the elderly; homemaker/home health aid services, family planning, personal counseling of all kinds, housing-related services, and legal services in noncriminal matters.

The policies and procedures of DYFS are formalized in DYFS Field Operations and Provider Manuals. The manual provisions are not the statutorily defined rules and regulations promulgated pursuant to the Administrative Procedure Act and thus alleged non-compliance therewith does not result in the right to an administrative hearing. The DYFS Field Operations and Provider Manuals are available in the DYFS central, regional, and district offices for examination or review during regular office hours on regular work days. DYFS issues these manuals and revises them as necessary.

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 25, 1980, and may request copies of the proposed regulation by writing to the following address:

E. John Walzer, Jr., Esquire  
Office of Regulatory and  
Legislative Affairs  
Division of Youth and Family Services  
1 South Montgomery Street  
Trenton, New Jersey 08625

The Division of Youth and Family Services may thereafter adopt these proposed amendments concerning this subject without further notice.

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### THE COMMISSIONER

#### Repeal of Certain Outdated Rules

On April 18, 1980, Ann Klein, Commissioner of Human

Services, pursuant to authority of N.J.S.A. 9:3-37 et seq., 30:4C-4 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, repealed Chapters 99, 102, 105, 107 and 108 in Title 10 of the New Jersey Administrative Code as proposed in the Notice published November 8, 1979 at 11 N.J.R. 558(a).

An order repealing these rules was filed and became effective on April 22, 1980 as R.1980 d.178.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments on Living Allowance Deductions

On April 30, 1980, 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 N.J.A.C. 10:94-5.8 concerning living allowance deductions substantially as proposed in the Notice published March 6, 1980 at 12 N.J.R. 125(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed on April 30, 1980 as R.1980 d.187 to become effective on May 1, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Exemption Of an Institutionalized Individual's Wages

On April 30, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:7-87, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:81-8.20 and 10:94-5.8 concerning exemption of an institutionalized individual's wages substantially as proposed in the Notice published April 10, 1980 at 12 N.J.R. 190(b) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed on April 30, 1980 as R.1980 d.188 to become effective on May 1, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Repeal Handbook for the Home Services Program

On May 6, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, deleted the current text of Chapter 90 in Title 10 of the New Jersey Administrative Code concerning the handbook for the home services program as proposed in the Notice published April 10, 1980 at 12 N.J.R. 192(a).

An order deleting these rules was filed and became effective on May 9, 1980 as R.1980 d.208.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Amendments to Long Term Care Manual Concerning Penalties For Delinquent Cost Studies

On May 7, 1980, 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 amendments to N.J.A.C. 10:63-3.1 in the Long Term Care Manual concerning penalties for delinquent cost studies substantially as proposed in the Notice published February 7, 1980 at 12 N.J.R. 84(b), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on May 14, 1980 as R.1980 d.211.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Rules Concerning Assessment of Interest on Overpayments

On May 7, 1980, 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. 10:53-2.17 concerning the assessment of interest on overpayments as proposed in the Notice published April 10, 1980 at 12 N.J.R. 187(d).

An order adopting these rules was filed and became effective on May 15, 1980 as R.1980 d.217.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments Concerning Exclusion Of Resources Such as Payments Received from the Crisis Intervention Program

On May 15, 1980, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-4.8(a)17 vii concerning the exclusion of resources such as payments received from the crisis intervention program as proposed in the Notice published April 10, 1980 at 12 N.J.R. 191(c).

An order adopting these amendments was filed on May 15, 1980 as R.1980 d.220 to become effective on July 1, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Emergency Amendments to SSI Payment Schedule

On May 15, 1980, 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 emergency amendments to N.J.A.C. 10:100-1.23 concerning the SSI payment schedule.

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

#### NEW JERSEY SUPPLEMENTAL SECURITY INCOME PAYMENT LEVELS

Living Arrangement Categories	Payment Level [7/1/79]7/1/80
Eligible Couple	
Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence	[\$50/312.30*] \$50/357.00*
Licensed Boarding Homes for Sheltered Care and Incorporated Homes for the Aged and certain residential facilities	[678.00] 738.00

Living Alone, or in a business arrangement, or in a commercial establishment or living with others but not member of a "household", or a member of a household with ownership or rental responsibility and paying more than their pro rata share of household expenses [324.00] 369.00

Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility) [317.00] 362.00

Living in Household of Another, Receiving Support and Maintenance [282.00] 312.00

Eligible Individual

Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence of 16 or less [\$25/206.20\*]\$25/238.00\*

Licensed Boarding Homes for Sheltered Care and Incorporated Homes for the Aged and certain residential facilities [339.00] 369.00

Living Alone, or in a business arrangement, or in a commercial establishment, or living with others but not member of a "household" or a member of a household with ownership or rental responsibility and paying more than his pro rata share of household expenses [231.00] 261.00

Living with Ineligible Spouse (No other individuals in household) [324.00] 369.00

Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility) [211.00] 241.00

Living in Household of Another, Receiving Support and Maintenance [164.00] 184.00

\* The lower figure applies when Medicaid payments with respect to an individual equal an amount over 50% of the cost of services provided in a month.

An order adopting these amendments was filed on May 15, 1980 as R.1980 d.221 to become effective on July 1, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments Concerning Ways by Which Continued Absence from the Home May be Established

On May 15, 1980, 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 amendments to N.J.A.C. 10:81-3.17 concerning ways in which continued absence from the home may be established substantially as proposed in the Notice published March 6, 1980 at 12 N.J.R. 120(a) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed on May 15, 1980 as R.1980 d.222 to become effective on June 1, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Emergency Amendments Concerning Medicaid Only Income Eligibility Levels

On May 15, 1980, 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 emergency amendments to N.J.A.C. 10:94-4.33 concerning Medicaid Only income eligibility levels.

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

10:94-4.33

TABLE A

Variations in Living Arrangement	Medicaid Eligibility Income Standards (Countable Income)
Licensed Boarding Home	
Eligible person	[\$339.00]\$369.00
Eligible couple	[\$678.00]\$738.00
Head of Household:	
Living Alone:	
Eligible person	[\$231.00]\$261.00
Eligible couple	[\$324.00]\$369.00
Eligible individual with ineligible spouse only	[\$324.00]\$369.00
Living with Others:	
Eligible person	[\$211.00]\$241.00
Eligible couple	[\$317.00]\$362.00
Living in Household of Another (Receiving Support and Maintenance):	
Eligible person	[\$164.00]\$184.00
Eligible couple	[\$282.00]\$312.00

(Continued on Page 335)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

It includes all rules adopted from receipt of the last individual transmittals as indicated through May 15, 1980.

**RULES NOT YET IN PRINT IN CODE (May be found in N.J. Register beginning with July 5, 1979):**  
**(Full text (in proposal form), if published, may be found in N.J. Register beginning with Sept. 6, 1978.)**

<u>N.J.A.C. CITATION</u>	<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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## AGRICULTURE — TITLE 2

2:3-2.12	Amend exemption from pseudorabies test	R.1979 d.304	11 N.J.R. 426(a)
2:16	Amend seed certification requirements	R.1980 d.210	12 N.J.R. 302(a)
2:54-3.7	Amend concurrent suspension to Federal Order No. 4 concerning milk handling in various New Jersey milk marketing areas	R.1980 d.10	12 N.J.R. 62(a)
2:71-2.28—2.31	Amend fruit and vegetable inspection and grading	R.1980 d.140	12 N.J.R. 248(b)
2:72-1.1	Amend bond requirements	R.1980 d.57	12 N.J.R. 103(a)

(Title 2, Transmittal 15 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

## BANKING — TITLE 3

3:1-1.1	Amend interest rates	R.1980 d.151	12 N.J.R. 249(b)
3:1-1.2	Interest rates on other loans	R.1979 d.290	11 N.J.R. 429(b)
3:1-9	Amend red-lining	R.1979 d.415	11 N.J.R. 534(b)
3:2	Advertising by financial institutions	R.1980 d.125	12 N.J.R. 170(a)
3:6-7.1	Amend class II installment loan rates	R.1980 d.16	12 N.J.R. 62(c)
3:6-8.1	Savings banks' deposits	R.1980 d.144	12 N.J.R. 249(a)
3:6-9.1	Maximum interest rate on small business loans	R.1980 d.204	12 N.J.R. 302(d)
3:8-3.2, 3.3	Amend reserves by banks not members of the Federal Reserve System	R.1979 d.501	12 N.J.R. 62(b)
3:11-1.1	Amend approval to exceed ten per cent limitation	R.1979 d.298	11 N.J.R. 429(c)
3:18-9.1, 9.5	Amend secondary mortgage loan act rules	R.1980 d.17	12 N.J.R. 63(a)
3:21-1.8	Loan interest rate; credit union law	R.1980 d.207	12 N.J.R. 303(a)
3:22	Insurance Premium Finance Company Act	R.1980 d.203	12 N.J.R. 302(c)
3:31-2.2	Maximum interest rate; repair and improvement loans	R.1980 d.18	12 N.J.R. 63(b)

(Title 3, Transmittal 14 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

## CIVIL SERVICE — TITLE 4

4:1-2.1	Amend definition of immediate family	R.1980 d.60	12 N.J.R. 104(a)
4:1-9.5, 20.3	Amend performance evaluations	R.1980 d.61	12 N.J.R. 104(b)

(Title 4, Transmittal 13 dated June 1, 1979 includes all rules through February 7, 1980 N.J. Register.)

## COMMUNITY AFFAIRS — TITLE 5

5:19	Repeal rules of practice of Bureau of Housing Inspection	R.1980 d.205	12 N.J.R. 305(a)
5:22	Rules on exemptions from taxation	R.1980 d.206	12 N.J.R. 305(b)
5:25-1.3, 4.2, 5.5	Amend new home warranties and builders registration	R.1980 d.158	12 N.J.R. 250(a)
5:26-1.3, 2.2, 2.17, 3.1, 4.2, 6.5, 8.4, 11.7, 11.9	Amend planned real estate development full disclosure	R.1979 d.439	11 N.J.R. 610(b)
5:30-17	Co-operative pricing and joint purchasing systems	R.1980 d.104	12 N.J.R. 172(a)

(Title 5, Transmittal 13 dated October 1, 1979 includes all rules through November 8, 1979 N.J. Register.)



## EDUCATION — TITLE 6

6:3-1.22	Evaluation of tenured chief school administrators	R.1979 d.480	12 N.J.R. 7(a)
6:8-1.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:8-1.1, 3.8, 4.2	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:8-6.2, 7.1	Amend evaluation and classification process	R.1980 d.107	12 N.J.R. 178(a)
6:11-4.7	Amend county substitute certificate	R.1980 d.105	12 N.J.R. 177(a)
6:20-3.1, 3.4	Amend tuition public schools	R.1980 d.165	12 N.J.R. 251(c)
6:20-3.1, 3.4	Amend public school tuition	R.1980 d.225	12 N.J.R. 308(a)
6:20-5.4	Additional State school building aid	R.1979 d.479	12 N.J.R. 6(b)
6:20-6.2, 6.8	Amend purchase and loan of textbooks	R.1980 d.163	12 N.J.R. 251(a)
6:20-7	Amend qualifications, debarment, suspension and disqualification of person(s) concerning contract administration	R.1979 d.478	12 N.J.R. 6(a)
6:20-8	Rules on public school contracts	R.1980 d.69	12 N.J.R. 107(a)
6:26-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:27-1.4	Amend high school graduation requirements	R.1980 d.106	12 N.J.R. 177(b)
6:27-3.1	Amend operation of summer schools	R.1980 d.68	12 N.J.R. 106(a)
6:29-7.1	Family life education	R.1980 d.164	12 N.J.R. 251(b)
6:31	Amend bilingual education	R.1980 d.70	12 N.J.R. 107(b)
6:68-2	Amend library incentive grant program	R.1980 d.224	12 N.J.R. 307(b)

(Title 6, Transmittal 15 dated Nov. 13, 1979 includes all rules through Dec. 6, 1979 N.J. Register.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1C-1.2, 1.6—1.10	Amend 90-day construction permits	R.1980 d.75	12 N.J.R. 113(d)
7:1E-1.3	Amend discharges of petroleum and other hazardous substances	R.1980 d.185	12 N.J.R. 314(a)
7:1F	Industrial survey project	R.1980 d.129	12 N.J.R. 259(c)
7:1F	Amend industrial survey project	R.1980 d.181	12 N.J.R. 313(b)
7:1G-1	Interim rules for review and approval of applications for development or construction	R.1979 d.333	11 N.J.R. 502(b)
7:1G-1.11	Amend review and approval of applications for development or construction	R.1979 d.458	12 N.J.R. 10(c)
7:1G-1.11(a)2	Amend water quality standards	R.1979 d.395	11 N.J.R. 543(b)
7:1G-2	Procedures for processing applications for development	R.1979 d.332	11 N.J.R. 504(a)
7:1G-2.1(d)	Amend procedures for processing applications for development	R.1979 d.394	11 N.J.R. 543(a)
7:4	Rules on the New Jersey Register of Historic Places	R.1979 d.328	11 N.J.R. 434(a)
7:6-8	Motor vehicles using ice-covered waters	R.1980 d.88	12 N.J.R. 114(b)
7:9-1.98	Delete rule on other disinfectants	R.1980 d.182	12 N.J.R. 313(c)
7:12-1.4	Condemnation of certain waters in the Atlantic Ocean for shellfish harvesting	R.1980 d.12	12 N.J.R. 71(c)
7:12-1.4	Delete rule on condemnation of certain Atlantic Ocean waters for shellfish harvesting	R.1980 d.48	12 N.J.R. 112(b)
7:13-1.11(c)	Amend flood plain delineation of the Delaware River	R.1980 d.65	12 N.J.R. 113(b)
7:13-1.11(c)	Amend flood plain delineations; North Branch Rancocas Creek and Rancocas Creek; Burlington County	R.1980 d.76	12 N.J.R. 113(e)
7:13-1.11(d)	Amend floodway delineations of streams within the Passaic River Basin	R.1979 d.430	11 N.J.R. 545(a)
7:13-1.11(d)	Amend floodway delineation of streams within the Raritan and Rahway River Basin	R.1979 d.418	11 N.J.R. 544(d)
7:13-1.11(d)	Amend flood plain delineation of Raritan River, South River, Manalapan Brook, Matchaponix Brook and various tributaries within Raritan River Basin	R.1980 d.23	12 N.J.R. 72(d)
7:13-1.11(d)	Amend floodway delineation of Elizabeth River and various streams within Roselle Park Borough	R.1980 d.24	12 N.J.R. 73(a)
7:13-1.11(d)	Amend flood plain delineation of portions of Hackensack River Basin in Bergen County	R.1980 d.26	12 N.J.R. 73(c)
7:15-1.11(d)	Amend delineated floodways in the Raritan Basin	R.1980 d.99	12 N.J.R. 181(b)
7:13-1.11(d)	Amend flood plain delineation of parts of the Rockaway River and Passaic River	R.1980 d.66	12 N.J.R. 113(c)
7:13-1.11(e)	Flood plain delineation of Passaic River from Dundee Dam upstream to Beatties Dam	R.1980 d.21	12 N.J.R. 72(b)
7:13-1.11(f)	Amend flood plain delineation of streams within New Milford Township, Ringwood and Wanague Boroughs in Passaic County	R.1980 d.22	12 N.J.R. 72(c)
7:13-1.11(g)	Amend flood plain delineation of part of Saddle River and portions of its various tributaries	R.1980 d.25	12 N.J.R. 73(b)
7:14-2.5	Amend water pollution control act regulations	R.1980 d.49	12 N.J.R. 112(c)
7:14-2.26	Wastewater treatment report	R.1980 d.58	12 N.J.R. 113(a)
7:14-4	Sludge quality assurances	R.1979 d.419	11 N.J.R. 544(e)
7:25-5	Amend 1979-80 Game Code	R.1979 d.329	11 N.J.R. 434(b)

7:25-5	Amend 1979-80 Game Code	R.1979 d.404	11 N.J.R. 544(a)
7:25-6	1980 Fish Code	R.1979 d.403	11 N.J.R. 543(c)
7:25-7.2	Amend oyster seed beds	R.1980 d.215	12 N.J.R. 314(d)
7:25-7.4	Oyster dredging prohibition	R.1980 d.216	12 N.J.R. 314(e)
7:25-12.1, 12.4	Amend sea clams	R.1979 d.472	12 N.J.R. 10(b)
7:25-15.1	Amend relay of hard clams	R.1980 d.161	12 N.J.R. 260(a)
7:25-16.1	Amend upstream lines requiring licenses	R.1979 d.405	11 N.J.R. 544(c)
7:25-17	Disposal of dead deer	R.1980 d.193	12 N.J.R. 314(c)
7:25-20.1	Temporary fishing ban	R.1980 d.177	12 N.J.R. 313(a)
7:25-20.1	Temporary fishing ban	R.1980 d.184	12 N.J.R. 313(e)
7:26-6	Interdistrict and intergroup solid waste flow	R.1979 d.502	12 N.J.R. 71(b)
7:27-16, 17	Amend control and prohibition of air pollution by volatile organic and toxic substances	R.1979 d.414	11 N.J.R. 544(b)
7:28-12	Amend transportation	R.1980 d.191	12 N.J.R. 314(b)
7:28-24.15	Amend certification fees for nuclear medicine technology	R.1980 d.87	12 N.J.R. 114(a)
7:37-1.5(d)	Delete part of rules on urban neighborhood assistance program	R.1980 d.183	12 N.J.R. 313(d)
7:45	Delineating review zone within Delaware and Raritan Canal State Park	R.1980 d.15	12 N.J.R. 72(a)

(Title 7, Transmittal 13 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

## HEALTH — TITLE 8

8:7-1.9(a)	Amend health officer qualifications	R.1980 d.168	12 N.J.R. 272(c)
8:15	Amend effective date	R.1980 d.32	12 N.J.R. 75(b)
8:15	Correction to printed text	—	12 N.J.R. 74(b)
8:15	Repeal rules on smoking in certain public places	R.1980 d.124	12 N.J.R. 187(a)
8:19	Newborn hearing screening program	R.1980 d.173	12 N.J.R. 273(d)
8:21-1.29	Labeling, sale and distribution of cosmetics for professional use only	R.1980 d.218	12 N.J.R. 317(a)
8:21-3.14	Delete rules	R.1979 d.454	11 N.J.R. 622(d)
8:21-3.15—3.18	Repeal of certain rules concerning Uniform Narcotic Act	R.1979 d.451	11 N.J.R. 622(a)
8:21-10.12(f)	Amend expiration date requirement for containers of white whole milk	R.1980 d.96	12 N.J.R. 186(a)
8:21A	Rules on good drug manufacturing	R.1979 d.453	11 N.J.R. 622(c)
8:25-3.2(a)	Amend physical examinations regarding Youth Camp Safety Act standards	R.1980 d.169	12 N.J.R. 272(d)
8:31-8 App. B	Amend standards and general criteria for the planning, certification of need and designation of perinatal services	R.1979 d.369	11 N.J.R. 549(c)
8:31-25.1(a)23	Add dexamethasone to list of therapeutic agents	R.1979 d.409	11 N.J.R. 550(c)
8:31A-5.5	Temporary reporting procedures; implementation of S446	R.1979 d.368	11 N.J.R. 549(b)
8:31B-2	Rules on hospital reporting of uniform bill-patient summaries (in-patient)	R.1979 d.450	11 N.J.R. 621(a)
8:31B-3	Procedural and methodological regulations to implement Chapter 83, P.L. 1978	R.1979 d.408	11 N.J.R. 550(b)
8:31B-3.8(b)	Amend procedural and methodological rules for implementing Chapter 83, P.L. 1978	R.1979 d.484	12 N.J.R. 15(b)
8:31B-4	Financial elements and reporting	R.1979 d.407	11 N.J.R. 550(a)
8:32	Amend 1976-77 (Interim) N.J. State Medical Facilities Plan Long-term care bed need methodology and formula	R.1980 d.110	12 N.J.R. 186(b)
8:33-1.4, Exhibit 2	Amendments to guidelines and criteria for submission of applications for certificates of need	R.1980 d.36	12 N.J.R. 75(e)
8:33-1.4, 2.7, 2.8	Amend guidelines and criteria for submission of applications for certificate of need	R.1980 d.123	12 N.J.R. 186(c)
8:34-1.29, 1.30	Administrative experience regarding nursing home administrators	R.1980 d.170	12 N.J.R. 273(a)
8:35-1.3(g)	Amend antibiotic use	R.1980 d.85	12 N.J.R. 117(a)
8:36	Delete current text	R.1980 d.39	12 N.J.R. 76(c)
8:36A	Amend certificate of need for end stage renal disease service	R.1980 d.34	12 N.J.R. 75(c)
8:39-1.1	Amend definition of ancillary nursing personnel	R.1980 d.171	12 N.J.R. 273(b)
8:39-1.33	Amend standards for licensure of long term care facilities	R.1979 d.492	12 N.J.R. 16(e)
8:42-1.1	Amend definition of governing authority	R.1979 d.485	12 N.J.R. 15(c)
8:42-3	Extend expiration date of standards to June 30, 1980	R.1979 d.486	12 N.J.R. 15(d)
8:43-4.1(a)	Amendments to standards for licensure of new boarding homes for sheltered care	R.1980 d.172	12 N.J.R. 273(c)
8:43A-1.21(b)	Amend emergency medical care and defibrillators	R.1979 d.488	12 N.J.R. 16(a)
8:43A-1.52, 1.59, 1.63	Amend hours of counseling and availability of hours	R.1979 d.406	11 N.J.R. 549(e)
8:43A-1.66	Amend construction standards	R.1979 d.493	12 N.J.R. 17(a)
8:43A-1.71	Amend computerized axial tomography services	R.1979 d.487	12 N.J.R. 15(e)
8:43A-1.72	Extend expiration date for standards to June 30, 1980	R.1979 d.489	12 N.J.R. 16(b)
8:43A-1.74	Amendments on intermediate renal dialysis services	R.1980 d.39	12 N.J.R. 76(c)

8:43B-1.11(q)7	Amend waiver of emergency room services	R.1979 d.410	11 N.J.R. 550(d)
8:43B-7.2(c)	Amend respiratory therapists	R.1979 d.491	12 N.J.R. 16(d)
8:43B-17.12, 17.13, 17.16	Amend number of physicians and cardiac diagnostic and surgical services	R.1979 d.490	12 N.J.R. 16(c)
8:43B-17.17	Amend construction standards and cardiac diagnostic and surgical services	R.1979 d.494	12 N.J.R. 17(b)
8:43F	Manual of Standards for Licensure of Non-Residential Medical Day Care Facilities	R.1979 d.452	11 N.J.R. 622(b)
8:45-1.3	Amend clinical laboratories licensure fees	R.1979 d.398	11 N.J.R. 549(d)
8:45-2.1, 2.2	Amendments increasing certain laboratory fees	R.1979 d.411	11 N.J.R. 550(e)
8:65-1.1—1.3	Use of controlled dangerous substances by animal care facilities	R.1980 d.86	12 N.J.R. 117(b)
8:65-2	Delete rules	R.1979 d.453	11 N.J.R. 622(c)
8:65-2.5, 5.3, 5.4, 5.11, 5.17, 6.6	Use of controlled dangerous substances by animal care facilities	R.1980 d.86	12 N.J.R. 117(b)
8:65-10.2(b)5.	Add immediate precursors to Schedule II of Controlled Dangerous Substances	R.1980 d.37	12 N.J.R. 76(a)
8:65-10.2(b)5.	Add immediate precursor to phencyclidine (PCP)	R.1980 d.38	12 N.J.R. 76(b)
8:65-10.8	Amend exempt chemical preparations	R.1980 d.180	12 N.J.R. 316(b)
8:70-1.1(c)	Amend drug evaluation and acceptance criteria	R.1979 d.412	11 N.J.R. 551(a)
8:70-1.1(d)	Amend manufacturer's name on drug labels	R.1979 d.483	12 N.J.R. 15(a)
8:71	Amend interchangeable drug products	R.1979 d.498	12 N.J.R. 75(a)
8:71	Amend list of interchangeable drug products	R.1980 d.35	12 N.J.R. 75(d)

(Title 8, Transmittal 12 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

### HIGHER EDUCATION — TITLE 9

9:1-6.1, 6.4	Amend petitions from out-of-State institutions	R.1979 d.441	11 N.J.R. 623(a)
9:2-2.7, 2.10, 2.12, 9.7—9.10	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:3-1.3	Amend personnel policies for State colleges; contracts for nonfaculty professional staff	R.1980 d.50	12 N.J.R. 118(b)
9:3-2.14	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:6-1.1—1.4	Amend personnel policies for State colleges	R.1979 d.460	12 N.J.R. 19(a)
9:6-1.2	Amend personnel policies for State colleges; contracts for nonfaculty professional staff	R.1980 d.50	12 N.J.R. 118(b)
9:7-2.2	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-2.6	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-2.10	Amend verification of enrollment and academic performance	R.1980 d.74	12 N.J.R. 119(a)
9:7-3.3	Amend residency, dependent and independent students and grant renewals	R.1979 d.442	11 N.J.R. 623(b)
9:7-4.1	Amend Garden State scholarship eligibility requirements	R.1980 d.212	12 N.J.R. 317(b)
9:9-1.12(a), 5.3	Amend loan amounts and eligibility requirements	R.1979 d.401	11 N.J.R. 551(c)
9:11-1.1(c)6.	Amend student eligibility	R.1980 d.1	12 N.J.R. 76(d)
9:14	Amend implementing Independent Colleges and Universities Assistance Act	R.1980 d.98	12 N.J.R. 186(b)

(Title 9, Transmittal 13 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

### HUMAN SERVICES — TITLE 10

10:44B	Standards on regulating adult foster homes, skill development homes and supervised apartments	R.1980 d.157	12 N.J.R. 278(e)
10:49-1.3	Amend disclosure of information	R.1980 d.90	12 N.J.R. 193(b)
10:49-5.5	Amend fair hearing	R.1980 d.33	12 N.J.R. 86(f)
10:50-1.2—1.4, 2.2, 2.5, 2.6	Amend transportation services	R.1980 d.93	12 N.J.R. 193(e)
10:52-1.6(c)	Amend out-patient hospital services	R.1980 d.45	12 N.J.R. 125(c)
10:52-1.7, 1.13	Amend Hospital Services Manual	R.1980 d.139	12 N.J.R. 278(a)
10:52-1.16	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:52-2.12	Assessment of interest on overpayments	R.1980 d.47	12 N.J.R. 126(a)
10:53-1.14	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:53-2.17	Assessment of interest on overpayments	R.1980 d.217	12 N.J.R. 323(c)
10:54-1.5(b)	Amend Physician's Services Manual	R.1980 d.138	12 N.J.R. 277(c)
10:54-1.9	Amend Physicians Services Manual	R.1980 d.91	12 N.J.R. 193(c)
10:54-1.23	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
10:55-1.5(b)3.	Amend Prosthetic and Orthotic Services Manual	R.1980 d.89	12 N.J.R. 193(a)
10:60-2.5	Assessment of interest on overpayments	R.1980 d.46	12 N.J.R. 125(d)
10:63-3	Amend longterm care facilities rate review guidelines	R.1979 d.482	12 N.J.R. 42(b)
10:63-3.1	Amend penalties for delinquent cost studies	R.1980 d.211	12 N.J.R. 323(b)

10:63-3.5	Amend long-term care manual rate review guidelines	R.1980 d.42	12 N.J.R. 125(b)
10:66-4.18	Amend medicaid reimbursement for abortions	R.1980 d.130	12 N.J.R. 277(a)
19:67-1.8	Amend Psychologists Service Manual regarding prior authorization	R.1980 d.137	12 N.J.R. 277(b)
10:81-2.7	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.2, 3.3	Amend determination of presumptive eligibility	R.1980 d.77	12 N.J.R. 126(b)
10:81-3.8	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.17	Amend ways by which continued absence from the home may be established	R.1980 d.222	12 N.J.R. 324(a)
10:81-3.21	Amend residence requirement and support rights	R.1980 d.119	12 N.J.R. 194(d)
10:81-3.27, 3.28	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-3.32, 3.33, 3.34	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.38	Amend temporary absence from home by a parent, parent-person or child	R.1980 d.78	12 N.J.R. 126(c)
10:81-3.38, 3.40	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-3.41(a)	Amend recovery of assistance granted on behalf of a child pending settlement of a claim	R.1980 d.80	12 N.J.R. 126(e)
10:81-3.42	Amend reimbursements to CWA and discontinuance of collection activity	R.1980 d.118	12 N.J.R. 194(c)
10:81-7.1	Amend transfer of cases from one county to another	R.1980 d.41	12 N.J.R. 87(a)
10:81-7.13	Amend retention and destruction of case records	R.1980 d.81	12 N.J.R. 127(a)
10:81-8.20	Amend exemption of an institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:81-App.D.	Amend residence requirements and assignment of support rights	R.1980 d.119	12 N.J.R. 194(d)
10:82-1.4	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-1.6	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.6	Amend institutionalized child, homemaker service, travel expenses and emergency assistance	R.1980 d.28	12 N.J.R. 86(c)
10:82-2.9	Amend Assistance Standards Handbook	R.1980 d.79	12 N.J.R. 126(d)
10:82-2.14(f)	Amend the determination of monthly income of AFDC clients employed on a contractual basis	R.1980 d.82	12 N.J.R. 127(b)
10:82-3.7	Amend cross-references to Public Assistance Manual and incorporation of existing policy into the manual	R.1980 d.120	12 N.J.R. 194(e)
10:82-4.9(c)	Amend increase in monthly rates for foster care as established by DYFS	R.1980 d.83	12 N.J.R. 127(c)
10:82-5.4, 5.5	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10	Amend Assistance Standards Handbook	R.1980 d.28	12 N.J.R. 86(c)
10:82-5.10(d)	Amend emergency assistance and victims of domestic violence	R.1980 d.166	12 N.J.R. 278(f)
10:85	Amend forms and references to forms in the general assistance program	R.1980 d.11	12 N.J.R. 86(a)
10:85-3.1, 3.2	Amend general assistance procedures for persons released from State psychiatric institutions	R.1980 d.116	12 N.J.R. 194(a)
10:85-3.2	Amendments on fair hearings and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-3.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-3.2	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-3.2	Amend application on behalf of a critically ill or hospitalized client by an authorized agent	R.1980 d.152	12 N.J.R. 278(b)
10:85-3.2	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-3.3(c)	Amend determination of monthly income for persons employed on a contractual basis	R.1980 d.84	12 N.J.R. 127(d)
10:85-3.3(g)	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:85-3.5	Amend work registration procedures in general assistance program	R.1980 d.122	12 N.J.R. 195(b)
10:85-4.6(b)	Amend emergency assistance and victims of domestic violence	R.1980 d.167	12 N.J.R. 279(a)
10:85-5.2	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-5.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-5.3, 5.5	Amendments on medical payments	R.1979 d.495	12 N.J.R. 43(a)
10:85-6.3	Amend General Assistance Manual	R.1980 d.92	12 N.J.R. 193(d)
10:85-7.1—7.3	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-7.3	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-7.6	Amend fair hearing and medical payments	R.1979 d.496	12 N.J.R. 43(b)
10:85-10	Amend workfare	R.1980 d.153	12 N.J.R. 278(c)
10:85-App. C	Amend allowance schedules and medically needy individuals	R.1980 d.29	12 N.J.R. 86(d)
10:87-2.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-2.21, 2.29	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-3.18(b)	Amend criteria for student exemption from work registration	R.1980 d.30	12 N.J.R. 86(e)
10:87-3.18, 4.7	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-4.8	Amend exclusion of resources	R.1980 d.220	12 N.J.R. 323(d)

10:87-5.8	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-5.10, 6.9, 6.11, 6.13, 6.15	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-6.16	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-7.18, 9.1	Amend Food Stamp Manual	R.1980 d.117	12 N.J.R. 194(b)
10:87-9.7	Amend Food Stamp Manual	R.1979 d.459	12 N.J.R. 40(c)
10:87-10	Amend Food Stamp Manual	R.1980 d.121	12 N.J.R. 195(a)
10:87-10.1	Amend retention period for source documents	R.1980 d.117	12 N.J.R. 194(b)
10:87-11.15, 11.20	Amend Food Stamp Manual	R.1979 d.422	12 N.J.R. 569(d)
10:87-12	Amend Tables in Food Stamp Manual	R.1979 d.477	12 N.J.R. 42(a)
10:87-12.1	Amend income deduction table	R.1980 d.154	12 N.J.R. 278(d)
10:90	Repeal Handbook for Home Services	R.1980 d.208	12 N.J.R. 323(a)
10:94-4.33	Amendments concerning Medicaid Only income eligibility levels	R.1980 d.223	12 N.J.R. 324(b)
10:94-5.8	Amend living allowance deductions	R.1980 d.187	12 N.J.R. 322(b)
10:94-5.8	Amend exemption of institutionalized individual's wages	R.1980 d.188	12 N.J.R. 322(c)
10:94-5.8(a)	Amendments concerning living allowance deductions	R.1980 d.27	12 N.J.R. 86(b)
10:99	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:100-1.23	Amend SSI payments	R.1980 d.221	12 N.J.R. 323(e)
10:102	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:104-1.19	Pre-adoption home studies in cases of foreign born children	R.1979 d.457	12 N.J.R. 40(b)
10:105	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:107	Repeal	R.1980 d.178	12 N.J.R. 322(a)
10:108	Repeal	R.1980 d.178	12 N.J.R. 322(a)

(Title 10, Transmittal 13 dated Nov. 13, 1979 includes all rules through Dec. 6, 1979 N.J. Register.)

### CORRECTIONS — TITLE 10A

10A:32	Manual of standards for juvenile detention facilities	R.1980 d.14	12 N.J.R. 87(b)
10A:70-1.11	Temporary postponements of certain provision of Parole Act of 1979	R.1980 d.174	12 N.J.R. 335(a)
10A:71-3.3, 3.4, 3.19, 7.16	Amended Rules of State Parole Board	R.1980 d.226	12 N.J.R. 335(b)

(Title 10, Transmittal 4 dated Nov. 13, 1979 includes all rules through Jan. 10, 1980 N.J. Register.)

### INSURANCE — TITLE 11

11:1-5.8	Taxes paid to Firemen's Relief Associations	R.1979 d.356	11 N.J.R. 520(c)
11:4-16-18	Minimum standards for health insurance	R.1980 d.176	12 N.J.R. 342(c)
11:4-20.1, 20.2	Unfair discrimination on basis of impairment	R.1979 d.434	11 N.J.R. 627(f)
11:5-1.15—1.17.	Amend advertising, contracts and obligations	R.1979 d.461	12 N.J.R. 44(b)
11:5-1.15(l)	Amend advertising	R.1980 d.52	12 N.J.R. 128(a)
11:5-1.15(m)	Amend advertising	R.1980 d.213	12 N.J.R. 343(a)
11:5-1.16(c)	Amend advertising	R.1980 d.51	12 N.J.R. 127(e)
11:5-1.16(c)	Amend listing agreements and contracts	R.1980 d.214	12 N.J.R. 342(d)
11:5-1.23	Amend advertising, contracts and obligation	R.1979 d.461	12 N.J.R. 44(b)

(Title 11, Transmittal 13 dated July 19, 1979 includes all rules through September 6, 1969 N.J. Register.)

### LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Amend maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1979 d.321	11 N.J.R. 449(d)
12:15-1.4	Amend taxable wage base under unemployment compensation law	R.1979 d.320	11 N.J.R. 449(c)
12:15-1.5	Amend contribution rate of governmental entities and instrumentalities	R.1979 d.327	11 N.J.R. 450(a)
12:35	Assignment of employable general assistance recipients to worksites	R.1980 d.162	12 N.J.R. 280(b)
12:175	Amendments ski lifts	R.1979 d.360	11 N.J.R. 521(a)
12:200	Amend liquefied petroleum gases	R.1980 d.143	12 N.J.R. 280(a)
12:235-1.5	Amend worker's compensation rate	R.1979 d.319	11 N.J.R. 449(b)

(Title 12, Transmittal 11 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

### LAW AND PUBLIC SAFETY — TITLE 13

13:2-17.14, 19.6	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:2-24.5, 24.9, 25.1, 25.2, 25.3, 26.1	Amend Division rules	R.1980 d.72	12 N.J.R. 156(a)
13:2-31.4	Amend elimination of requirement for oral argument	R.1979 d.393	11 N.J.R. 580(f)
13:2-36.1	Amend Division rules	R.1980 d.72	12 N.J.R. 156(a)
13:2-41.5	Amend collection of sales and use tax	R.1980 d.73	12 N.J.R. 156(b)

13:19-4	Amend cardiovascular disorders	R.1979 d.367	11 N.J.R. 579(b)
13:20-12.2	Amend driver reexamination	R.1979 d.435	11 N.J.R. 628(c)
13:21-4.1	Amend statements of origin	R.1980 d.112	12 N.J.R. 209(c)
13:21-5.10	Surrender of registration plates	R.1979 d.315	11 N.J.R. 466(b)
13:21-8.2	Amend proof of identity and date of birth	R.1979 d.382	11 N.J.R. 580(d)
13:21-14	Amend bus drivers	R.1980 d.114	12 N.J.R. 209(e)
13:21-15.3	Amend motor vehicle dealers	R.1979 d.371	11 N.J.R. 580(a)
13:24-2.5, 2.7, 4.1, 4.2, 5.1	Amend emergency vehicle equipment	R.1979 d.372	11 N.J.R. 580(b)
13:25-8.5	Amend motorized bicycles	R.1980 d.113	12 N.J.R. 209(d)
13:25-8.5, 8.6	Rules on motorized bicycles	R.1979 d.481	12 N.J.R. 48(d)
13:26	Amend transportation of bulk commodities	R.1980 d.9	12 N.J.R. 91(c)
13:28-1.54	Amend beauty culture notice requirements	R.1980 d.94	12 N.J.R. 208(b)
13:28-2.11	Amend non-English speaking student enrollment	R.1980 d.109	12 N.J.R. 209(a)
13:28-2.33	Amend beauty culture curriculum	R.1980 d.94	12 N.J.R. 208(b)
13:29-3.10, 3.11	Amend advertising and solicitations	R.1980 d.31	12 N.J.R. 92(a)
13:33-1.11, 1.12 1.15, 1.16	Amend licensure requirements	R.1980 d.201	12 N.J.R. 348(c)
13:33-4.1	Contact lenses dispensing	R.1979 d.462	12 N.J.R. 47(a)
13:35-5.2	Amend contact lenses	R.1979 d.463	12 N.J.R. 48(a)
13:35-6.6	Amend requirements for issuing a prescription	R.1979 d.421	11 N.J.R. 582(a)
13:36-8.11	Multiple burials	R.1979 d.420	11 N.J.R. 582(b)
13:37-3.9	Foreign nursing applicants	R.1979 d.464	12 N.J.R. 48(b)
13:38-2.2	Amend examination equipment	R.1980 d.202	12 N.J.R. 348(d)
13:38-6.1(b)	Amend release of patient record of contact lens specifications	R.1979 d.465	12 N.J.R. 48(c)
13:41-3.2	Annual license fees and charges	R.1980 d.179	12 N.J.R. 348(a)
13:45A-6	Automotive sales practices	R.1979 d.392	11 N.J.R. 580(e)
13:45A-7.2	Amend repair of automobiles	R.1979 d.402	11 N.J.R. 581(a)
13:45A-9	Amend merchandise advertising	R.1980 d.200	12 N.J.R. 348(b)
13:45A-16	Home improvement practices	R.1980 d.111	12 N.J.R. 209(b)
13:47A-25.3	Amend disclosure of material terms to wire services	R.1980 d.155	12 N.J.R. 284(a)
13:47B-1.23	Amend half-price sales of gasoline	R.1979 d.335	11 N.J.R. 522(a)
13:47C-4	Rules on the industry standard for New Jersey Atlantic White Cedar	R.1979 d.373	11 N.J.R. 580(c)
13:48	Rules concerning Charitable Fund Raising Act of 1971	R.1979 d.311	11 N.J.R. 466(a)
13:51-3.5(d)	Chemical breath testing	R.1980 d.8	12 N.J.R. 91(c)
13:70-2.1	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)
13:70-12	Amend claiming requirements	R.1980 d.95	12 N.J.R. 208(c)
13:70-14	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)
13:71-4.1	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)
13:71-17.3	Amend vacancy in a tier	R.1979 d.349	11 N.J.R. 522(b)
13:71-23	Amend medication of horses and testing procedures	R.1979 d.497	12 N.J.R. 91(b)

(Title 13, Transmittal 14 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

## PUBLIC UTILITIES — TITLE 14

### ENERGY — TITLE 14A

14:3-7.5(c)	Amend interest paid by utility on customer accounts	R.1979 d.289	11 N.J.R. 467(a)
14:3-7.9(b)	Estimated bills for residential customers	R.1979 d.474	12 N.J.R. 49(b)
14:3-7.9(b)	Amend estimated bills for residential customers	R.1980 d.44	12 N.J.R. 156(d)
14:3-7.15	Notification to municipalities; discontinuance of service to residential customers	R.1979 d.352	11 N.J.R. 522(c)
14:5-3.2(c)	Amend periodic testing of commercial and industrial electric meters	R.1979 d.374	11 N.J.R. 585(c)
14A:2-3.4, 3.15	Amend regulation and control of motor gasoline sales	R.1979 d.468	12 N.J.R. 48(e)
14A:8	Energy Facility Review Board	R.1979 d.473	12 N.J.R. 49(a)
14A:11-1.3	Amend periodic reporting of energy information by suppliers of motor gasoline	R.1980 d.20	12 N.J.R. 94(c)
14A:11-2	Periodic reporting of energy information by suppliers of home heating oil	R.1980 d.19	12 N.J.R. 93(b)
14A:11-3	Rules on bulk terminal operating companies	R.1979 d.417	11 N.J.R. 585(d)

(Title 14, Transmittal 12 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

(Title 14A, Transmittal 4 dated July 19, 1979 includes all rules through October 4, 1979 N.J. Register.)

## STATE — TITLE 15

(Title 15, Transmittal 11 dated May 17, 1979 includes all rules to date.)

## PUBLIC ADVOCATE — TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978 includes all rules to date.)

## TRANSPORTATION — TITLE 16

16:16-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:17-4.3	Amend rescission of allocated but unexpended local State aid funds	R.1979 d.279	11 N.J.R. 410(e)
16:21	State aid to counties and municipalities	R.1980 d.127	12 N.J.R. 215(a)
16:26-3.4	Amend reimbursed highway safety lighting	R.1979 d.466	12 N.J.R. 52(a)
16:28-1.11	Speed limits: Terrill Road	R.1980 d.145	12 N.J.R. 289(c)
16:28-1.18	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-1.41	Amend speed zones on parts of Route U.S. 9	R.1980 d.55	12 N.J.R. 157(c)
16:28-1.57(a)	Amend speed zones on parts of Route U.S. 30 in Atlantic County	R.1980 d.3	12 N.J.R. 95(a)
16:28-1.69	Amend speed zones on parts of Route U.S. 130	R.1980 d.56	12 N.J.R. 157(d)
16:28-1.81	Amend speed limits	R.1979 d.266	11 N.J.R. 410(d)
16:28-3.1	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.38(d)	No-parking zones on part of Route U.S. 9	R.1980 d.126	12 N.J.R. 214(b)
16:28-3.39	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.44, 3.46, 3.47	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.48	Amend restricted parking on parts of Routes 44, 52, 152 and 35	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.51, 3.53	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.61	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.62	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.66	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.75	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.94	Amend restricted parking	R.1980 d.53	12 N.J.R. 157(a)
16:28-3.95	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.97	Amend restricted parking	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.107	Amend restricted parking: Routes 94 and 3	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.107	Amend restricted parking	R.1980 d.5	12 N.J.R. 95(c)
16:28-3.107	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.112	Amend restricted parking	R.1979 d.345	11 N.J.R. 524(a)
16:28-3.113	Amend restricted parking	R.1980 d.4	12 N.J.R. 95(b)
16:28-3.121	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.194	Restricted parking on Route 7	R.1979 d.265	11 N.J.R. 410(c)
16:28-3.198, 3.199	Amend restricted parking	R.1979 d.344	11 N.J.R. 523(c)
16:28-3.199	Amend restricted parking	R.1980 d.54	12 N.J.R. 157(b)
16:28-3.201, 3.202	Restricted parking on parts of Routes 29 and 179	R.1979 d.390	11 N.J.R. 589(b)
16:28-7.6	Lane usage on parts of Route 35	R.1979 d.296	11 N.J.R. 471(a)
16:28-12.7, 12.21, 12.22, 12.25, 12.33, 12.34, 12.36, 12.37, 12.48, 12.59, 12.71	Amend right turns on red signals	R.1979 d.470	12 N.J.R. 52(b)
16:29-1.8	Amend no passing zones on parts of Route U.S. 46	R.1979 d.346	11 N.J.R. 524(b)
16:29-1.20	No-passing zones on parts of Route U.S. 40	R.1979 d.264	11 N.J.R. 410(b)
16:29-1.21	No passing zones on parts of Route 27 in Mercer County	R.1980 d.2	12 N.J.R. 94(c)
16:30-1.7	One-way traffic on parts of Eisenhower Avenue in Dover Township	R.1979 d.347	11 N.J.R. 524(c)
16:30-3.1, 3.4	Amend lane usage on parts of Routes 35 and U.S. 9	R.1979 d.471	12 N.J.R. 52(c)
16:30-3.5, 3.6	High occupancy vehicle lanes on parts of Routes I-95 and 444	R.1979 d.312	11 N.J.R. 471(c)
16:30-5.1	Amendments on parking at Metro Park train station	R.1980 d.13	12 N.J.R. 95(d)
16:30-5.1	Amend traffic and parking at Metro Park Train Station	R.1980 d.128	12 N.J.R. 289(b)
16:31-1.13	Amend no left turns on parts of Route 71	R.1979 d.348	11 N.J.R. 524(d)
16:31-1.14	Rules on no-left turns on parts of Route 35	R.1979 d.389	11 N.J.R. 589(a)
16:41-16	Permits allowing use or occupancy of State-owned railroad property	R.1979 d.331	11 N.J.R. 523(a)
16:43	Junkyards adjacent to the interstate and primary highway systems	R.1979 d.499	12 N.J.R. 94(b)
16:53A	Rules on financial and accounting conditions and criteria for bus operating assistance program	R.1979 d.302	11 N.J.R. 471(b)
16:53B	Delegation of authority by Computer Operating Agency	R.1979 d.334	11 N.J.R. 523(b)
16:65-1.4	Amend effective date of classification	R.1980 d.108	12 N.J.R. 214(a)
16:65-3.1, 3.2	Amend distribution and sale of construction plans and supplementary specifications	R.1979 d.388	11 N.J.R. 588(b)

(Title 16, Transmittal 13 dated June 14, 1979 includes all rules through June 7, 1979 N.J. Register.)

## TREASURY-GENERAL — TITLE 17

17:1 foreword, 17:1-4.21	Amend general administration	R.1980 d.63	12 N.J.R. 163(a)
17:1-4.31	Rules on normal retirement age	R.1980 d.64	12 N.J.R. 163(b)
17:1-9.1-9.6, -10 foreword, -11 foreword, 11.9	Amend general administration	R.1980 d.63	12 N.J.R. 163(a)
17:2-1.8, 2.2, 2.4, 3.1, 3.6, 4.11, 4.14, 5.7, 6.2, 6.19, 7.1, 7.2	Amend Public Employees' Retirement System	R.1979 d.399	11 N.J.R. 596(b)
17:3-1.8, 1.11, 2.1, 2.7, 3.1	Amend Teachers' Pension and Annuity Fund	R.1980 d.103	12 N.J.R. 224(e)
17:3-3.4	Amend contributory insurance rate of contribution	R.1980 d.175	12 N.J.R. 354(a)
17:3-5.2, 6.7, 6.11, 6.13, 6.14	Amend Teachers' Pension and Annuity Fund	R.1980 d.103	12 N.J.R. 224(e)
17:3-6.15	Amend compulsory retirement	R.1979 d.397	11 N.J.R. 596(a)
17:4-1.8, 1.11 3.3, 4.10, 6.7, 6.8, 6.12, 6.14	Amend Police and Firemen's Retirement System	R.1980 d.135	12 N.J.R. 290(a)
17:5-1.7	Amend State Police Retirement System	R.1980 d.209	12 N.J.R. 355(d)
17:5-1.7, 2.3, 3.8	Amend State Police Retirement System	R.1980 d.101	12 N.J.R. 224(c)
17:5-5.7, 5.8	Amend State Police Retirement	R.1980 d.209	12 N.J.R. 355(d)
17:6-1.8	Amend the suspension of pension checks	R.1979 d.476	12 N.J.R. 57(a)
17:9-5.5	Amend State Health Benefits Program	R.1979 d.396	11 N.J.R. 595(c)
17:10-1.7	Amend Judicial Retirement System	R.1979 d.431	11 N.J.R. 649(b)
17:10-1.8, 2.2	Amend Judicial Retirement System	R.1980 d.97	12 N.J.R. 224(a)
17:10-3.6	Amend Judicial Retirement System	R.1979 d.431	12 N.J.R. 649(b)
17:10-5.4	Amend Judicial Retirement System	R.1980 d.97	12 N.J.R. 224(a)
17:12-1.1, 2.4, 2.5, 2.7, 2.8, 3.3	Amend administrative procedures of Purchase Bureau	R.1980 d.142	12 N.J.R. 293(a)
17:12-7.2(a)	Amendments concerning debarment, suspension and disqualification of a person	R.1980 d.141	12 N.J.R. 292(a)
17:16-27	Amend certificates of deposit	R.1979 d.436	11 N.J.R. 650(c)
17:16-31.9	Amend calculation of daily income per participating unit	R.1979 d.437	11 N.J.R. 651(a)
17:19-10	Architect/engineer selection procedures	R.1980 d.100	12 N.J.R. 224(b)
17:20	Amend concerning Lottery Bingo game	R.1980 d.67	12 N.J.R. 163(c)
17:21	Amend concerning Lottery Bingo game	R.1980 d.67	12 N.J.R. 163(c)
	Meadowlands Sports Lottery	R.1979 d.381	11 N.J.R. 594(b)
17:21-15	Pick-6 (Lotto) Lottery	R.1980 d.136	12 N.J.R. 290(b)

(Title 17, Transmittal 13 dated September 13, 1979 includes all rules through October 4, 1979 N.J. Register.)

## TREASURY-TAXATION — TITLE 18

18:5-6	Amend Cigarette Tax Act	R.1980 d.194	12 N.J.R. 354(b)
18:6-1.1	Amend Unfair Cigarette Sales Act	R.1979 d.416	11 N.J.R. 596(c)
18:7-3.6	Amend Corporation Business Tax Act and method of company tax and net income base	R.1980 d.146	12 N.J.R. 293(b)
18:12-1.1	Amend categories of nonusable deed transactions	R.1980 d.62	12 N.J.R. 162(a)
18:12-7.1(d)	Amendments concerning homestead tax rebate	R.1979 d.432	11 N.J.R. 650(a)
18:12-7.12(c)	Extend filing date for 1980 homestead tax rebate claims	R.1979 d.467	12 N.J.R. 56(b)
18:12-9	Moratorium on taxation of mobile homes as real property	R.1980 d.147	12 N.J.R. 293(c)
18:12A-1.7(c)	Amend filing fees and county boards of taxation	R.1980 d.148	12 N.J.R. 293(d)
18:12A-1.12	Amend determination and judgments	R.1979 d.385	11 N.J.R. 595(b)
18:12A-1.12(b)	Amend County boards of taxation regarding determination and judgments	R.1980 d.40	12 N.J.R. 97(b)
18:18-12.5	Amend the Motor Fuels Tax Act	R.1980 d.195	12 N.J.R. 354(c)
18:24-7.18	Amend sales and use tax; commercial motor vehicles	R.1980 d.197	12 N.J.R. 355(a)
18:24-7.19	Taxation of mobile homes	R.1980 d.149	12 N.J.R. 293(e)
18:24-14.3	Deletion of part of rule on hospital sales of meals	R.1980 d.196	12 N.J.R. 354(d)
18:24-16.1, 16.2 16.5—16.7	Amend coin-operated vending machines and appropriate sales tax	R.1980 d.150	12 N.J.R. 293(f)
18:24-22.1, 22.3	Amend floor covering and the Sales and Use Tax Act	R.1980 d.102	12 N.J.R. 224(d)
18:24-25.2	Amend electronic data processing transactions; Sales and Use Tax Act	R.1979 d.384	11 N.J.R. 595(a)
18:26	Amend transfer inheritance tax	R.1980 d.198	12 N.J.R. 355(b)
18:26-8.7	Amend payment of inheritance tax	R.1979 d.295	11 N.J.R. 475(a)

18:35-1.12	Computation of tax credit under the gross income tax	R.1979 d.433	11 N.J.R. 650(b)
18:35-1.13	One-time election to exclude up to \$100,000 of gain on sale of principal residence: rollover	R.1979 d.475	12 N.J.R. 56(c)
18:36	Savings Institution Tax Act	R.1980 d.6	12 N.J.R. 97(a)
18:37	Spill Compensation and Control Act	R.1980 d.199	12 N.J.R. 355(c)

(Title 18, Transmittal 13 dated July 19, 1979 includes all rules through August 9, 1979 N.J. Register.)

#### OTHER AGENCIES — TITLE 19

19:4-6.28	Amend district zoning regulations	R.1980 d.43	12 N.J.R. 164(a)
19:8-1.2	Amend speed limits on the Garden State Parkway	R.1979 d.339	11 N.J.R. 530(a)
19:8-1.9(b)	Amend use of Garden State Parkway and tolls	R.1979 d.469	12 N.J.R. 57(c)
19:8-2.11	Amend concerning Garden State Arts Center	R.1980 d.189	12 N.J.R. 355(e)
19:8-3.1(b)	Amend Garden State Parkway	R.1979 d.131	12 N.J.R. 294(a)
19:8-7.3(b)	Amendments concerning inspection and obtaining authority records regarding State Police reports	R.1980 d.131	12 N.J.R. 294(a)
19:9-2.1	Amend pre-qualification of bidders and award of contracts	R.1979 d.500	12 N.J.R. 97(c)
19:25-4.8	Political action committees	R.1979 d.391	11 N.J.R. 597(b)
19:30-3	Payment of prevailing wages	R.1979 d.337	11 N.J.R. 530(b)
19:30-4	Targeting authority assistance	R.1979 d.338	11 N.J.R. 530(c)
19:40-2.1, 2.2	Rules on child labor laws	R.1979 d.378	11 N.J.R. 599(d)
19:41-1.3	Amend employee licenses applications	R.1979 d.379	11 N.J.R. 559(e)
19:41-7.16	Amend applications and additional copies	R.1979 d.357	11 N.J.R. 530(e)
19:41-8.6	Amend withdrawal of applications	R.1980 d.159	12 N.J.R. 295(a)
19:41-8.8	Reapplication by natural persons	R.1980 d.160	12 N.J.R. 295(b)
19:43-1.14	Rules on Casino service industry licenses	R.1979 d.376	11 N.J.R. 599(b)
19:45	Amend internal and accounting controls	R.1979 d.336	11 N.J.R. 530(d)
19:46-1.1	Amend chip specifications	R.1979 d.358	11 N.J.R. 531(a)
19:46-1.13	Amend Big Six Wheel Game rules	R.1979 d.429	11 N.J.R. 600(b)
19:47-2.6—2.9	Amend Blackjack and peek rules	R.1979 d.380	11 N.J.R. 600(a)
19:47-5.5	Amend Big Six Wheel Game	R.1979 d.429	11 N.J.R. 600(b)
19:47-5.7	Amend rules on minimum and maximum wagers	R.1979 d.377	11 N.J.R. 599(c)
19:47	Amend rules of the games	R.1980 d.132	12 N.J.R. 294(c)
19:47	Corrected version of amendments to rules of the games	R.1980 d.186	12 N.J.R. 357(a)
19:47-5.7(d)	Amend minimum wagers on Big-Six Wheel	R.1980 d.133	12 N.J.R. 294(d)
19:54	Amendments concerning the gross revenue tax	R.1980 d.134	12 N.J.R. 294(e)

(Title 19, Transmittal 13 dated July 19, 1979 includes all rules through September 6, 1979 N.J. Register.)

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Title XIX Approved Facility—includes person in acute care hospital, skilled nursing facility, intermediate care facility (Level A, B, and ICFMR), licensed special hospital (Class A, B, C) and Title XIX psychiatric hospital (for persons under 21 and 65 and over) or a combination of these facilities for a full calendar month. [\$624.60\*]\$714.00\*

\*The Medicaid "Cap" is applied to gross income (i.e., income prior to application of income exclusions).

An order adopting these amendments was filed on May 15, 1980 as R.1980 d.223 to become effective on July 1, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## CORRECTIONS

### STATE PAROLE BOARD

#### Emergency Rules on Temporary Postponements of Certain Provisions of The Parole Act of 1979

On April 21, 1980, Christopher Dietz, Chairman of the State Parole Board, pursuant to authority of P.L. 1979, c. 441 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new, emergency rules concerning the temporary postponements of the applicability of certain provisions of the Parole Act of 1979.

Full text of the adoption follows.

10A:70-1.11 Temporary postponements of applicability of certain provisions of the Parole Act of 1979

(a) Section 7j of the Parole Act of 1979, insofar as it applies to inmates whose parole eligibility is dependent on decisions made by the sentencing court and the prosecuting attorney, is hereby postponed for a period of 45 days, until June 5, 1980.

(b) The following provisions of the Parole Act of 1979 are hereby postponed insofar as they relate to inmates or parolees sentenced prior to April 21, 1980 for a period of six months, until October 21, 1980 or until further notice, whichever is earlier:

1. P.L. 1979, c.441, section 7d (eligibility schedule for young adult offenders);
2. P.L. 1979, c.441, section 7h (aggregation of parole eligibility terms);
3. P.L. 1979, c. 441, section 8 (alteration of primary parole eligibility dates; monitoring of progress and changes in eligibility of adult offenders);
4. P.L. 1979, c.441, section 9a (standard for release of adult inmates) insofar as it applies to young adult offenders housed in the Youth Correctional Complex;
5. P.L. 1979, c.441, section 9b (standard for release of juvenile inmates);
6. P.L. 1979, c.441, section 10 (reports to the board panels for adult inmates);
7. P.L. 1979, c.441, section 11 (hearing procedures for adult inmates) insofar as it relates to young adult offenders housed in the Youth Correctional Complex, and insofar

as it applies revised confidentiality provisions to adult inmates housed in the state prison;

8. P.L. 1979, c.441, section 15(a) (supervision of parolees) insofar as it applies to county parolees and county inmates who have been granted parole release dates;

9. P.L. 1979, c.441, section 16b (revocation of parole when the violation of conditions is not a conviction);

10. P.L. 1979, c.441, section 18 (warrants; preliminary hearings);

11. P.L. 1979, c.441, section 19 (revocation hearings);

12. P.L. 1979, c.441, section 20 (future eligibility upon revocation of parole);

13. P.L. 1979, c.441, section 21 (duration of time served);

14. P.L. 1979, c.441, section 22 (discharge from parole) insofar as it applies to juvenile and young adult parolees;

15. P.L. 1979, c.441, section 23 (contract parole);

16. P.L. 1979, c.441, section 25 (authority of the Board of Trustees);

17. P.L. 1979, c.441, section 26 (authority of the Boards of Trustees);

18. P.L. 1979, c.441, section 26A (authority of the Boards of Trustees); and,

(c) Be it resolved, that rules, regulations and practices relating to subsection (b) of this section and applicable prior to April 21, 1980, shall continue in full force and effect until October 21, 1980 or until duly modified by the State Parole Board, whichever is earlier.

(d) The time limitations contained in P.L. 1979, c.441, sections 10 and 11 be waived for a period of six months until October 21, 1980, or until further notice, whichever is earlier.

An order adopting these rules was filed and became effective on April 21, 1980, as R.1980 d.174 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## CORRECTIONS

### PAROLE BOARD

#### State Parole Board Rules

On May 15, 1980, Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of P.L.1979, c.441 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the State Parole Board.

Full text of the adoption follows:

10A:71-3.3 Parole eligibility for young adult inmates

(a) Except as provided herein, an inmate sentenced to an indeterminate term of years as a young adult inmate shall be primarily eligible for parole consideration on a date established by a hearing officer or the young adult Board panel pursuant to the following schedule of presumptive primary eligibility dates:

**PRESUMPTIVE PRIMARY  
ELIGIBILITY DATES (MONTHS)  
LENGTH OF INDETERMINATE TERM  
(Years)**

CRIME CATEGORY	0-4	5-9	10-14	15-19	20-24	25-29	30-Life
Category A		40	56	74	90	106	120
Category B	16	32	40	48	56	56	56
Category C	16	24	32	32			
Category D	14	16	24	32	40	40	40
Category E	12	12	16	19	19	19	19
Category F	10	10					
Category G	8						

Category A: Murder, (including attempts).

Category B: Kidnapping, rape, sodomy, abduction, (including attempts); manslaughter, arson.

Category C: Carnal abuse.

Category D: Robbery, armed robbery, atrocious assault and battery, any second degree crime not otherwise categorized.

Category E: Sale or distribution of narcotics.

Category F: Riot, larceny, possession of stolen property, receiving stolen property, possession of burglary tools, possession of a weapon, embezzlement, bribery, forgery, possession of narcotics, perjury, breaking, entering and larceny, any third degree crime not otherwise categorized.

Category G: Vandalism, escape, non-support, obtaining money by false pretenses, death by auto, contributing to the delinquency of a minor, any fourth degree crime not otherwise categorized.

(b) The presumptive primary eligibility date established pursuant to subsection (a) may be reduced by up to 8 months if the young adult Board panel or the hearing officer establishing the date determines that one or more of the following mitigating factors is present:

1. The inmate has no prior adult convictions.
2. The inmate has previously adjusted successfully to parole or probation.
3. The inmate acted under strong provocation.
4. The inmate did not contemplate that his or her conduct would cause or threaten serious injury.

(c) The presumptive primary eligibility date established pursuant to subsection (a) may be increased by up to 8 months if the young adult Board panel or the hearing officer establishing the date determines that one or more of the following aggravating factors is present:

1. The inmate has an extensive prior record.
2. The inmate's prior record consists of particularly serious crimes.
3. The inmate has previously failed under parole or probation supervision.
4. The current offense was premeditated.
5. The inmate used a weapon during the current offense.
6. The current offense involved an injury to the victim.
7. The inmate has received additional concurrent or consecutive sentences.

(d) If an inmate has received more than one sentence, the longest sentence imposed shall be used in determining the presumptive primary eligibility date or, if the sentences are of equal length, the crime which, in the opinion of the hearing officer or the young adult Board panel, represents the most serious crime shall be used in determining the presumptive primary eligibility date.

(e) The young adult Board panel may establish a primary eligibility date which differs from that required by the provisions of subsections (a), (b) and (c) if the primary eligibility date which would be established pursuant to such subsections is clearly inappropriate in consideration

of the circumstances of the crime and the characteristics and prior criminal record of the inmate.

1. If, in the opinion of the hearing officer establishing the primary eligibility date, the date which would be established pursuant to subsections (a), (b) and (c) is clearly inappropriate as provided herein, the hearing officer shall refer such case to the young adult Board panel.

2. The young adult Board panel or the hearing officer shall, at least 14 days prior to the Board panel's determination of the primary eligibility date, notify the inmate in writing that a primary eligibility date pursuant to subsections (a), (b) and (c) has not been established and the reasons therefor.

3. The young adult Board panel shall, upon disposition of the case, state in writing to the inmate and the Board the reasons for the establishment of any primary eligibility date which differs from the provisions of subsections (a), (b) and (c).

(f) Except as provided herein, any primary eligibility date for a young adult offender established pursuant to this section or section 7.16 may be reduced through program participation by the inmate.

1. If such inmate's level of program participation is above average, the reduction shall be at the rate of 15 days for every month of the primary eligibility term.

2. If such inmate's level of program participation is average, the reduction shall be at the rate of 10 days for every month of the primary eligibility term.

3. If such inmate's level of program participation is below average, the reduction shall be at the rate of 5 days for every month of the primary eligibility term.

4. If such inmate's level of program participation is poor, no reduction shall be made.

5. Notwithstanding the provisions of this subsection, no reduction of the eligibility date shall be for the first 6 months of the inmate's primary eligibility term.

(g) An inmate's level of program participation shall be established by the young adult Board panel or an assigned hearing officer.

1. Upon the expiration of one-half of the inmate's primary eligibility term or upon incarceration for a one-year period, whichever is earlier, it shall be the responsibility of the chief executive officer of the institution of incarceration to report to the young adult Board panel, in writing, the extent of the inmate's program participation and the level of progress achieved by the inmate.

2. Upon consideration of such report, the young adult Board panel or an assigned hearing officer shall establish the inmate's level of program participation and corresponding eligibility reduction and advise the inmate and the chief executive officer in writing of such determination and the reasons therefor.

(h) Except in the case of murder or kidnapping, under no circumstances shall a primary eligibility date for a young adult inmate sentenced for a first degree crime be established at greater than 60 months.

(i) Under no circumstances shall a primary eligibility date for a young adult inmate sentenced for a second degree crime be established at greater than 28 months.

(j) Under no circumstances shall a primary eligibility date for a young adult inmate sentenced for a third degree crime be established at greater than 16 months.

(k) If an adult inmate has received an indeterminate sentence and a State prison sentence, the parole eligibility term derived from the indeterminate sentence shall be aggregated with the parole eligibility term on the State prison sentence and credits pursuant to section 3.2(f)(2) shall apply to the aggregate parole eligibility term.

(l) This section shall immediately apply to all young adult inmates sentenced after April 21, 1980, and shall

apply after October 21, 1980 to all young adult inmates sentenced prior to April 21, 1980, provided, however, that no time goal previously established shall be increased by operation of this section.

(m) This section shall expire not later than May 15, 1982.

#### 10A:71-3.4 Infractions

(a) It shall be the responsibility of the chief executive officer, upon resolution of any administrative appeals, to immediately notify the appropriate Board panel if an adult inmate has committed a violation of institutional rules through the commission of an infraction listed in subsection (c).

(b) Upon being advised that an adult inmate has committed a violation of any institutional rules through the commission of an infraction listed in subsection (c), the appropriate Board panel shall increase the inmate's eligibility date according to the schedule listed herein.

(c) Institutional infractions specified and defined by the Department shall be hereby assigned to categories on the following basis:

1. Infraction Category A shall consist of .001, Killing.

2. Infraction Category B shall consist of .101, Escape (provided such escape is from a medium or maximum security location); .201, Possession or introduction of an explosive or any ammunition; .202, Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool (provided such weapon is a gun or other firearm); and .251, Rioting.

3. Infraction Category C shall consist of .003, Assaulting any person with a weapon; .006, Extortion, blackmail, protection: demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or threat of informing; .101, Escape (provided such escape is from a minimum security location); .102, Attempting or planning to escape (provided such attempt is from a medium or maximum security location); .151, Setting a fire; .202, Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool (provided such weapon is not a gun or other firearm); .252, Encouraging others to riot; and .551, Making intoxicants or alcoholic beverages.

4. Infraction Category D shall consist of .002, Assaulting any person; .102, Attempting or planning to escape (provided such attempt is from a minimum security location); .155, Adulteration of any food or drink; .203, Possession, introduction, or use of any narcotic paraphernalia, drugs, or intoxicants not prescribed for the individual by the medical staff; .206, Possession of money or currency (in excess of \$50.00) unless specifically authorized; .253, Engaging in, or encouraging, a group demonstration; .255, Encouraging others to refuse to work or participation in work stoppage; .553, Being intoxicated (without having returned from work release, furloughs, or any other community based activity); and .751, Giving or offering any official or staff member a bribe, or anything of value.

5. Infraction Category E shall consist of .005, Threatening another with bodily harm, or with any offense against his person or his property; .153, Stealing (theft); and .351, Counterfeiting, forging, or unauthorized reproduction of any document, article of identification, money, security, or official paper.

6. Infraction Category F shall consist of .204, Misuse of authorized medication.

7. Infraction Category G shall consist of .306, Conduct which disrupts or interferes with the security or orderly running of the institution; and .601, Gambling.

8. Infraction Category H shall consist of .803, Attempting to commit any of the above acts preceded by an asterisk, aiding another person to commit any such act, or making

plans to commit such acts shall be considered the same as a commission of the act itself except as provided pursuant to infraction .102, Attempting or planning to escape.

(d) Except as provided herein, an infraction in any category defined pursuant to subsection (c) shall result in an increase in the inmate's eligibility date as follows:

1. Category A - 24 months

2. Category B - 12 months

3. Category C - 9 months

4. Category D - 6 months

5. Category E - 4 months

6. Category F - 3 months

7. Category G - No increase.

8. Category H - One half of the increase which would be required pursuant to this subsection if the inmate's action had resulted in the commission of the infraction which he or she attempted.

(e) When, in the opinion of the hearing officer reviewing an infraction requiring Board panel action pursuant to this section, the severity of the inmate's conduct and the characteristics of the inmate warrants adjustment in the increase in the eligibility date required pursuant to subsection (d), the eligibility date may be further increased or, in the case of categories A through F and H decreased by up to the following time periods:

1. Category A - 12 months

2. Category B - 6 months

3. Category C - 4 months

4. Category D - 3 months

5. Category E - 3 months

6. Category F - 3 months

7. Category G - 3 months

8. Category H - 3 months, provided no reduction of the previous eligibility date is made.

(f) The appropriate Board panel may determine that no increase in the eligibility date shall result from an infraction or may establish an increase which differs from that required by the provisions of subsections (d) and (e) if the increase which would be established pursuant to such subsections is clearly inappropriate in consideration of the severity of the inmate's conduct and the characteristics of the inmate.

1. If, in the opinion of the hearing officer establishing the increase in the eligibility date, the increase which would be established pursuant to subsections (d) and (e) is clearly inappropriate as provided herein, the hearing officer shall refer such case to the appropriate Board panel.

2. The hearing officer shall, at least 14 days prior to the Board panel's determination of the increase in the eligibility date, notify the inmate in writing that an increase in the eligibility date pursuant to subsections (d) and (e) has not been established and the reasons therefor.

3. The Board panel shall, upon disposition of the case, state in writing to the inmate and the Board the reasons for the establishment of any increase in the eligibility date which differs from the provisions of subsections (d) and (e).

(g) When, in the opinion of the hearing officer or Board panel, a series of infractions resulted from a single transaction, any increases required pursuant to this section for such infractions shall be deemed to run concurrently.

(h) If an assigned hearing officer or the appropriate Board panel determines that an inmate has persistently violated institutional rules by committing infractions other than those listed in subsection (c), the inmate's primary eligibility date may be increased by the hearing officer or Board panel.

(i) If, by operation of this section, an inmate serving a sentence of three years or more may serve the maximum sentence(s) prior to parole eligibility, then the inmate's

case shall be scheduled for a hearing before the appropriate Board panel at least 9 months prior to the expiration of the maximum sentence(s) to determine whether any increase in the primary eligibility date should be made pursuant to this section.

(j) This section shall become effective on September 1, 1980 for all prison inmates and for all young adult inmates sentenced after April 21, 1980. This section shall apply to all adult inmates after October 21, 1980.

(k) If a Board member, a Board panel or the Board has certified a parole release date for an inmate, then this section shall not be applied to such inmate until a rescission hearing is conducted pursuant to subchapter 5.

(1) This section shall expire not later than May 15, 1982.

#### 10A:71-3.19 Board panel action; schedule of future parole eligibility dates

(a) Upon determining to deny parole to a prison inmate, the prison Board panel shall, based upon the following schedule, establish a future parole eligibility date upon which the inmate shall be primarily eligible for parole.

1. Except as provided herein, a prison inmate serving a sentence for murder, rape, kidnapping, or serving any minimum-maximum or specific sentence in excess of 14 years for a crime not otherwise assigned pursuant to this section, shall serve 30 additional months.

2. Except as provided herein, a prison inmate serving a sentence for armed robbery, robbery or serving any minimum-maximum or specific sentence between 8 and 14 years for a crime not otherwise assigned pursuant to this section shall serve 24 additional months.

3. Except as provided herein, a prison inmate serving a sentence for breaking and entering, narcotics law violations, theft, arson, assault and battery, or serving any minimum-maximum or specific sentence of at least 4 but less than 8 years for a crime not otherwise assigned pursuant to this section shall serve 21 additional months.

4. Except as provided herein, a prison inmate serving a sentence for escape, bribery, conspiracy, gambling, possession of a dangerous weapon, or serving any minimum-maximum or specific sentence less than 4 years for a crime not otherwise assigned pursuant to this section shall serve 18 additional months.

(b) Upon determining to deny parole to a young adult inmate, the young adult Board panel shall, based upon the following schedule, establish a future parole eligibility date upon which the inmate shall be primarily eligible for parole.

1. Except as provided herein, a young adult inmate serving a sentence for a crime contained in categories A, B, or C of section 3.3 shall serve 24 additional months.

2. Except as provided herein, a young adult inmate serving a sentence for a crime contained in category D of section 3.3 shall serve 16 additional months.

3. Except as provided herein, a young adult inmate serving a sentence for a crime contained in category E or F of section 3.3 shall serve 10 additional months.

4. Except as provided herein, a young adult inmate serving a sentence for a crime contained in category G of section 3.3 shall serve 8 additional months.

(c) The future parole eligibility dates required pursuant to subsections (a) and (b) may be increased or decreased by up to 6 months when, in the opinion of the Board panel, the severity of the crime for which the inmate was denied parole and the prior criminal record of the inmate or other characteristics of the inmate warrant such adjustment.

(d) The Board may establish a future parole eligibility date which differs from that required by the provisions of subsections (a) and (b) if the future parole eligibility

date which would be established pursuant to such subsections is clearly inappropriate in consideration of the circumstances of the crime, the characteristics and prior criminal record of the inmate and the inmate's institutional behavior.

1. If, in the opinion of the Board panel denying parole, the future parole eligibility date which would be established pursuant to subsections (a) and (b) is clearly inappropriate as provided herein, the Board panel shall refer such case to the Board.

2. The Board panel shall, at least 14 days prior to the Board's determination of the future parole eligibility date, notify the inmate in writing pursuant to section 3.18 that a future parole eligibility date pursuant to subsections (a) and (b) has not been established and the reasons therefor.

3. The Board shall, upon disposition of the case, state in writing to the inmate the reasons for the establishment of any future parole eligibility date which differs from the provisions of subsections (a) and (b).

(e) If an inmate's maximum sentence(s) will expire prior to the future parole eligibility date otherwise established by the Board panel or Board, the Board panel or Board shall direct that such inmate serve his or her maximum sentence(s).

(f) This section shall apply to all adult inmates denied parole by a Board panel or Board after April 21, 1980.

(g) This section shall expire no later than May 15, 1982.

#### 10A:7-7.16. Board panel action; schedule of future parole eligibility dates upon revocation of parole

(a) After consideration of the hearing officer's hearing summary and opinion and after consideration of any written exceptions thereto, the Board panel shall determine whether to revoke parole pursuant to section 7.12 and, if parole is revoked, the Board panel shall, based upon the following schedule, establish a future parole eligibility date upon which the inmate shall be primarily eligible for parole.

(b) Except as provided herein, upon revocation of parole, a prison inmate shall serve 12 months and a young adult or juvenile inmate shall serve 6 months if he or she has violated one of the following conditions of parole:

1. Reporting to the parole officer, section 6.4(a)(3), provided that such parolee is declared by the District Parole Supervisor to be missing from parole supervision.

2. Approval of parole officer for firearm application or possession, section 6.4(a)(5)(iv).

3. Any special condition of parole imposed pursuant to section 6.4(c) or 6.4(d).

4. In the case of a juvenile inmate, obeying all laws and ordinances, section 6.4(a)(1), unless such violation is a criminal violation.

(b) The future parole eligibility date required pursuant to subsection (a) may be increased or decreased by up to 3 months when, in the opinion of the Board panel pursuant to subsections (h) and (i), the circumstances of the parole violation and the characteristics and past record of the parolee warrant such consideration.

(c) Except as provided herein, upon revocation of parole, a prison inmate shall serve 8 months and a young adult or juvenile inmate shall serve 4 months if he or she has violated, by non-criminal conduct, any parole condition not specified under subsection (a).

(d) The future parole eligibility date required pursuant to subsection (c) may be increased or decreased by up to 3 months in the case of a prison inmate or by up to 2 months in the case of a young adult or juvenile in-

mate when, in the opinion of the Board panel pursuant to subsections (h) and (i), the circumstances of the parole violation and the characteristics and past record of the parolee warrant such consideration.

(e) Except as provided herein, upon the first revocation of parole, a prison inmate revoked for commission of a crime while on parole shall serve one-half of the time remaining to be served on his or her sentence(s), and, upon the second or subsequent revocation of that parole, a prison inmate revoked for commission of a crime while on parole shall serve whatever time remains on the maximum sentence(s).

1. Except as provided in subsections (g) and (j) and section 3.2, no prison inmate revoked for commission of a fourth degree crime shall serve less than 8 nor more than 12 months.

2. Except as provided in subsections (g) and (j) and section 3.2, no prison inmate revoked for commission of a third degree crime shall serve less than 12 nor more than 16 months.

3. Except as provided in subsections (g) and (j) and section 3.2, no prison inmate revoked for commission of a second degree crime shall serve less than 16 nor more than 28 months.

4. Except as provided in subsections (g) and (j) and section 3.2, no prison inmate revoked for commission of a first degree crime shall serve less than 28 nor more than 48 months, provided, however, that when such crime is murder or kidnapping, no inmate shall serve less than 4 years, 8 months nor more than 8 years, 4 months.

(f) Except as provided herein, a young adult inmate revoked for commission of a crime on parole shall serve at least 6 months but no more than the inmate's original primary eligibility term prior to parole.

1. Except as provided in subsections (g) and (j), a young adult inmate revoked for the commission of a fourth degree crime shall serve 6 months.

2. Except as provided in subsections (g) and (j) and section 3.3, a young adult inmate revoked for the commission of a third degree crime shall serve 6 months plus one-quarter of the difference between 6 months and the original primary eligibility term prior to parole.

3. Except as provided in subsections (g) and (j) and section 3.3, a young adult inmate revoked for the commission of a second degree crime shall serve 6 months plus one-half of the difference between 6 months and the original primary eligibility term prior to parole.

4. Except as provided in subsections (g) and (j) and section 3.3, a young adult inmate revoked for the commission of a first degree crime shall serve 6 months plus three-quarters of the difference between 6 months and the original primary eligibility term prior to parole provided, however, that when such crime is murder or kidnapping, such inmate shall serve a term which shall be equal to that which was originally served prior to parole.

(g) The future parole eligibility dates required pursuant to subsections (e) and (f) may be increased or decreased by up to 3 months when, in the opinion of the Board panel pursuant to subsections (h) and (i), the circumstances of the parole violation and the characteristics and past record of the parolee warrant such consideration.

(h) The Board panel, in consideration of whether the future parole eligibility date otherwise required should be decreased pursuant to subsections (b), (d) or (g), may decrease such date if any new sentence imposed is consecutive to the parole violation or if the Board panel determines that one or more of the following mitigating factors is present:

1. The parolee demonstrated a positive attitude to parole supervision.

2. The parolee was employed on a full time basis.

3. The parolee's living arrangement was stable and supportive.

4. The parolee was under parole supervision for a period of at least two years.

5. The parolee has previously adjusted successfully to parole supervision.

6. The parolee has no previous convictions.

7. The parolee's original sentence was for a non-violent offense.

(i) The Board panel, in consideration of whether the future parole eligibility date otherwise required should be increased pursuant to subsections (b), (d) or (g), may increase such date if the Board panel determines that one or more of the following aggravating factors is present:

1. The parolee has demonstrated a negative attitude to parole supervision.

2. The parolee was under parole supervision for a period of less than 6 months.

3. The parolee has previous parole failures.

4. The parolee has extensive prior convictions.

5. The parolee has violated more than one parole condition.

6. The parolee was guilty of substance abuse while on parole.

7. The parolee's original sentence was for a violent offense.

(j) The Board may establish a future parole eligibility date which differs from that otherwise required by the provisions of this section, if the future parole eligibility date which would otherwise be established pursuant to this section is clearly inappropriate in consideration of the circumstances of the parole violation and the characteristics and prior criminal record of the parolee.

1. If, in the opinion of the Board panel revoking parole, the future parole eligibility date which would otherwise be established pursuant to this section is clearly inappropriate as provided herein, the Board panel shall refer such case to the Board.

2. The appropriate Board panel shall, at least 14 days prior to the Board's determination of the future parole eligibility date, notify the inmate in writing pursuant to section 7.17 of this subchapter, that a future parole eligibility date pursuant to this section has not been established and the reasons therefor.

3. The Board shall, upon disposition of the case, state in writing to the inmate the reasons for the establishment of any future parole eligibility date which differs from that otherwise required by the provisions of this section.

(k) Any future parole eligibility date determined pursuant to this section shall, unless otherwise ordered by a court in imposing a sentence for a crime committed while on parole, commence on the date the parolee was returned to custody as a parole violator.

(l) This section shall apply to all parolees whose parole is revoked by the Board or a Board panel after May 15, 1980, and shall apply to all inmates who have not yet begun to serve time on a parole violation. The prison Board panel may apply this section to any prison inmate currently serving a parole violation who requests such application.

(m) This section shall expire not later than May 15, 1982.

An order adopting these rules was filed on May 16,

1980 as R.1980 d.226 (Exempt, Mandatory Rule) to become effective on May 21, 1980.

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

## **INSURANCE**

### **THE COMMISSIONER**

#### **Proposed Rules on Group Disability Income Policies that Contain an Offset for Disability Income Coverages**

James J. Sheeran, Commissioner of Insurance, pursuant to the authority of N.J.S.A. 17:1-8.1, 17:1C6(e) and 17B:27-49, proposes to adopt new rules on group disability income policies.

Full text of the proposal follows:

#### **SUBCHAPTER 22. GROUP DISABILITY INCOME POLICIES**

##### **11:4-22.1 Purpose**

(a) The purpose of this regulation is to require that persons insured under group disability income policies receive benefits that are fair and equitable.

(b) Current problems exist in the following areas:

1. Policies are issued that include an offset for increased social security benefits in group disability income policies. While there may be justification from a rate standpoint for permitting integration of disability income benefits and social security benefits in determining the initial disability income payment to a disabled person there is no justification for offsetting increases in social security benefits that occur after the disability commences. When Congress increases social security benefits to disabled persons, it is to provide the disabled persons with additional income regardless of any other income or insurance benefits payable to such persons. Accordingly, to permit such an offset would nullify the purpose of the social security legislation and would result in an inequity which is contrary to the expectations of the disabled insured.

2. Some persons insured under disability income policies do not receive benefits under the policies because of the offset.

3. Insureds make contributions under disability income policies which do not equitably reflect the actual benefits provided.

##### **11:4-22.2 Applicability and scope**

This regulation shall apply to all group insurance policies that provide disability income benefits with an offset for other coverages, delivered, issued or renewed in this State after the effective date hereof. "Renewed" is defined as any date the insurer has the option to change the level of premium rates. "Offset for other coverages" is defined as any reduction of benefits because of benefits payable under government disability income programs, salary continuance plans, disability income coverages or other similar coverages. Offset for other coverages does not include benefits provided by individual policies owned by the insured individual.

##### **11:4-22.3 Requirements**

(a) Benefits currently payable under group disability income policies that provide an offset for other coverages shall not be reduced by future benefit level changes in social security benefits. Benefits which become payable after the effective date hereof shall not be reduced by benefit level changes after the first day for which disability income benefits become payable.

(b) No person shall be required to contribute for coverage if there is a reasonable expectation that insured benefits otherwise payable will be entirely offset during a period of disability.

(c) The contribution which may be required of an insured person shall not be more than the actuarial equivalent of the expected insured benefits (net of offset).

##### **11:4-22.4. Effective date**

This regulation shall become effective 90 days after its adoption.

A public hearing will be held on Thursday, June 26, 1980, at 10:00 A.M. in the Hearing Room of the Department of Insurance, 201 East State Street, Trenton, New Jersey 08625.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before June 26, 1980 to:

Barbara R. Diamond  
Special Assistant to the Commissioner  
New Jersey Insurance Department  
P.O. Box 1510  
201 East State Street  
Trenton, New Jersey 08625

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

James J. Sheeran  
Commissioner  
Department of Insurance

**(b)**

## **INSURANCE**

### **REAL ESTATE COMMISSION**

#### **Proposed Amendments Concerning Business Cards and Contracts**

Joan Haberle, Director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-17, proposes to amend N.J.A.C. 11:5-1.15(e) and 11:5-1.16(c) concerning business cards and listing agreements and contracts. The proposal concerns the deletion of the current text of N.J.A.C. 11:5-1.15(e) and the adoption of new text therein and the addition of new text within N.J.A.C. 11:5-1.16(c).

Full text of the proposal follows (additions or new text indicated in boldface thus):

11:5-1.15(e) **The business card of any licensed salesperson shall indicate that this licensee is a salesperson by the use of the words salespersons or sales representative. The business card of any licensed broker-salesperson shall indicate that this licensee is a broker-salesperson by the use of any of the aforementioned words or by the use of the words broker-salesperson.**

11:5-1.16(c) The commission clause or provision in all listing agreements for the sale of one to four family dwelling units, or interest therein, or in all contracts for such sales, if there is no listing agreement, shall contain in print larger than the predominant size print in the writing, the language: As seller, you have the right to individually negotiate any fee, commission or other valuable consideration with your broker or salesperson. No fee, commission or other consideration has been fixed by any governmental authority or by any trade association or multiple listing service." Nothing herein is intended to prohibit an individual broker from independently establishing a policy regarding the amount of fee, commission or other valuable consideration to be charged in transactions by the broker. Presently licensed individuals, individuals, partnerships, firms or corporations shall have 240 days from the effective date of this subsection and subsection (b) of this section to bring all listing agreements and contracts into compliance with these subsections.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Joan Haberle  
Director  
Real-Estate Commission  
201 East State St.  
P.O. Box 1510  
Trenton, N.J. 08625

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

Joan Haberle  
Director, Real Estate Commission  
Department of Insurance

(a)

## INSURANCE

### REAL ESTATE COMMISSION

#### Proposed Amendments Concerning Approved Schools Requirements

Joan Haberle, Director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-17, proposes to amend N.J.A.C. 11:5-1.28(e) and (f) concerning approved schools requirements by deleting the current text of such rules and adopting new text therein.

Full text of the proposed new rules follows:

11:5-1.28(e) Applications for school approval or renewal, except from accredited colleges or universities, and schools operated by boards of education, shall be accompanied by a surety bond (Form "F" suggested) as issued by an insurance company authorized to do business in this State, conditioned for the protection of the contractual rights of real estate students enrolled in such school, in an amount computed in accordance with the following formula:

1. The sum of the maximum number of students to be enrolled in the school's brokers' courses at any one time during the calendar year as set forth in the certification submitted pursuant to subsection f of this section, multiplied by the amount of tuition for brokers course; plus the maximum number of students to be enrolled in the school's salespersons' courses at any one time during the calendar year as set forth in the certification submitted pursuant to subsection (f) of this section multiplied by the amount of tuition for salespersons' course.

2. However, if the amount computed in accordance with the prescribed formula is less than \$10,000, the bond shall be in an amount not less than \$10,000.

(f) The director of each school required to submit a surety bond as set forth in section e herein, shall submit with initial and renewal applications, on a form prescribed by the Commission, a certification as to the maximum number of students to be accepted for enrollment in the school's brokers' and salespersons' courses at any one time during the calendar year of operation. If the student enrollment figure set forth in said certification is less than the maximum number of students actually enrolled in the school's brokers' and salespersons' courses at any one time during the preceding calendar year, the director of said school shall provide an explanation for the certification as to the lesser enrollment figure.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Joan Haberle  
Director  
Real Estate Commission  
201 East State St.  
P.O. Box 1510  
Trenton, N.J. 08625

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

Joan Haberle  
Director, Real Estate Commission  
Department of Insurance

(b)

## INSURANCE

### REAL ESTATE COMMISSION

#### Proposed Amendments Concerning Approved Schools Requirements

Joan Haberle, Director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-17, proposes to amend N.J.A.C. 11:5-1.28(k)5. concerning approved schools requirements by deleting the current text of this rule and adopting new text therein.

Full text of the proposed new rules follows:

11:5-1.28(k)5. Be or have been a licensed real estate broker in the State of New Jersey within three years of the date of the application and possesses a minimum of five years of experience as a broker in the areas of study he proposes to teach.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Mr. Pasquale Loiacono  
Education Director  
Real Estate Commission  
Department of Insurance  
201 East State St.  
Trenton, N.J. 08625

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

Joan Haberle  
Director, Real Estate Commission  
Department of Insurance

(a)

## INSURANCE

### THE COMMISSIONER

#### Updated List of Municipalities Requiring Fire Insurance to Pay Unpaid Liens

On April 16, 1980, James J. Sheeran, Commissioner of Insurance, pursuant to authority of P.L. 1978, c. 184, as amended by P.L. 1979, c. 369, filed an amended list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located within a municipality to pay unpaid liens out of any claim payments due the insured for fire damages in excess of \$2,500.

Full text of the additions to that list follows.

- \* The Township of Berlin 08091 (Camden County)  
March 20, 1980
- \* The City of Asbury Park 07712 (Monmouth County)  
April 1, 1980
- \* The Town of Dover 07801 (Morris County)  
April 16, 1980

This list was filed on May 1, 1980 as R.1980 d.190. This list is not a rule but will appear in Title 11 of the New Jersey Administrative Code for informational purposes.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## INSURANCE

### THE COMMISSIONER

#### List of Municipalities Requiring Insurance Companies to Pay Unpaid Liens

On May 12, 1980, James J. Sheeran, Commissioner of Insurance pursuant to authority of P.L. 1978, c. 184, as amended by P.L. 1979 c. 369, filed a list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

Full text of the filed list follows:

- |  |                |
|--|----------------|
| The City of Hackensack 07602<br>(Bergen County)          | April 22, 1980 |
| The Township of Willingboro 08046<br>(Burlington County) | April 17, 1980 |
| The Township of Brick 08723<br>(Ocean County)            | May 2, 1980    |

This list was filed on May 15, 1980, at R.1980 d.219. Such list is not subject to codification, but will appear in Title 11 for informational purposes.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## INSURANCE

### THE COMMISSIONER

#### Rules Concerning Minimum Standards for Health Insurance

On April 21, 1980, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:22-1, 17B:26-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 11:4-16 through 11:4-18, concerning minimum standards for health insurance substantially as proposed in the Notice published July 5, 1979 at 11 N.J.R. 348(a), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Insurance.

An order adopting these rules was filed and became effective on April 21, 1980 as R.1980 d.176.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## INSURANCE

### REAL ESTATE COMMISSION

#### Emergency Amendments Concerning Listing Agreements and Contracts

On May 14, 1980, Joan Haberle, Director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 11:5-1.16 (c) concerning listing agreements and contracts.

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

11:5-1.16(c) The commission clause or provision in all listing agreements for the sale of real property, or any interest therein, or in all contracts if there is no listing agreement, shall contain, in print larger than the predominant sized print in the writing, the language: "As seller, you have the right to individually negotiate any fee, commission or other valuable consideration with your broker or salesperson. No fee, commission or other consideration has been fixed by any governmental authority or by any trade association or multiple listing service." Presently licensed individuals, partnerships, firms or corporations shall have 240 [180] days from the effective date of this subsection and subsection (b) of this section to bring all listing agreements and contracts into compliance with these subsections.

An order adopting these amendments was filed and became effective on May 14, 1980 as R.1980 d.214 (Exempt, Emergency Rule).

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## INSURANCE

### REAL ESTATE COMMISSION

#### Amendments Concerning Advertising

On May 14, 1980, Joan Haberle, Director of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.15(m)1 concerning advertising as proposed in the Notice published January 10, 1980 at 12 N.J.R. 44(a).

Take notice that the proposed amendments to N.J.A.C. 11:5-1.15(l) that appeared with the above amendments in the original Notice of Proposal were adopted as R.1980 d.52 (See 12 N.J.R. 128(a)).

An order adopting these amendments was filed and became effective on May 14, 1980 as R.1980 d.213.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF ALCOHOLIC BEVERAGE CONTROL

#### Proposed Amendments to Division's Rules

Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-1 et seq., proposes to amend portions of the Division's rules.

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

13:2-4.3(a) 1. A fee of [~~\$50.00~~] **\$55.00** in cash, money order or certified check drawn to the order of Division of Alcoholic Beverage Control; and

#### 13:2-4.9 Refund of fees

If the application for new or renewal license is denied for any reason whatsoever or withdrawn statutory refund of 90 per cent of the fee deposited with the municipality shall be made by said municipality to the applicant. The remaining 10 per cent shall be deemed an investigation fee and shall be retained by the municipality. The [~~\$50.00~~] **\$55.00** fee accompanying the supplemental application shall be retained by the director.

13:2-20.11(b) In lieu of affixing the insignia in the manner prescribed in subsection (a) of this section, it may be carried in the vehicle while engaged in the transportation of alcoholic beverages, provided an inscription is painted on the exterior of the body of the vehicle on the left side thereof, clearly visible at all times, which inscription shall, in letters not less than one inch in height and of proper and proportionate width, indicate the number of the current insignia and the date of its expiration in form as follows (inserting the appropriate number and year):

### STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL

TRANSIT INSIGNIA NO. ....  
EXPIRES [APRIL 30], AUGUST 31, 19.....

#### 13:2-20.14 Term of transit insignia; renewal

All transit insignia and special transportation permits expire on [April 30] August 31 following their issuance unless previously terminated by order of the director or by surrender, revocation or expiration of the license. Renewals must be applied for in the same manner as new insignia or permits.

#### 13:2-23.1 Serving minors and intoxicated persons

(a) No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person under the [age of 18 years,] legal age to purchase or consume alcoholic beverages, or allow, permit or suffer the consumption of any alcoholic beverage by any such person in or upon the licensed premises.

(b) No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person actually or apparently intoxicated, or permit or suffer the consumption of any alcoholic beverage by any such person in or upon the licensed premises.

Ed. Note: Delete the current text of N.J.A.C. 13:2-23.8 and adopt the new text therein.

#### 13:2-23.8 Eastern Standard Time change

(a) On the last Sunday of April of each year, at 2:00 A.M., the clocks in each licensed premises will be advanced one hour in observance of Eastern Daylight Saving Time. In any municipality having a closing hour later than 2:00 A.M., the official time will then become 3:00 A.M. and the hours of sale will be calculated accordingly.

(b) On the last Sunday of October of each year, at 2:00 A.M., the clocks in each licensed premises will be turned one hour in observance of Eastern Standard Time. In municipalities having a closing hour later than 2:00 A.M., the clocks will be immediately returned to 1:00 A.M. and hours of sale will be calculated accordingly.

(c) In either case, (a) or (b), licensed premises having closing hours of 2:00 A.M. or earlier, will be unaffected.

#### 13:2-23.16 Prohibited promotions

(a) No license or registrant privileged to sell or solicit the sale of alcoholic beverages within this State shall, directly or indirectly, allow, permit or suffer any practice or promotion that:

1. Offers to the public at large unlimited availability of any alcoholic beverage for a set price; or

2. Offers to a patron or consumer a free drink, gift, prize or anything of value, conditioned upon the purchase of an alcoholic beverage or product, except branded or unique glassware or souvenirs in connection with a single purchase; or

3. Requires or allows a consumer to prepurchase more than one drink or product at a time via tickets, tokens, admission fees, two for one, or the like, as a condition for entry into a licensed premises or as a requirement for service or entertainment thereon.

#### 13:2-23.21 Storage of alcoholic beverages

No licensee shall store any alcoholic beverage except at his licensed premises, or at a public warehouse licensed

under the alcoholic beverage law, or at other premises pursuant to special permit first obtained from the Director of the Division of Alcoholic Beverage Control, provided, however, that nothing herein contained shall prohibit the storage of alcoholic beverages by a licensee upon the formerly licensed premises for a period not exceeding five days subsequent to the effective date of the transfer of the license to other premises[.] or for a period not to exceed 72 hours following delivery at the licensed premises of a fellow member of a cooperative purchasing agreement pursuant to subchapter 26.

13:2-24.1(b) [3. Price changes from time to time where changes are in response to changing conditions affecting the market for or the marketability of alcoholic beverage products, such as, but not limited to, actual or imminent deterioration of perishable products, obsolescence of seasonal products, distress sales pursuant to court order, or sales in good faith in discontinuance of business in the product concerned.]

Ed. Note: Delete the current text of N.J.A.C. 13:2-24.5 and replace it with new text below.

#### 13:2-24.5 Supplier pricing and marketing information

(a) Every manufacturer, supplier, winery, brewer, importer, blender or rectifier intending to sell alcoholic beverages to wholesalers or distributors within this State shall:

1. For a period of three years maintain on its licensed premises or other principal place of business made known to the Division in a readily retrievable fashion pursuant to subchapter 29:

i. A "Historical Price List," which shall contain the prices at which all products by brand, type, proof, age and size were offered for sale to the trade, inclusive of all discounts, allowances or differentials; and

ii. A "Marketing Manual," which shall contain, by category, on a chronological basis, all services, facilities, equipment, advertising and promotional items and programs offered to the trade or consumers; and

2. By the first day of the month preceding the month for which they are to become effective, make available to all its wholesalers or distributors its current prices, inclusive of all discounts, allowances or differentials; and

3. Prior to any sale or delivery of distilled spirit alcoholic beverages, or annually by August 1 of each year, file with the Division a written statement under oath affirming that its prices to New Jersey wholesalers and distributors have not been and will not be a price or discount higher than the lowest price or lower than the highest discount which has been or will be offered to any wholesaler or distributor or state agency (which operates retail stores) in any other State of the United States or in the District of Columbia.

13:2-24.6(a)3. i. Prices, inclusive of all discounts, allowances and differentials and other terms of sale, at which all products (except private label products owned by a retail licensee) are offered for sale to retailers during the calendar month following filing; and

ii. The correct brand or trade name of the product, its nature and type, size and age and proof of alcoholic content when stated on the label, the standard number of unit containers per standard case and the capacity of each unit container.

4. Except with respect to sales of malt alcoholic beverages, [T]he Current Price List shall be filed with the Division of Alcoholic Beverage Control no later than the [15th] 7th day of each calendar month, shall become effective the first day of the following month and remain effective for that month.

5. The prices contained therein shall be [filed] established independently by each individual [filer] wholesaler or distributor and except for malt beverages, no amendments or changes (except upon approval of the Director to correct bona fide clerical errors) shall be made therein prior to filing of the next monthly price list.

6. No manufacturer, supplier or wholesaler shall offer for sale, sell or deliver to any retailer and no retailer shall accept delivery from any manufacturer, supplier or wholesaler of any alcoholic beverage upon terms other than those set forth in the seller's "Current Price List."

7. [The] Filed Current Price Lists shall be a public record and nothing herein shall preclude any licensee selling alcoholic beverages to retailers from providing it directly to retailers by mail, through sales personnel or through publication in trade journals.

#### 13:2-24.7 Marketing initiatives

Subject to the foregoing provisions of this subchapter, a licensed or registered manufacturer, supplier, importer, wholesaler or distributor may furnish or provide advertising or promotional materials to any retail licensee, except that samples may be provided to retailers, and donations of alcoholic beverages made to qualified organizations, only within the terms and conditions of a special permit first obtained from the Director, issued upon a petition establishing and defining its need and use and verifying that all taxes have been paid thereon.

#### 13:2-24.8 Sales below cost; prohibited

(a) Notwithstanding their provisions of this subchapter, no wholesaler, distributor or other licensee, privileged to sell to retailers, and no retail licensee, shall offer to sell or sell alcoholic beverages at a price below "cost" except for authorized samples and donations pursuant to N.J.A.C. 13:2-24.7 or upon petition to and approved by the Director, pursuant to a bona fide "close out" sale. [consistent with N.J.A.C. 13:2-24.1(b)(3).]

(b) "Cost" is defined as the actual proportionate invoice price and freight charge to a distributor or wholesaler and the actual proportionate invoice price to a retailer, as the case may be, of any given container of an alcoholic beverage product, plus applicable State and Federal taxes. The actual invoice price shall be determined by the "last-in-first-out" method applying generally accepted accounting principles.

#### 13:2-24.9 [Trade Buyer] Combination and tied sales

(a) Notwithstanding other provisions of this subchapter, no [manufacturer, registrant, wholesaler, distributor or licensee privileged to sell alcoholic beverages to wholesalers, distributors, retailers, or other] licensee[s in this State] shall sell or offer to sell any alcoholic beverage product upon terms that permit purchase of that product, by size and price, only when purchased in conjunction with a different product or the same product in a different size.

[(b) Except for sales to retailers of malt alcoholic beverages; no wholesale licensee shall offer to sell or sell any alcoholic beverage product in combination with another product. For purposes of this subsection, a sale of products which are identical, except for size, in mixed lots (a mixed size sale) is not a combination sale.]

[(c) (b) Subject to N.J.S.A. 33:1-12, [N]othing herein shall preclude a retail licensee from selling or offering for sale any product in combination with another product at a single unit price, provided that such unit price shall exceed the cost of the combined products and the individual

unit price of each combined product is provided in advertising and shelf pricing.

Ed. Not: Delete current text of N.J.A.C. 13:2-24.10.

**[13:2-24.11] 13:2-24.10 Advertising and Consumer Protection**

(a) No manufacturer, importer, registrant, wholesaler, distributor or retailer shall include in any advertising material or in any advertisement, directly or indirectly, any statement, illustration, design, device, name, symbol, sign or representation that:

1. Is false or misleading;
2. Is obscene;
3. Contains the name of or depiction of any biblical character or religious character or symbol;
4. Portrays a minor or child or items or symbols which are generally associated with children or which tends to induce minors [or] to purchase alcoholic beverages;
5. Tends to create or give the impression that the use of an alcoholic beverage has curative or therapeutic effects or enhances athletic prowess;
6. Offers an alcoholic beverage product for sale to consumers which is not immediately available in reasonable supply at the price, size and age specified, unless advertised at a stated limited quantity;
7. Offers any alcoholic beverage product in its original container for sale, by any means whatsoever, that physically or conceptually joins, or connects or combines it to the advertisement or promotion of any non-alcoholic beverage product except non-alcoholic accessory beverages; or
8. Offers any alcoholic beverage product for sale by or on behalf of licensees not identically owned, except as consistent with subsection (b) of this section.

(b) No manufacturer, importer, registrant, wholesaler, distributor or retailer may advertise in any form or manner whatsoever unless that individual licensee has paid for such advertising except that consistent with Title 33 and Regulation promulgated thereunder, and its "Marketing Manual," a manufacturer or wholesaler, in a product advertisement, may specify the availability of a particular alcoholic beverage product or products at identified retail outlets, provided that no reference is made to a price at which the products will be or are offered for sale;]

7. Offers alcoholic beverage pricing information in affiliation with other non-identically owned licensees in a communication which fails to truthfully disclose and prominently indicate the identity of the individual licensee who established the pricing information, and that the specific prices and products featured may not be available at all businesses represented or indicated as being affiliated.

13:2-26.1(a)6. All purchases through or by cooperative agreement shall [be made only on terms requiring payment upon delivery, or in the case of multiple delivery, upon initial delivery or earlier; and] be reduced to writing, signed by the wholesaler and each individual participating member of the cooperative, and require payment upon delivery or prior thereto or upon credit terms consistent with subchapters 24 and 39. Such credit terms may include the posting of a bond, the provision for a guarantor or surety, the joint and severable liability of each participating cooperative member, or such other assurances of payment as may be mutually agreeable between the wholesaler and the cooperative members.

13:2-26.1(a)9. No licensed party to a cooperative agreement shall co-mingle inventory, funds or other assets[; and] inconsistent with this subchapter and N.J.A.C. 13:2-23.21; and

10. Any purchase or transfer in violation of Title 33 or the regulations promulgated thereunder, shall be a violation by all members of the cooperative purchase agreement.

11. Nothing herein shall be deemed to require the servicing of any cooperative agreement with quantity or cash discounts if [multiple deliveries to licensees are required for an individual order] there exists no corresponding justification for the differential pursuant to N.J.A.C. 13:2-24.1(b)(1).

(b) No cooperative buying group may participate in any business transaction permitted by subsection (a) of this section unless the cooperative is registered with the Division in a form prescribed by the Director. Such registration shall include:

1. The identity and State issued license numbers of the members; [and]

2. A copy of the cooperative agreement[.

(c) No licensee shall, directly or indirectly, participate in any cooperative purchase unless the cooperative is registered pursuant to this regulation.]: and

3. The issuance of a special permit by the Director, which shall be renewable annually on August 1.

Ed. Note: Delete current text of N.J.A.C. 13:2-33.3.

**13:2-35.2 Broad package privilege**

(a) No holder of a plenary retail consumption license or seasonal retail consumption license, [except as approved by N.J.S.A. 33:1-12.24 and 12.25] shall sell or display for sale any alcoholic beverage in the original container for off-premises consumption except from and in the bona fide principal public barroom of the licensed premises, unless [(the privilege to engage in such sale and display in other than such barroom [being known as the "Broad Package Privilege"] unless:] has been acquired pursuant to N.J.S.A. 33:1-12.23, 12.24 and 12.25 (commonly known as the "Broad Package Privilege").

[1. On or before June 30, 1948, the Director of the Division of Alcoholic Beverage Control received from such a licensee's municipal license issuing authority certification that such licensee, on May 24, 1948, sold alcoholic beverages in original containers for consumption off the licensed premises, either to the exclusion of sale for consumption on the licensed premises or upon a portion of the licensed premises other than the public barroom; or

2. The Director of the Division of Alcoholic Beverage Control has approved a verified petition, received on or before June 18, 1948, by such a licensee alleging that on May 24, 1948, such licensee was not actually engaged in the sale of alcoholic beverages in original containers for off-premises consumption from a portion of the licensed premises other than the public barroom by reason of:

i Building alteration or construction in progress;

ii. Prior destruction or loss of possession of the licensed premises; or

iii. Non-operation of the entire licensed business, but that, prior to May 28, 1948, such licensee had sold alcoholic beverages in original containers for off-premises consumption from a portion of the licensed premises other than the public barroom or had actually undertaken alteration or construction of the licensed premises to be licensed, intending and making provision thereon for the sale of alcoholic beverages in original containers for off-premises consumption from a portion of the premises other than the public barroom.]

Ed. Note: Delete current text of N.J.A.C. 13:2-35.4, 13:2-35.5, 13:2-35.6 and 13:2-36.2.

## SUBCHAPTER 36. REQUESTS FOR ADVISORY OPINIONS

### 13:2-36.1 Advisory opinions

(a) Other than in proceedings instituted pursuant to N.J.S.A. 52:14B-8 (Declaratory Rulings), a written non-hypothetical request for an interpretation, application, or other inquiry concerning the Division's regulations, policies or practices shall only be considered if it sets forth issues not previously articulated by the Division or involves a substantial question of general applicability. Such requests and corresponding advisory opinions may be reproduced in Bulletins issued by the Division which are publically available upon subscription. Requests which are hypothetical in nature will not receive Division response.

(b) The provisions of this section are to be considered of general applicability and may be relaxed in the discretion of the Director.

### 13:2-40.1 Form of application; contents

Application for an identification card by residents of a county who shall have attained the [age of 18 years] legal age for purchase and consumption of alcoholic beverages may be filed with the county clerk in the county wherein said applicant resides and shall be in the following form:

Interested persons may present comments, statements or arguments in writing relevant to the proposed amendments on or before June 26, 1980 to:

Joseph H. Lerner, Director  
Division of Alcoholic Beverage Control  
Department of Law and Public Safety  
Newark International Plaza  
U.S. Routes 1 & 9 (South)  
Newark, New Jersey 07114

The Division of Alcoholic Beverage Control may thereafter adopt the proposed rules concerning these subject areas without further notice.

Joseph H. Lerner, Director  
Division of Alcoholic Beverage Control  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

##### Proposed Repeal of Rules on Competitive Bidding for Services

Edwin H. Ruzinsky, President of the New Jersey Board of Certified Public Accountants in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:2B-6g, proposes to repeal in its entirety N.J.A.C. 13:29-3.13 which prohibits competitive bidding for professional services.

Full text of the regulation to be repealed follows:

13:29-3.13 [Competitive bidding for services] (Reserved)

[(a) Competitive bidding is deemed to be detrimental to the interests of the public and the accounting profession.

(b) No practitioner shall knowingly, directly or indirectly, enter into bidding for any type of professional service in

competition with other practitioners on any basis whatsoever.

(c) A competitive bid for professional engagements is defined as an offer made to a person or organization not a regular client to perform a specified service for a specified sum, with the knowledge that a similar offer or offers are being solicited of another practitioner or practitioners.

(d) The fact that a practitioner is solicited to make an offer to perform a service for a stipulated fee by a person or organization which is not already a client of the practitioner so solicited is indicative that similar offers are being solicited.

(e) It shall be incumbent upon the practitioner to reasonably assure himself to the contrary by direct question to the solicitor before making an offer to perform such services.]

Interested persons may present statements or arguments in writing, orally or in person relevant to the proposed action not later than June 30, 1980 to:

John J. Meade  
Executive Secretary  
New Jersey State Board of  
Certified Public Accountants  
Room 507A  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The Board of Certified Public Accountants may thereafter repeal this regulation without further notice.

Edwin H. Ruzinsky  
President, State Board of Certified  
Public Accountants  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF DENTISTRY

##### Proposed Amendments Concerning Use of General Anesthesia

Samuel E. Furman, President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposes to amend portions of N.J.A.C. 13:30-8.3 concerning the use of general anesthesia.

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

13:30-8.3(c)3. An office anesthesia facility shall be inspected and approved by the State Board of Dentistry or its designee.

(d) This certificate shall be renewed biennially upon satisfactory proof being submitted to the board that the holder has completed at least 100 credit points every two years in continuing education courses devoted to general anesthesia and approved by the Board. Permit holders failing to apply for timely renewal shall have said office anesthesia facility inspected and approved by the State Board of Dentistry or its designee before a certificate of renewal will be granted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1980 to:

Mr. Robert Siconolfi  
Executive Secretary  
N.J. Board of Dentistry  
Room 306, 150 E. State Street  
Trenton, N.J. 07102  
Tel. No. (609) 292-5235

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

Samuel E. Furman  
President, State Board of Dentistry  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF DENTISTRY

##### Proposed Rules on Dental Patient Records

Samuel E. Furman, President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposes to adopt new rules concerning dental patient records.

Full text of the proposal follows:

##### 13:30-8.8 Patient records

(a) A patient record shall be prepared and maintained for each person seeking dental services, regardless of whether any treatment is actually rendered or whether any fee is charged. Such record shall include, as a minimum:

1. Name and address of patient, and, if a minor, name of parent or guardian;
2. Date of each patient visit;
3. Description of treatment or services rendered at each visit together with the name of the dentist or hygienist rendering it;
4. Date and description of all radiographs taken and diagnostic models made.

(b) Patient records including all radiographs and diagnostic models shall be maintained for at least seven years from the date of the last entry.

(c) Upon receipt of the written request of a patient or a patient's legal guardian and within fourteen days thereof, legible copies of the patient record including, if requested, duplicates of models and copies of radiographs, shall be furnished to the patient or another designated dentist. A reasonable charge may be made for this service and the treating dentist may require that all outstanding balances for diagnostic services be paid prior to release of such records.

(d) The provisions of this regulation shall not apply to situations where no patient-physician relationship exists, such as where the professional services of a dentist are rendered at the behest of a third party for the purposes of examination and evaluation only, including examinations conducted pursuant to N.J.S.A. 13:30-8.5.

(e) Nothing contained herein shall be construed to prevent the New Jersey State Board of Dentistry from requiring a dentist to provide all records, radiographs, and diagnostic models to the Board at its request in the fur-

therance of any investigation conducted by the Board pursuant to N.J.S.A. 45:1-14 et seq., and N.J.A.C. 13:30-8.5.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1980 to:

Samuel E. Furman, President  
New Jersey State Board of Dentistry  
150 East State Street  
Trenton, New Jersey  
Telephone: (609) 292-5416

The New Jersey State Board of Dentistry may thereafter adopt the above new rule substantially as proposed without further notice.

Samuel E. Furman  
President, Board of Dentistry  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF MEDICAL EXAMINERS

##### Proposed Rule on Provision of Radiological Services

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law & Public Safety, pursuant to authority of N.J.S.A. 45:9-2 proposes a new rule concerning provision of radiological services.

Full text of the proposed new rule follows:

##### 13:35-6.18 Radiological services

(a) "Physician" shall mean a physician possessing a plenary license to practice medicine and surgery and practitioners legally licensed to practice chiropractic.

(b) A physician possessing a plenary license to practice medicine and surgery who provides diagnostic radiological services for other physicians possessing a plenary license to practice medicine and surgery shall, upon the request of a chiropractic physician, provide diagnostic radiological services to such chiropractic physician without discrimination on the basis of classification of license, provided the diagnostic radiological services requested pertain to skeletal areas of the body.

(c) Denial of professional diagnostic radiological services, as set forth herein, shall constitute purposeful and intentional discrimination and may subject the licensee to appropriate disciplinary action by the Board of Medical Examiners.

Interested persons may present statements or arguments by letter or other written form relevant to the proposed new rule on or before June 30, 1980 to:

Board of Medical Examiners  
28 West State Street  
Trenton, New Jersey 08608

The Board of Medical Examiners may thereafter adopt the above rule substantially as proposed without further notice.

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF PROFESSIONAL PLANNERS

##### Rules Concerning Annual License Fees and Charges

On April 9, 1980, Charles Nathanson, President of the State Board of Professional Planners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-3, 45:14A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:41-3.2, concerning annual license fees and charges as proposed in the Notice published March 6, 1980 at 12 N.J.R. 129(a).

An order adopting these rules was filed and became effective on April 23, 1980 as R.1980 d.179.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Amendments on Merchandise Advertising

On May 5, 1980, John J. Degnan, Attorney General of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:45A-9 concerning merchandise advertising substantially as proposed in the Notice published January 10, 1980 at 12 N.J.R. 45(a), but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Law and Public Safety.

An order adopting these amendments was filed and became effective on May 6, 1980 as R.1980 d.200.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

##### Amendments Concerning Licensure Requirements

On March 5, 1980, Ann Crumidy, 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-41.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:33-1.11, 13:33-1.12, 13:33-1.15 and 13:33-1.16 concerning licensure

requirements as proposed in the Notice published February 7, 1980 at 12 N.J.R. 87(d).

An order adopting these amendments was filed and became effective on May 6, 1980 as R.1980 d.201.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF OPTOMETRISTS

##### Amendments Concerning Examination Equipment

On April 18, 1980, Richard Appel, President of the State Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:38-2.2 concerning examination equipment as proposed in the Notice published February 7, 1980 at 12 N.J.R. 90(b).

An order adopting these amendments was filed and became effective on May 6, 1980 as R.1980 d.202.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Amendments Concerning Restricted Parking

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend certain rules concerning restricted parking on parts of Routes U.S. 9, U.S. 9W, 12, 36, 49 and U.S. 202-31.

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

16:28A-1.7(b)4iii. Mid-block bus stop beginning at a point 1,000 feet north of the northerly curb line of Kennedy Boulevard to a point 135 feet northerly therefrom;

16:28A-1.26(a)3. No stopping or standing along the north side for its entire length within the corporate limits of the Borough of Union Beach including all ramps and connections thereto under the jurisdiction of the Commissioner of Transportation.

16:28A-1.35(a)6iii. Along both sides [of Route 49] including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

(1) From the junction of U.S. 130 to Orchard Avenue;  
Renumber sub-subparagraphs (1) through (3) as (2) through (4).

16:28A-1.61 Route U.S. 9W

(a) The certain parts of State Highway Route U.S. 9W described herein below shall be, and hereby are, designated and established as "no parking" zones where park-

ing 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. Within Tenafly Borough:
  - i. Along the westerly (southbound) side, East Clinton Avenue (near side 120 feet);
  - ii. Along the easterly (northbound) side, East Clinton Avenue (far side, 105 feet).
2. Within Englewood Cliffs Borough:
  - i. Along the westerly (southbound) side:
    - (1) Sage Road (far side, 105 feet);
    - (2) From a point 1,000 feet southerly from the southerly curb line of Sage Road to a point 120 feet southerly therefrom;
    - (3) From a point 1,600 feet southerly from the southerly curb line of Sage Road to a point 120 feet southerly therefrom;
    - (4) From a point 500 feet northerly from the northerly curb line of Hollywood Avenue to a point 120 feet northerly therefrom;
    - (5) From a point 500 feet south of the southerly curb line of Hollywood Avenue to a point 120 feet southerly therefrom;
    - (6) From a point 1,000 feet northerly from the northerly curb line of Demarest Avenue to a point 120 feet northerly therefrom;
    - (7) Demarest Avenue (near side, 120 feet);
    - (8) Palisades Avenue (near side, 120 feet).
  - ii. Along the easterly (northbound) side:
    - (1) Demarest Avenue (far side, 105 feet);
    - (2) From a point 1,000 feet north of the northerly curb line of Demarest Avenue to a point 120 feet northerly therefrom;
    - (3) From a point 500 feet southerly of the southerly curb line of Hollywood Avenue to a point 120 feet southerly therefrom;
    - (4) From a point 500 feet northerly of the northerly curb line of Hollywood Avenue to a point 120 feet northerly therefrom;
    - (5) From a point 1,600 feet southerly of the southerly curb line of Sage Road to a point 120 feet southerly therefrom;
    - (6) From a point 1,000 feet northerly of the northerly curb line of Sage Road to a point 120 feet northerly therefrom;
    - (7) Palisades Avenue (near side, 120 feet);
    - (8) Sage Road (near side, 120 feet).
3. All bus stops to be the specified lengths measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects.

**16:28A-1.62 Route 12**

(a) The certain parts of State Highway Route 12 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 for its entire length within the corporate limits of the Borough of Flemington including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

**16:28-1.63 Route U.S. 202-31**

(a) The certain parts of State Highway Route U.S. 202-31 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 for its entire

length within the corporate limits of the Borough of Flemington including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Charles L. Meyers  
Administrative Practice Officer  
N.J. Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

**(a)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

#### **Proposed Amendments Concerning Restricted Parking**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend certain rules concerning restricted parking on parts of Routes 35, 17, U.S. 30 and 31.

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

16:28A-1.9(a)2. No stopping or standing along both sides for the entire length within the corporate limits of Rutherford Borough, East Rutherford Borough [and], Ho-Ho-Kus Borough and Hasbrouck Heights Borough including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

16:28A-1.21(b) The certain parts of State Highway Route U.S. 30 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. In Magnolia Borough, along Route U.S. 30 Northbound on the easterly side thereof at:

i. Warwick Road (far side) beginning at the westerly curb line of Warwick Road and extending 160 feet westerly therefrom.

16:28A-1.22(a)1. No stopping or standing along both sides for the entire length within the Borough of Flemington, Township of Clinton, Township of Lebanon and Borough of Glen Gardner, including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

16:28A-1.25(b)3.iii. Near side bus stop: Woodbine Avenue (120 feet).

16:28A-1.25(b)4.i. Near side bus stop:

- (1) Ronald Drive (120 feet);
- (2) Chain O'Hill Road (120 feet).

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before June 25, 1980 to:

Charles Meyers  
Administrative Practice Officer  
N.J. Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

## (a)

# TRANSPORTATION

## THE COMMISSIONER

### Proposed Amendments Concerning Restricted Parking

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend certain rules concerning restricted parking on parts of Routes 46, 36, 28, 71 and 29.

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

16:28A-1.19(a)3. No stopping or standing in Cranford Township:

i. Along the westbound side of Route 28:

(1) From the Roselle Park Borough-Cranford Township corporate line to a point 120 feet east of the easterly curb line of John Street.

(2) From the westerly curb line of Forest Avenue to the easterly curb line of Springfield Avenue.

(3) From the westerly curb line of Alden Street to a point 120 feet west of the westerly curb line of Alden Street.

(4) From a point 120 feet west of the westerly curb line of Alden Street to a point 50 feet east of the easterly curb line of Eastman Street between the hours of 4:30 P.M. and 6:00 P.M., Monday through Friday.

(5) From the westerly curb line of Orchard Street to the easterly curb line of Route 59.

ii. Along the eastbound side of Route 28:

(1) From a point 650 feet west of the westerly curb line of Eastman Street to a point 125 feet west of the westerly curb line of Eastman Street.

(2) From the easterly curb line of North Union Avenue to a point 184 feet west of the westerly curb line of Springfield Avenue.

(3) From the easterly curb line of Springfield Avenue to a point 120 feet west of the westerly curb line of Forest Avenue.

(4) From the easterly curb line of John Street to the Cranford Township-Roselle Park Borough corporate line.

(5) From the easterly curb line of Lincoln Avenue (Rt. 59) to a point 247 feet easterly therefrom.

Renumber paragraphs 3 through 7 as 4 through 8.

16:28A-1.20(a)1. No stopping or standing [along both sides] in Hopewell Township:

i. Along both sides between Ewing-Hopewell Townships corporate lines and Blue Ridge Road;

ii. Along the southbound side between a point 2,700 feet north of the center line of Valley Road and a point 150 feet north thereof.

16:28A-1.26(b) The certain parts of State Highway Route 36, 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. In Sea Bright Borough, along Route 36, northbound on the easterly side thereof at River Street (near side) beginning at the southerly curb line of River Street and extending 120 feet southerly therefrom.

16:23A-1.32(a)2. No stopping or standing in Parsippany-Troy Hills Township along both sides within the entire corporate limits including all ramps and connections under the jurisdiction of the Commissioner of Transportation. Renumber paragraphs 2 through 5 as 3 through 6.

16:28A-1.33(a)1. No parking anytime in Deal Borough along the southbound side of Route 71 (Norwood Ave.) beginning 144 feet from the southerly curb line of Brighton Avenue to a point 40 feet southerly therefrom.

Renumber paragraphs 1 through 3 as 2 through 4.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Charles L. Meyers  
Administrative Practice Officer  
N.J. Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

## (b)

# TRANSPORTATION

## THE COMMISSIONER

### Proposed Rules Concerning Restricted Parking on Parts Of Route U.S. 46

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt new rules concerning restricted parking on parts of Route U.S. 46 in Fairfield Township, Essex County.

Full text of the proposal follows:

16:28A-1.32(b) The certain parts of Route U.S. 46 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. Within Fairfield Township, Essex County:  
i. Along Route U.S. 46 eastbound on the southerly side thereof at:

(1) Route 159 (Clinton Road) (far side), beginning at the easterly curblin of the Clinton Road jughandle and extending 150 feet easterly therefrom;

(2) Gately overpass bridge between Clinton Road and Horseneck Road (Mid-block), beginning 15 feet west of the westerly wall abutment of the bridge overpass and continuing 135 feet westerly therefrom;

(3) Horseneck Road Bridge overpass (Mid-block), beginning 15 feet east of the easterly wall abutment of the bridge overpass and continuing 135 feet easterly therefrom;

(4) Hollywood Avenue bridge overpass (Mid-block), beginning 15 feet east of the easterly wall abutment of the bridge overpass and continuing 135 feet easterly therefrom;

(5) Access road to Fairfield Road (Dey overpass bridge) between Hollywood Avenue and Passaic Avenue (Mid-block), beginning 15 feet west of the westerly wall abutment of the bridge overpass and continuing 135 feet westerly therefrom;

(6) Passaic Avenue bridge overpass (Mid-block), beginning 15 feet east of the easterly wall abutment of the bridge overpass and continuing 135 feet easterly therefrom.

ii. Along Route U.S. 46 westbound on the northerly side thereof at:

(1) Passaic Avenue bridge overpass (Mid-block), beginning 15 feet west of the westerly wall abutment of the bridge overpass and continuing 135 feet westerly therefrom;

(2) Access road to Fairfield Road (Dey overpass bridge) between Hollywood Avenue and Passaic Avenue (Mid-block), beginning 15 feet west of the westerly wall abutment of the bridge overpass and continuing 135 feet westerly therefrom;

(3) Hollywood Avenue bridge overpass (Mid-block), beginning 15 feet east of the easterly wall abutment of the bridge overpass and continuing 135 feet easterly therefrom;

(4) Horseneck Road bridge overpass (Mid-block), beginning 15 feet east of the easterly wall abutment of the bridge overpass and continuing 135 feet easterly therefrom;

(5) Gately overpass bridge between Horseneck Road and Plymouth Street (Mid-block), beginning 15 feet east of the easterly wall abutment of the bridge overpass and continuing 135 feet easterly therefrom;

(6) Plymouth Street (far side), beginning at the westerly curblin of the Plymouth Street jughandle and continuing 150 feet westerly therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Charles L. Meyers  
Administrative Practice Officer  
N.J. Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Louis J. Gambaccini  
Commissioner  
Department of Transportation

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Amendments to Rules Of Division of Pensions

William J. Joseph, Director, Division of Pensions in the Department of the Treasury, pursuant to authority of Chapter 70, Public Law 1955, proposes to amend N.J.A.C. 17:1-1.3, 17:1-8.7, 17:1-8.8 and 17:1-8.12, concerning the Division of Pensions.

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

#### 17:1-1.3 Due dates for transmittals and reports

(a) Monthly remittances and transmittals for the Police and Firemen's Retirement System and the monthly remittances and reports for the Consolidated Police and Firemen's Pension Fund are due in the **Division of Pensions** the [tenth] **10th** day of the month following the close of the preceding month for which contributions are required.

(b) Monthly remittances and transmittals for [pension contributions, loan repayments and arrearages for members of] the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund are due in the **Division of Pensions** from the State **monthly locations** and local employers the [15th] **10th** day of the month following the close of the preceding month for which contributions are required.

(c) [Monthly remittance and transmittals of salary deductions and salary reductions for participants in the Alternate Benefit Program are due from the State on the 20th day of the month following the close of the preceding month for which deductions are required.] **The monthly report to the carriers of the Alternate Benefit Program shall be due from the Centralized Payroll Unit on the 20th day of the month following the close of the preceding month for which deductions or reductions were required.**

(d) Monthly [remittances and transmittals and] reports [of contributions] for Alternate Benefit Program participants of [the] county colleges and State **monthly locations** are due in the **Division of Pensions** the [tenth] **first** day of the month following the close of the preceding month [for which contributions are required].

(e) Quarterly transmittals and reports, including the remittance for the third month of the calendar quarter, for the Police and Firemen's Retirement System are due in the **Division of Pensions** the [tenth] **10th** day of the month following the close of the preceding quarter.

(f) Quarterly transmittals and reports, including the remittance for the third month of the calendar quarter, for the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund are due in the **Division of Pensions** the [15th] **10th** day of the month following the close of the preceding quarter.

(g) Payroll deductions for **pension**, contributory insurance and the Supplemental Annuity Program and salary reductions for the Tax Sheltered Supplemental Annuity Program shall be remitted on a biweekly basis immediately following the payroll payment dates [and similar

items for employees paid by the State on a monthly basis shall also be remitted on a monthly basis immediately following the payroll payment dates.] for State employees reported by the Centralized Payroll System.

(h) Monthly remittances and transmittals for the State Health Benefits Program are due the 24th day of each month preceding the month for which such premium payments are required. Reporting agencies will be considered in default if premiums are not paid within the 31-day period, which begins on the first of the month following the due date for which premiums are required.

(i) [Reporting agencies will be considered in default if premiums are not paid within the 31-day period, which begins on the first of the month following the due date for which premiums required.] Monthly remittances and transmittals for Social Security are due in the State Agency for Social Security from all covered entities the 15th day of the month following the end of the preceding month for which contributions are required. Quarterly transmittals and reports for Social Security are due in the State Agency for Social Security the 15th day of the month following the end of the preceding quarter.

17:1-8.7 Single check; contributions

With each [quarterly report] transmittal the employer will send one check representing employer and/or employee contributions made payable to the "State of New Jersey, Social Security Fund."

17:1-8.8 Single check; administrative fee

[With each quarterly report] Upon receipt of a billing by the State Agency, the employer will send one check representing the pro rata reimbursement of administrative expenses made payable to the "State of New Jersey, Social Security Administrative Account."

[17:1-8.12 Wage reports; due date

The due date for the quarterly report is the tenth day of the month following the close of the preceding calendar quarter, except when such reports are mechanically prepared by the Division of Pensions for completion by certain employers wherein the due date is the seventh day of the month following the close of the quarter.]

17:1-8.12 Late filing penalty

If proper contributions based upon covered wages are not expected to be received by the State Agency for Social Security by the 15th day following the end of the preceding month, a late filing penalty will be due based upon the daily factor given in the transmittal form. Also, the penalty will apply where moneys have been forwarded, but without the report needed to establish the wages subject to tax.

Interested persons may present statements or arguments in writing relevant to the proposals on or before June 25, 1980 to:

William J. Joseph, Director  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

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

William J. Joseph  
Director, Division of Pensions  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Amendments Concerning the Cash Discount of a Purchase

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of Chapter 70, Public Laws of 1955, proposes to amend N.J.A.C. 17:1-4.13 concerning the cancellation or cash discount of a purchase.

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

17:1-4.13 Purchases; cancellation or cash discount requested

(a) A member who authorizes payroll deductions or makes a lump sum payment for the partial or complete purchase of service credit and then requests cancellation of the purchase and/or the return of his payment, or who requests the cancellation of further payroll deductions as previously arranged, shall be informed that the purchase cannot be cancelled.

(b) No more than two requests received from a member for the cash discount value of an outstanding arrearage will be honored in a calendar year.

Interested persons may present statements or arguments in writing relevant to the proposal on or before June 25, 1980 to:

William J. Joseph, Director  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

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

William J. Joseph, Director  
Division of Pensions  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments to Rules Concerning the Transfer and Inheritance Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-1 et seq., proposes to amend certain rules concerning the transfer and inheritance tax.

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

18:26-3.10 Appeals

Any executor, administrator, trustee, person or corporation liable for the payment of the estate tax and aggrieved by any decision, order, finding or assessment of the Director, may appeal to the Tax Court [appellate division of the Superior Court] of New Jersey for a review thereof within [45] 90 days of the date of notice assessing the tax complained of, on giving bond, approved by a judge of the [Superior] Tax Court, conditioned to pay said tax, together with interest and costs, if said tax be affirmed by the Court.

[Statutory Reference  
N.J.S.A. 54:38-10.]

**Statutory Reference:**  
N.J.S.A. 54:33-2 (P.L. 1978, c. 32)

18:26-5.14 Proceeds payable to testamentary trustee

Life insurance proceeds payable to a trustee or trustees of a testamentary trust created under the will of a decedent are not subject to inheritance tax, [since these proceeds are transferred by the will of the decedent to the beneficiaries thereunder and the exemptions granted under N.J.S.A. 54:34-4(b) and (c) apply only to trustees under agreement entered into by the decedent during his lifetime and have no application to testamentary trusts.] in estates of decedents dying on or after July 6, 1979.

**Statutory Reference** N.J.S.A. [54:34-1.a.]  
54:34-4(c) as amended P.L. 1979, c. 137

18:26-5.15 Proceeds under matured endowment policies

(a) In the case of a decedent who dies subsequent to the maturity of an endowment policy, the proceeds are taxable whether payable to a designated beneficiary or beneficiaries or to the estate of such decedent.

(b) Endowment policies which have all the attributes of life insurance policies prior to maturity are exempt if payable to a specific beneficiary and if the decedent died prior to maturity, but are taxable if payable to the estate [or to a testamentary trustee] for distribution by will.

**Statutory Reference**  
N.J.S.A. 54:34-1(c). P.L. 1979, c. 137

18:26-8.9 Appeals from assessment

Any interested person dissatisfied with the appraisal or assessment so made may appeal to the [appellate division of the Superior] Tax Court within [45] 90 days after the making and entering of the assessment on giving a bond, approved by a judge of the [Superior] Tax Court, conditioned to pay the tax so levied, with interest and costs, if the same be affirmed by the [Appellate Division of the Superior] Tax Court.

**Statutory Reference**  
N.J.S.A. 54:34-13 and N.J.S.A. 54:33-2 (P.L. 1978, c. 32)

18:26-9.14 Payment on executory devise or transfer subject to a contingency or power of appointment

(a) With respect to the payment of the tax due on an executory devise, or a transfer subject to a contingency or power of appointment, any payment on such a transfer after the expiration of two months from the date the contingency occurs or the property vests, shall bear interest at the rate of ten per cent per annum from the date the contingency occurs or the property vests, until the date of actual payment.

(b) In any case where a contingent remainder vests in beneficial possession and enjoyment subsequent to the death of the original decedent, but prior to the expiration of the statutory interest period, interest on the contingent tax does not start to accrue until eight months [one year prior to 3:40 P.M., Thursday, March 29, 1962] from the date of death of the original decedent.

**Statutory Reference**  
N.J.S.A. 54:36-5

18:26-10.5 Payment of tax collected; receipt

Within 30 days from the time an executor, administrator or trustee has retained or received the amount due required to pay the same to the Director and receive

for Inheritance Taxes on the transfer of property, he is a receipt signed by the State Treasurer and countersigned by the Director, which represents a voucher in settlement of the account of the executor, administrator or trustee[,], except when filing under N.J.A.C. 18:26-8.7 when no receipt is issued.

18:26-11.15 Certain small estates not subject to waiver

(a) If the gross estate of a resident decedent which for tax purposes does not exceed [\$1,500.00] \$5,000.00 where the applicant is the spouse of the decedent or \$200.00 where another person is the applicant, and the spouse or other applicant furnishes a bank, savings institution, or a savings and loan association with an affidavit in lieu of administration which has been obtained from the Surrogate of the County wherein the decedent died a resident, such bank, institution or association may release the funds on deposit to the credit of a resident decedent without the written consent of the Director upon the spouse or other applicant executing Form 0-80 or 0-83.

(b) Form 0-83, used by a spouse, or Form 0-80, used by any other applicant, is to be obtained only from a bank, savings institution or saving and loan association and executed concurrently with the release of any funds. Every bank, institution or association is required to obtain such forms directly from the Transfer Inheritance Tax Bureau, Trenton, New Jersey 08625, and is further required to obtain the following information from each applicant before the release of any funds to be assured that the total assets of the estate are less than [\$1,500.00] \$5,000.00 or \$200.00 as the case may be:

1. The total amount on deposit in all bank accounts wherever situated, whether in the name of the decedent individually, jointly, or in trust for another;

2. The total redemption value of any United States Savings Bonds title to which is held in the name of the decedent either individually, jointly, or payable on death to another;

3. The total value of any tangible property owned by the decedent such as automobiles, jewelry and household goods;

4. The total value of any benefits paid or payable under a group annuity plan, retirement plan, or profit sharing plan of decedent's employer;

5. Whether the decedent was the lessee of a safe deposit box individually or jointly; but (see subsection (c) of this section).

(c) The provisions of this section do not apply, and therefore, except as provided under the Blanket Waiver (see section 11.16 of this chapter) a bank, savings institution, or savings and loan association is prohibited from releasing any funds of a resident decedent where:

1. Letters of testamentary or of general administration have been or are to be issued;

2. The decedent was the lessee, individually or jointly, of a safe deposit box;

3. There will be payable either to the estate of the decedent or to a beneficiary, any amount under a group annuity plan, retirement plan, or profit sharing plan;

4. The decedent has made a transfer of property within three years of the date of death without having received equal financial consideration therefor; and (see subsection (d) below).

(d) In determining the value of a gross estate for Inheritance Tax purposes, under this section, the entire amount of any funds on deposit to the credit of a resident decedent in any bank, savings institution or savings and loan association, including the full value of any United States Savings Bonds must be included in the

total value of such decedent's estate even though title to any such items is held jointly by the decedent and another; and see below.

(e) This section does not apply to the estate of any non-resident decedent or to the estate of a decedent which is administered under the provisions of N.J.S.A. 3A:6-5, where the value thereof for inheritance tax purposes, exceeds [\$1,500.00] \$5,000.00 or \$200.00 as the case may be.

**Statutory Reference**

N.J.S.A. 54:35-19, P.L. 1979, Chapter 217

**18:26-12.9 Review**

(a) An application for the review of any assessment, appraisal, decision, or final determination of the Transfer Inheritance Tax Bureau, may be made within the [45] 90 day period in which an appeal therefrom may be filed:

1. Where an objection is made to a determination by the Bureau and request made for a rehearing by submission of additional data during a period when an appeal may be taken such application shall toll the running of time until notice of the Bureau's final determination is given to the representative of the estate.

2. Where an application for a refund is made within three years from the date of payment of the tax, the period in which an appeal may be taken is [45] 90 days after the denial of a refund is made.

**Statutory Reference**

N.J.S.A. 54:34-13. (P.L. 1978, c. 32)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

William Mulholland  
Superintendent  
Transfer Inheritance Tax  
Division of Taxation  
West State and Willow Streets  
Trenton, N.J. 08646

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

**(a)**

**TREASURY**

**DIVISION OF PENSIONS**

**TEACHERS' PENSION AND ANNUITY FUND**

**Amendments Concerning the  
Contributory Insurance  
Rate of Contribution**

On April 15, 1980, A. Steven LaBrutte, Secretary of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:3-3.4 concerning the contributory insurance rate of contribution as proposed in the Notice published March 6, 1980 at 12 N.J.R. 157(e).

An order adopting these amendments was filed and became effective on April 21, 1980 as R.1980 d.175.

Howard H. Kestin  
Director  
Office of Administrative Law

**(b)**

**TREASURY**

**DIVISION OF TAXATION**

**Amendments Concerning the  
Cigarette Tax Act**

On May 6, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:40A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Subchapter 6, Chapter 5, Title 18 of the New Jersey Administrative Code concerning the Cigarette Tax Act substantially as proposed in the Notice published April 10, 1980 at 12 N.J.R. 217(a) with only inconsequential structural or language changes in the opinion of the Department of the Treasury.

An order adopting these amendments was filed and became effective on May 6, 1980 as R.1980 d.194.

Howard H. Kestin  
Director  
Office of Administrative Law

**(c)**

**TREASURY**

**DIVISION OF TAXATION**

**Amendments Concerning the  
Motor Fuels Tax Act**

On May 6, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:39-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:18-12.5 concerning the Motor Fuels Tax Act as proposed in the Notice published April 10, 1980 at 12 N.J.R. 218(a).

An order adopting these amendments was filed and became effective on May 6, 1980 as R.1980 d.195.

Howard H. Kestin  
Director  
Office of Administrative Law

**(d)**

**TREASURY**

**DIVISION OF TAXATION**

**Repeal of Portion of Rule Concerning  
Hospital Sales of Meals**

On May 6, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, repealed a portion of N.J.A.C. 18:24-14.3 concerning the sales tax and hospital sales of meals as proposed in the Notice published April 10, 1980 at 12 N.J.R. 219(a).

An order deleting such rules was filed and became effective on May 6, 1980 as R.1980 d.196.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning Sales And Use Tax and Commercial Motor Vehicles

On May 6, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:24-7.18 concerning the sales and use tax and commercial motor vehicles as proposed in the Notice published April 10, 1980 at 12 N.J.R. 219(b).

An order adopting these amendments was filed and became effective on May 6, 1980 as R.1980 d.197.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## TREASURY

### DIVISION OF TAXATION

#### Amendments Concerning Transfer Inheritance Tax

On May 6, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:38-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Chapter 26, Title 18 of the New Jersey Administrative Code, concerning the transfer inheritance tax as proposed in the Notice published April 10, 1980 at 12 N.J.R. 221(a).

An order adopting these amendments was filed and became effective on May 6, 1980 as R.1980 d.198.

Howard H. Kestin  
Director  
Office of Administrative Law

(c)

## TREASURY

### DIVISION OF TAXATION

#### Rules Concerning the Spill Compensation and Control Act

On May 6, 1980, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 58:10-23.11 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 18:37, concerning the Spill Compensation and Control Act substantially as proposed in the Notice published April 10, 1980 at 12 N.J.R. 222(a), but with subsequent, sub-

stantive changes not detrimental to the public in the opinion of the Department of the Treasury.

An order adopting these rules was filed and became effective on May 6, 1980 as R.1980 d.199.

Howard H. Kestin  
Director  
Office of Administrative Law

(d)

## TREASURY

### DIVISION OF PENSIONS

#### STATE POLICE RETIREMENT SYSTEM

#### Amendments and Repeal of Rules Concerning The State Police Retirement System

On May 2, 1980, Elmer G. Baggaley, Secretary of the State Police Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 53:5A-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:5-1.7 and 17:5-5.7 and repealed N.J.A.C. 17:5-5.8 concerning the State Police Retirement System as proposed in the Notice published April 10, 1980 at 12 N.J.R. 216(a).

An order adopting these amendments was filed and became effective on May 12, 1980 as R.1980 d.209.

Howard H. Kestin  
Director  
Office of Administrative Law

(e)

## HIGHWAY AUTHORITY

### GARDEN STATE PARKWAY

#### Amendments Concerning the Garden State Arts Center

On May 1, 1980, F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-5 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:8-2.11 concerning the Garden State Arts Center as proposed in the Notice published April 10, 1980 at 12 N.J.R. 225(a).

An order adopting these amendments was filed and became effective on May 1, 1980 as R.1980 d.189.

Howard H. Kestin  
Director  
Office of Administrative Law

(a)

## ECONOMIC DEVELOPMENT AUTHORITY

### Proposed Rules on Debarment Of Applicants and Contractors

Robert S. Powell, Jr., Executive Director of the New Jersey Economic Development Authority pursuant to authority of N.J.S.A. 34:1B-5, proposes to adopt new rules concerning the debarment of applicants and contractors.

Full text of the proposal follows.

#### SUBCHAPTER 5. DEBARMENT OF APPLICANTS AND CONTRACTORS

##### 19:30-5.1 Definitions

(a) For purposes of this subsection:

1. "Debarment" means an exclusion from contracting with the Authority and exclusion from Authority project contracting on the basis of a lack of responsibility evidenced by an offense or failure for a reasonable period of time commensurate with the seriousness of the offense.

2. "Person" means any natural person, company, firm, association, corporation or other entity.

3. "Authority project contracting" means any arrangement giving rise to an obligation to supply anything or to perform any service in connection with the construction of a project financed with Authority assistance, including the service of architects, engineers and professional planners.

4. "Affiliates" means persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another.

##### 19:30-5.2 Causes for disqualification/debarment of persons

(a) The Authority may decline to give financial assistance to any person or may debar a person from contracting with the Authority or may debar a person from Authority project contracting for the following causes:

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;

2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty;

3. Violation of the Federal or State antitrust statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874, 40 U.S.C. 276 b, c);

4. Violation of any laws governing the conduct of elections of the Federal Government, State of New Jersey or of its political subdivision;

5. Violation of the "Law Against Discrimination" (P.L. 1945, c.169, N.J.S.A. 10:5-1 et seq., as supplemented by P.L. 1975, c.127), or of the act banning discrimination in public works employment (N.J.S.A. 10:2-1 et seq.) or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (c.114, L.1942, N.J.S.A. 10.1-10 et seq.);

6. Violation of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor;

7. Violation of any laws governing the conduct of occupations or professions or regulated industries;

8. Violation of any laws which may bear upon a lack of responsibility or moral integrity;

9. Any other cause of such serious and compelling nature as may be determined by the Authority to warrant disqualification for assistance or debarment from contracting with the Authority or from Authority project contracting.

10. Debarment by any department or agency of the Executive Branch of State government.

##### 19:30-5.3 Conditions affecting the debarment of a person(s)

(a) The following conditions shall apply concerning debarment.

1. Debarment shall be made only upon approval of the Authority.

2. The existence of any of the causes set forth in N.J.A.C. 19:30-5.2 shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the Authority unless otherwise required by law, and shall be rendered in the best interests of the State.

3. All mitigating factors shall be considered in determining the seriousness of the offense or failure, and in deciding whether debarment is warranted.

4. The existence of a cause set forth in N.J.A.C. 19:30-5.2(1) through 8 shall be established upon the rendering of a final judgment or conviction including a guilty plea or a plea of nolo contendere by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.

5. The existence of a cause set forth in N.J.A.C. 19:30-5.2(9) shall be established by evidence with the Authority determines to be clear and convincing in nature.

6. Debarment for the cause set forth in N.J.A.C. 19:30-5.2(10) shall be proper, provided that one of the causes set forth in N.J.A.C. 19:30-5.2(1) through (8) was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

##### 19:30-5.4 Procedures; period of debarment

(a) When the Authority seeks to debar a person or his affiliates, the person or persons shall be furnished with a written notice stating that:

1. Debarment is being considered;

2. The reasons for the proposed debarment; and

3. An opportunity will be afforded to such person or persons for a hearing if the hearing is requested within seven days from the date of personal delivery or the date of mailing of such notice.

(b) All such hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 54:14B-1 et seq.). Where any State department or agency has already imposed debarment upon a party, the Authority may also impose a similar debarment without affording an opportunity for a hearing, provided the Authority furnishes notice of the proposed similar debarment to that party, and affords that party an opportunity to present information in his behalf to explain why the proposed similar debarment should not be imposed in whole or in part.

(c) Debarment shall be a reasonable, definitely stated period of time which as a general rule shall not exceed five years. Debarment for an additional period shall be

permitted provided that notice thereof is furnished and the party is afforded an opportunity to present information in his behalf to explain why the additional period of debarment should not be imposed.

(d) Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the Authority, upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control, or the elimination of the causes for which the debarment was imposed.

19:30-5.5 Notice to attorney general and treasurer

Insofar as practicable, prior notice of any proposed debarment shall be given to the Attorney General and the State Treasurer. The Authority shall supply to the State Treasurer a list of all persons having been debarred in accordance with the procedures prescribed herein.

19:30-5.6 Authority discretion

Nothing contained herein is intended to limit the discretion of the Authority in determining eligibility for financial assistance or to refrain from contracting with any person. The purpose of this regulation is to provide notice of certain offenses or failures which may result in disqualification for assistance or debarment. Project applicants and contractors must meet any other applicable standards and policies.

19:30-5.7 Executive director to implement regulation

The Executive Director is authorized to take all necessary action to implement and administer these provisions of this subsection.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1980 to:

Robert S. Powell, Jr.  
Executive Director  
N.J. Economic Development Authority  
P.O. Box 1446  
Trenton, N.J. 08625

The Economic Development Authority may thereafter adopt rules concerning this subject without further notice.

Robert S. Powell, Jr.  
Executive Director  
Economic Development Authority

(a)

## CASINO CONTROL COMMISSION

### Notice of Correction Concerning Text of Adopted Amendments to Rules of the Games

Take notice, that the amendments to N.J.A.C. 19:47 concerning rules of the games adopted on March 31, 1980, as R.1980 d.132 (See: 11 N.J.R. 653(a), 12 N.J.R. 294 (c)) were incomplete when filed on March 31, 1980.

The complete, correct version of such amendments regarding the rules of the games was filed and became effective on April 29, 1980 as R.1980 d.186.

Howard H. Kestin  
Director  
Office of Administrative Law

(b)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### PORT AUTHORITY TRANS-HUDSON CORPORATION

#### Revisions to Schedule of Charges Concerning Public Vehicular Parking at the Journal Square Transportation Center

On March 26, 1980, the Committee on Operations of the Port Authority Trans-Hudson Corporation adopted revisions to the schedule of charges concerning public vehicular parking at the Journal Square Transportation Center.

Full text of the adoption follows.

#### PARKING RATES WEEKEND, HOLIDAY AND ALL OTHER TIMES

Up to 1 hour	\$ .50
Up to 2 hours	1.00
Up to 4 hours	1.50
Up to 12 hours	2.00
Up to 24 hours*	2.50

\*Maximum Daily Rate for weekends and holidays

MINIMUM OF \$5.00 IF TICKET IS LOST

Resolved, that the Schedule of Charges for public vehicular parking at the Journal Square Transportation Center, adopted by the Board, at its meeting on June 12, 1975, be and the same is hereby amended, effective June 1, 1980, to read as follows:

#### PARKING RATES MONDAY TO FRIDAY 6:00 A.M.-6:00 P.M. EXCLUDING HOLIDAYS\*

Up to 1 hour	\$ .75
Up to 2 hours	1.25
Up to 4 hours	1.75
Up to 6 hours	2.00
Up to 7 hours	2.25
Up to 10 hours	2.75
Up to 12 hours	3.00
Up to 16 hours	4.00
Up to 24 hours**	5.00

\*New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

\*\*Maximum Daily Rate, excluding weekends and holidays  
Over 24 hours - \$.50 each hour or part up to daily maximum.

MINIMUM OF \$5.00 IF TICKET IS LOST

An order adopting these revisions was filed on May 2, 1980 as R.1980 d.192 (Exempt, Exempt Agency).

Howard H. Kestin  
Director  
Office of Administrative Law

**(a)**

## **NEW JERSEY HISTORICAL COMMISSION**

### **Notice of Adoption of Guidelines For Local Historians Appointed By Counties and Municipalities**

Take notice that the New Jersey Historical Commission has adopted guidelines for local historians appointed by counties and municipalities in accordance with the Local Historians Enabling Act of 1979. The guidelines concern relationship with other agencies; general responsibilities; activities; and historical materials.

Copies of the full text of the guidelines may be obtained from:

Office of Public Programs  
New Jersey Historical Commission  
113 West State Street  
Trenton, N.J. 08625  
Telephone: (609) 292-6062

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

Howard H. Kestin  
Director  
Office of Administrative Law

# The New Jersey Administrative Code

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