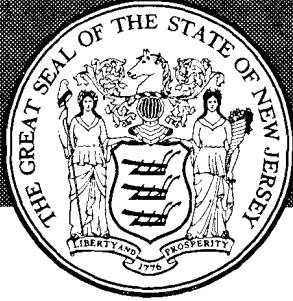


# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Donald Lan, Secretary of State

G. Duncan Fletcher, Director of Administrative Procedure

John K. Barnes, Editor

Peter J. Gorman, Rules Analyst

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# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Amendments Concerning Commercial Values

On June 6, 1978, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.26, and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 2:69-1.11 concerning commercial values.

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

#### 2:69-1.11 Commercial values

(a) The State Board of Agriculture, pursuant to N.J.S.A. 4:9-15.26, determines the commercial values or primary nutrients to be :

1. Nitrogen: [~~\$3.10~~] **\$3.00** per unit;
2. Water insoluble nitrogen: [~~\$9.10~~] **\$7.50** per unit;
3. Available phosphoric acid: [~~\$2.25~~] **\$2.40** per unit;
4. Soluble potash: [~~\$1.40~~] **\$1.50** per unit.

(b) These values shall be effective from July 1, 1978, through June 30, 1979 [and are adopted as an exempt procedural rule].

An order adopting these amendments was filed on June 16, 1978, as R.1978 d.197 (Exempt, Emergency Rule), to become effective on July 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## BANKING

### DIVISION OF BANKING

#### Proposed Amendments on Notice of Maturity On Long-Term Time Deposits

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-311B, proposes to amend N.J.A.C. 3:7-4.3 concerning notice of maturity on long-term time deposits.

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

#### 3:7-4.3 Variable maturity accounts

(a) In the case of any single time deposit account which contains deposits which were deposited at varying times and therefore mature and are payable on varying maturity dates, the notice required by this subchapter [must be given only with respect to:] **shall be given on:**

1. The maturity date of the first deposit in such account; and  
or more after the immediately preceding maturity date[.] **or annually thereafter, provided such notice lists the dates of each deposit in such account and indicates the maturity date of each such deposit along with the anticipated options that will be available to the depositor at each such maturity date as called for in N.J.A.C. 3:7-4.2.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
P.O. Box CN 040  
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

#### Proposed Rules Concerning Small Loan Law

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:10-23, proposes to amend N.J.A.C. 3:17-3.1, N.J.A.C. 3:17-3.2 and N.J.A.C. 3:17-4.2 and adopt new rules to be cited as N.J.A.C. 3:17-7.1 et seq., concerning implementation of the Small Loan Law.

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

## 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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*The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 29-volume, regularly-updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Departmental coverage desired.*

3:17-3.1 Loan number

Except in the case of revolving loans, each loan made shall have its proper consecutive or individual number and all instruments evidencing or securing any loan must bear the respective loan number. In the case of revolving loans, each account shall be given an individual number which must appear on all periodic statements sent to the borrower.

3:17-3.2 Original notes and material

An envelope or other file must be maintained in which shall be filed all the original notes, security agreements or other evidences of indebtedness or security, which have been signed by the borrower. In the case of revolving loans, it shall not be necessary to file copies of written orders, drafts or requests of the borrower or other memoranda of loans signed by or on behalf of the borrower if the borrower or a person acting on behalf of the borrower was provided with a copy of the same at the time of or promptly after the loan.

3:17-4.2 Blank forms; dispersal

No licensee shall permit a supply of blank notes, chattel mortgages, security agreements, applications or other forms to be placed in any store, office, salesroom or at any place of business other than that designated in the license. The foregoing sentence shall not apply to application forms for revolving loan accounts, or forms for written orders, drafts, or requests of the borrower or other memoranda of loans intended for use in connection with a revolving loan provided such written orders, drafts, or requests or other memoranda are placed at a place of business of the licensee, or a place of business of an affiliate of the licensee, or a place of business in a state other than New Jersey with which the licensee has a business relationship based upon a written agreement.

SUBCHAPTER 7. REVOLVING LOANS

3:17-7.1 Revolving loans permitted

A licensee may enter into a written revolving credit agreement with a borrower whereby a credit in an amount not to exceed \$2,500 is established against which one or more advances to or for the account of the borrower may be made either at the time the credit is established or thereafter from time to time, or both, by means of honoring or causing to be honored one or more written orders, drafts or request of the borrower or other memoranda of loans signed by or on behalf of the borrower. A revolving credit agreement may provide that additional credits thereunder may be made available from time to time, provided that at no time shall the total of the unpaid principal balance of sums advanced, plus the unused credit, exceed the amount of the credit established. Interest pursuant to a revolving credit agreement may be charged only upon the unpaid principal balance of sums actually advanced to or for the account of the borrower. Nothing in these regulations are intended to authorize financings of the type permitted pursuant to N.J.S.A. 17:16C-1 et seq.

3:17-7.2 Minimum payments

A revolving credit agreement shall provide for monthly payments in an amount not less than 1/48 of the aggregate balance owing on all loans under such revolving credit agreement in respect to a borrower at the end of a billing cycle, but no such monthly payment shall be less than \$10.00, unless the aggregate balance owing on all such loans at the end of a billing cycle is less than \$10 in which case the amount of the payment shall be equal to the amount so owing. The requirements set forth in the

last paragraph of section 13 of the Small Loan Law and section 2 of subchapter 6 of this chapter shall be met by calculating monthly payments in the manner permitted by this section.

3:17-7.3 Compliance with law

In lieu of complying with any of the provisions of N.J.S.A. 17:10-15, except those pertaining to confession of judgment or powers of attorneys, every licensee extending credit pursuant to a revolving credit agreement shall comply with all the disclosure requirements set forth in the act of Congress entitled "Truth-in-Lending," and the regulations and interpretations thereunder, as such act, regulations, and interpretations may from time to time be amended, and good faith substantial compliance therewith shall be deemed to be full compliance with N.J.S.A. 17:10-15 and this chapter.

3:17-7.4 Payment on revolving loans

(a) By reason of the provisions of section 14 of the Small Loan Law which requires all loans of \$2,500 or less be paid in installments and interest to be computed at the annual rate on unpaid principal balances, the following interpretations shall be given:

1. For purposes of section 2 of this subchapter and this section, a period shall be considered to be a monthly period if the first day of the period is the same day each month or does not vary by more than four days from the regular date.

2. Interest on revolving loans shall be calculated on an average principal balance outstanding for such month.

3. To the extent applicable, section 10 of subchapter 6 of this chapter shall apply to revolving loans.

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 26, 1978, to:

Roger F. Wagner, Deputy Commissioner  
Division of Banking  
P.O. Box CN 040  
36 West State Street  
Trenton, New Jersey 08625

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

Angelo R. Bianchi  
Commissioner  
Department of Banking

(a)

**BANKING**

**DIVISION OF CONSUMER COMPLAINTS,  
LEGAL AND ECONOMIC RESEARCH**

**Proposed Amendments on Restrictions  
On Real Property Transactions**

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:9A-311B, proposes to amend the rules on real property transactions in new charter and branch applications.

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

**SUBCHAPTER 10. RESTRICTIONS ON REAL PROPERTY TRANSACTIONS [IN NEW CHARTER AND BRANCH APPLICATIONS]**

### 3:1-10.1 Definitions

The following words or terms, when used in [section 10.2] this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Affiliated person" means the following:

1. A director, manager or [senior] executive officer of an institution;

2. A spouse of a director, manager or [senior] executive officer of an institution;

3. A member of the immediate family of a director, manager or [senior] executive officer of an institution or an affiliate of an institution;

4. Any corporation or organization of which a director, manager or [senior] executive officer of such institution is an officer or partner or is, directly or indirectly either alone or with his spouse, the owner of 10 per cent or more of any class of equity securities or the owner with other directors, managers and [senior] executive officers of such institution and their spouses of 25 per cent or more of any class of equity securities;

5. Any trust or other estate in which a director, manager or [senior] executive officer of such institution or the spouse of such person has a substantial beneficial interest or as to which such person or his spouse serves as trustee or in a similar fiduciary capacity.

"[Senior] Executive officer" means the president, executive vice president, senior vice president, any vice-president, the secretary, the treasurer, the comptroller, and any other person who [participates] is substantially involved in major policy-making functions of the institution.

"Immediate family" of any natural person means the following (whether by the full or half blood or by adoption):

1. Such person's spouse, father, mother, children, brothers, sisters and grandchildren;

2. The father, mother, brothers and sisters of such person's spouse; and

3. The spouse of a child, brother or sister of such person.

"Institution" means a bank as defined in N.J.S.A. 17:9A-1(1), a savings bank as defined in N.J.S.A. 17:9A-1(13) and a State association as defined in N.J.S.A. 17:12B-5(1).

### [3:1-10.2 Prohibition

(a) The Department of Banking will deny each new charter, branch, minibranch, limited facility branch, branch relocation or auxiliary application when the applying bank, savings bank or state association, or subsidiary thereof, has either directly or indirectly purchased or leased any interest in real property in the proposed site from an affiliated person of such institution, except as follows:

1. When the proposed site was sold or leased, or under contract or option to sell or lease, to the institution before September 8, 1977;

2. When the proposed site is leased, or under option to be leased, from an affiliated person when the site is to be leased in a shopping center or office complex and the institution will lease no more than 15% of the space leased; or

3. When the price paid by the institution for the purchase of the site does not exceed the price paid by the affiliated person, plus the actual expenses in the purchase and maintenance of the property.]

### 3:1-10.2 Application required on real property transactions

Before any bank, savings bank or state association or subsidiary thereof, directly or indirectly, purchases or leases any interest in real property from an affiliated person, it shall submit a detailed application of the transaction to the commissioner for his approval. In addition

to requiring submission of copies of the proposed lease, purchase contract or other data of the real property transaction, the commissioner may require the bank, savings bank or state association, or subsidiary thereof, or affiliated person to submit data relating to the purchase of the site by the affiliated person.

### 3:1-10.3 Approval or denial of application

(a) The commissioner may not approve the institution's or subsidiary thereof proposed purchased or leased interest in real property of an affiliated person if in his opinion:

1. The terms and condition of the proposed purchase or lease are not in the best interest of the institution or public; or

2. The profit or yield to the affiliated person on the proposed transaction is excessive; or

3. The institution or subsidiary thereof or affiliated person fails to submit information required by this regulation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Roger F. Wagner  
Deputy Commissioner  
Division of Banking  
P.O. Box CN 040  
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

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Amendments on Awarding of Counsel Fees

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-5.16 concerning awarding counsel fees.

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

#### 4:1-5.16 Awarding counsel fees

(a) The Civil Service Commission may award counsel fees only when an employee has been exonerated from a charge and is awarded backpay with mitigation. However, in cases where a **municipal firefighter** or a **municipal police officer** has been exonerated from a charge, counsel fees will be awarded pursuant to the provisions of N.J.S.A. 40A:14-28 or N.J.S.A. 40A:14-155 [(Defense for members or officers . . .)], **which ever is applicable.**

(b) When the Civil Service Commission awards counsel fees, settlement on the amount to be paid is to be determined by agreement between the attorney for the appointing authority and the attorney for the exonerated employee.

(c) If a settlement cannot be agreed upon, the employee or his representing attorney may request, in writing, a Commission Hearing for settlement. Along with such hearing request the petitioner must:

1. Submit affidavits of services; and
2. Place on the record sufficient evidence to permit the Commission to make a determination as to what fees were necessarily incurred.

(d) The Commission will notify the opposing party of the request for hearing. The opposing party, within 20 days of receipt of such notice, may forward to the Commission objections to the amount of award.

(e) The Commission will determine whether it will grant a hearing or issue appropriate orders or directives to effectuate its determination without a hearing based on documents submitted and mail true copies thereof to the petitioner and other affected parties.

(f) This rule will expire five years from the date of its adoption.

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 26, 1978, to:

Joseph Lavery  
Director of Hearings and Regulations  
215 East State Street  
P.O. Box 1918  
Department of Civil Service  
Trenton, New Jersey 08625

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

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

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Rescission of Subpart 10-3.101 In Local Jurisdictions Personnel Manual

On May 30, 1978, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, and in accordance with applicable provisions of the Administrative Procedure Act, rescinded subpart 10-3.101 in the Civil Service Personnel Manual (Local Jurisdictions), concerning the permanent status in certain noncompetitive or labor positions after four months.

An order rescinding this subpart was filed and became effective on June 12, 1978, as R.1978 d.194 (Exempt, Procedure Rule). Take notice that, this rescission is not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Proposed Amendments on Tax Abatement on Added Assessments

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 104, proposes to amend the rules on tax abatement on added assessments.

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

### CHAPTER 22. TAX ABATEMENT ON ADDED ASSESSMENTS

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 5:22-1.1 Definitions

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

"Act" means P.L. 1975, C. 104 and all amendments and supplements thereto.

"Application" means a written request for the exemption filed with the local tax assessor on forms devised by the Director of the Division of Taxation.

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

"Assessors full and true value of home improvements" means that portion of any increased assessed value of real property which directly resulted from improvements made thereon.

"Board" means the Board of Property Tax Abatement Appeals established within the department to hear matters arising out of [P.L. 1975, C. 104] the Act.

"Completion" means substantially ready for the use for which it was intended.

"Department" means the Department of Community Affairs.

"Dwelling" means any building or part of a building used, to be used or held for use, as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof.

"Exemption" means that amount to be deducted from the "assessor's full and true value of home improvements".

"Home improvement" means the improvement of a dwelling which does not change its permitted use, and shall include the modernization, rehabilitation, renovation, alteration or repair of a dwelling.

"Qualified municipality" means any municipality in which residential neighborhoods have been declared by the county planning board or the Commissioner of the Department of Community Affairs to be [endangered by blight] in need of rehabilitation pursuant to section 3 of the act.

##### 5:22-1.2 Board of Property Tax Abatement Appeals; membership

(a) There is hereby established a Board of Property Tax Abatement Appeals within the department for the purposes of hearing matters arising out of [P.L. 1975, c. 104, section 3] the Act.

(b) The board shall consist of three members of the department to be appointed by the commissioner as follows:

1. An assistant commissioner or division director acting as chairman; and

2. Two members of the department who shall not be either an assistant commissioner or division director.

##### 5:22-1.3 Municipalities and counties; petition

(a) A municipality seeking qualified municipality status pursuant to [P.L. 1975, c. 104] the Act, shall be given an opportunity to present written or oral testimony before the board and may be represented by its counsel or other duly authorized officer.

(b) The petition shall contain such information as was presented to the county and any further new information not previously available. Any new information shall be so identified and made available to the county. The county may petition the department to stay its proceedings pending a re-evaluation of the matter based on the new evidence.

(c) The county wherein the municipality is located shall in all cases be notified of the pending action and given an opportunity to appear and present evidence to rebut the municipal contention of eligibility for qualified municipality status.

#### 5:22-1.4 Rules and procedures

(a) General rules and procedures include the following:

1. The board shall schedule hearings within 30 days of the receipt of a completed application therefore, and shall submit its recommendation within 15 days of such hearing to the commissioner.

2. The board may stay its proceedings if it determines that the county planning board from which the appeal is taken is still legitimately considering the matter. Such stay may be undertaken by the board on its own initiative or upon the request of the county planning board. The board shall notify the municipality of such stay and the reasons therefore.

(b) Decisions of the board shall be by a vote of the majority. All members shall be present during the proceedings of the board and for the purpose of voting.

(c) Hearings of the board shall be conducted by the chairman and shall be informal to the extent possible. The board shall not be bound by strict rules of evidence or procedure, and may from time-to-time develop further rules for its internal governance.

(d) The board is empowered to call witnesses, assemble data on its own initiative or require that parties to the appeal provide such data, and carry out such other and further discovery procedures as will enable it to perform its functions under [P.L. 1975, c. 104] the Act.

(e) Decisions of the board shall be in writing prepared by the chairman. The text of the decision shall fully explain the board's position. Any dissenting opinion may be attached.

(f) The commissioner may adopt, modify or reject the decision of the board and may where appropriate, return the case to the board for further consideration and review. Unless returning the case for further consideration and review, the commissioner shall act upon the board's recommendation with 15 days of receipt thereof.

(g) Decisions of the board as adopted or modified by the commissioner shall be forwarded to the mayor of the petitioning municipality and to the chief officer of the county planning board.

#### 5:22-1.5 Eligible real property

(a) Real property must meet the following qualifications in order to gain the exemption:

1. It must be located in an area of municipality designated to be [endangered by "blight"] in need of rehabilitation as determined by the county planning board or the Commissioner of the Department of Community Affairs.

2. It must contain a building or buildings which were constructed more than 20 years prior to the time of application for the exemption and is used or being held for use, in whole or part, as a home or residential dwelling, which is a constituent part of the real property.

(b) This application must be filed with the assessor within 30 days, including Saturdays and Sundays, following the completion of the improvements. Owners in qualified

municipalities are entitled to apply for and receive the benefits afforded by [P.L. 1975, c. 104] the Act upon adoption of an implementing municipal ordinance in conformity with the requirements of the Act.

#### 5:22-1.6 Application procedure

(a) The following conditions shall apply to all claims for the exemption at the time of application:

1. Claims for the exemption shall be in writing upon forms prescribed by the Director of Taxation and must be filed with the local tax assessor within 30 days following completion of the home improvement.

2. Each taxing district subject to the provisions of this act is required to provide copies of the prescribed application form for the use of claimants. Taxing districts which require applications for exemption forms may obtain them from one of the companies which specialize in supplying forms for municipal use. Each such taxing district subject to the provisions of the act shall include with a residential property owner's annual tax bill a copy of the notice provided to it by the Department of Community Affairs in accordance with the Act. For municipalities adopting an ordinance after November 4, 1977 such mailing shall be made within one year of the adoption of an ordinance. For municipalities who have adopted an ordinance prior to November 4, 1977, such mailing must be made prior to November 4, 1978. In either case such notice shall be required on a one-time basis only.

3. When required by the assessor, claimants for the exemption must submit such data in support of their claim as he might request.

4. Additional claims for the exemption may be submitted and approved with regard to dwellings with respect to which a previous home improvement exemption was granted in an amount less than \$4,000 or \$10,000 as the case may be provided, however, the total deduction for any dwelling unit shall not be in excess of the maximum [of \$4,000] annual allowance provided by ordinance.

#### 5:22-1.7 Procedures upon allowance of exemption

(a) The following procedures shall apply upon allowance of exemption:

1. Every application for exemption of one or more improvements which qualify shall be approved and allowed by the assessor, but in no case may the exemption exceed the maximum [of \$4,000] per dwelling unit.

2. Claim for the exemption, once filed on the prescribed form and allowed by the assessor, shall continue in force for a period of five years following January 1 of the year in which the exemption was allowed.

3. The law required that the granting of any exemption pursuant to [P.L. 1975, c. 104] the Act shall be recorded and made a permanent part of the official tax record. (See: section 7.) Accordingly, the assessor shall designate the exemption by the symbol "H" under "Specific exemptions" on the real property tax list and reflect it in column 7 on the said list.

4. The law provides that in applying the exemption the assessor may regard the improvements ". . . as not increasing the value of such property for a period of five years and notwithstanding that the value of the dwelling to which such improvements are made is increased thereby . . .". Accordingly, the provisions of N.J.S. 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.

5. The law provides that every application for exemption of one or more improvements which qualify as improvements shall be approved and allowed by the assessor.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Bureau of Housing and Urban Services  
Department of Community Affairs  
363 West State Street  
Trenton, N.J. 08625

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

**(a)**

## **ENVIRONMENTAL PROTECTION**

### **THE COMMISSIONER**

#### **Proposed Amendments on Expanded Shellfish Relay Program**

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 24:14-3 and 50:1-5, proposes to replace the current text of N.J.A.C. 7:25-15.1 with new text therein, concerning the expanded shellfish relay program. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 024-78-06.

#### **SUBCHAPTER 15. SHELLFISH RELAY PROGRAM**

##### **7:25-15.1 Scope**

(a) These rules are intended to implement the shellfish (oysters, clams or mussels) relaying program administered by the Department of Environmental Protection. These rules must be read together with the shellfish growing water classification regulations which appear at N.J.A.C. 7:12-1 et seq. and which rules are subject to amendment at any time. See N.J.S.A. 24:14-2, which requires the immediate condemnation of shellfish beds deemed dangerous to health. See also N.J.S.A. 13:1D-7, which transfers these functions to the Department of Environmental Protection.

(b) The general intent of these rules is to control the relaying of hard clams (*mercenaria mercenaria*) from specified special restricted or condemned waters within Atlantic and Cape May Counties, which are within the Atlantic coastal section (see N.J.S.A. 50:1-18), to specially designated leased shellfish relay grounds also situated in the Atlantic coast section. Such designated special restricted or condemned waters will be charted by the department and such charts will be issued to the participants and available to the public on demand. Application for the shellfish relay program will be open to all citizens. If limitations must be imposed on the number of participants as the result of practical considerations, selection will be made on the basis of the time the application is received.

1. Any person who wishes to participate in this program must:

i. Possess a current, valid, shellfish harvesting license issued by the Division of Fish, Game and Shellfisheries (See N.J.S.A. 50:2-1 et seq.).

ii. Hold one of the following special permits issued by the Division of Water Resources (N.J.S.A. 24:14-3 and N.J.A.C. 7:12-1.2 et seq.) to harvest and/or buy and/or sell oysters, clams or mussels from Condemned Waters; (a fee of \$25.00 is required for each permit issued, Chapter 156, Public Law of 1971 N.J.S.A. 24:14-3).

(1) Permit 5a: SPECIAL PERMIT TO HARVEST, BUY, SELL AND RELAY OYSTERS, CLAMS OR MUSSELS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS IN CONJUNCTION WITH A STATE-APPROVED SHELLFISH RELAY PROGRAM.

(2) Permit 5b: SPECIAL PERMIT TO HARVEST OYSTERS, CLAMS OR MUSSELS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATER FOR SALE PURPOSES ONLY IN CONJUNCTION WITH A STATE-APPROVED SHELLFISH RELAY PROGRAM.

(3) Permit 5c: SPECIAL JUVENILE PERMIT TO HARVEST AND RELAY OYSTERS, CLAMS OR MUSSELS FROM SPECIFIED SPECIAL RESTRICTED OR CONDEMNED WATERS IN CONJUNCTION WITH A STATE-APPROVED SHELLFISH RELAY PROGRAM. The juvenile permit allows a juvenile member of the immediate family to work in the presence of a parent or guardian who holds a valid permit 5a issued by the Division of Water Resources. The above permits will show on their face the specific conditions that are deemed necessary for the proper operation of the shellfish relay program. All permittees are also required to comply with all other applicable statutes and regulations. Included with every permit will be charts of the harvest sites showing specific sections within the estuaries that may be harvested on any particular day, as determined by the applicable area Station Commander, New Jersey Marine Police. Violations of these conditions may subject the violator to prosecution under N.J.S.A. 24:14-3 and may cause the violator's permit to be revoked. Pursuant to the Administrative Procedure Act, such individual may apply to the Division of Water Resources for an administrative hearing regarding the decision to suspend such permit.

iii. Comply with these rules and conditions in order to remain eligible for participation.

2. Any person applying for permit 5a must have acquired a special relay lease from the department for three one-half acre plots of shellfish cleansing grounds in Great Bay, on which the relayed shellfish are to be deposited by the means hereinafter set forth. No person shall hold more than one lease to the above mentioned series of three one-half acre plots in Great Bay. Applications for leases must be made in person at the Nacote Creek Shellfish Office of the department. The lease shall be subject to the following additional conditions.

i. This special relay lease shall be issued for only one year and can be reapplied for annually.

ii. The fee for this lease, to be paid at the time of application, shall be \$60.00, which shall include the survey and marking fee.

iii. Once the leased plots have been marked by the Division, the lessee shall be solely responsible for the placement and maintenance of the stakes marking same, or their necessary replacement.

iv. One foot by one foot signs having a white background with legible black lettering, giving the participants first initial and last name and special relay leased lot number, shall be placed and maintained (amidships) on both sides of the participants harvest boat while participating in any phase of the program.

v. This lease shall not be renewed if the lessee was not actively engaged in the relay program during a minimum

of 1/3 of the days during the previous year's program, unless such inactivity was due to legitimate health reasons. The purpose of this special provision is to insure that only active participants are issued leases under this special relaying program.

vi. Any lessee who is convicted of an offense which results in the revocation of a Shellfish Harvesting License (N.J.S.A. 50:2-6, N.J.A.C. 7:25-16) or special permit mentioned in paragraph 1. of this subsection shall have his lease voided by the Department; provided, however, that upon notice to the Division of Fish, Game, and Shellfisheries within a 10 day period the lessee shall be given the opportunity to show why the lease should not be voided. If notice is given within the 10-day period, no action may be taken on the lease until the next regularly scheduled meeting of the Atlantic Coast Shellfisheries Council. The Atlantic Coast Shellfisheries Council shall have the authority to permanently suspend the voiding of the lease for good cause shown. Nothing in this section shall allow the voiding of a lease because of a violation of N.J.S.A. 50:2-1 or 50:2-5.

3. Shellfish taken from the specified special restricted or condemned harvest areas shall be bagged by the participant and such bags shall be identified with a number bearing the lot number of the permitted lease holder on which the clams are to be planted. Said number shall be at least 10 inches tall and painted on the side of each bag. The bags shall then be placed by the participant upon a state designated truck to be approved by the applicable area station commander, New Jersey Marine Police, and sealed by the State for overland transportation to a designated landing. Unnumbered bags will not be accepted for overland transportation, but will be seized and their contents returned to condemned waters by the New Jersey Marine Police. In the event said truck is inoperative, the industry participants will arrange for a replacement vehicle with the approval of the New Jersey Marine Police, as soon as possible.

4. Bagged shellfish delivered to the designated landing in the sealed truck shall be relayed to the leased plots of the participants by a State-designated vessel or vessels to be approved by the applicable area station commander, New Jersey Marine Police, under the supervision of the New Jersey Marine Police and/or the Division of Fish, Game and Shellfisheries. No shellfish taken from the special restricted or condemned harvest areas shall be transported to the relay plots in Great Bay by any means other than the State-designated truck and vessel or approved replacement.

5. Under the supervision of the New Jersey Marine Police the industry participants shall be responsible for providing the necessary labor for off-loading the shellfish from the truck to the planting vessel and off-loading the planting vessel onto the proper special relay leased lots.

6. Shellfish relayed to the leased plots shall remain upon said leased plots until written approval for harvest has been granted by the department's Division of Water Resources, Shellfish Control Unit.

7. Only the lessee or the lessee's permitted juvenile son-daughter working with the lessee or a substitute harvester shall remove clams from the leased plots. A substitute harvester must possess a letter of permission from the lessee giving the dates for which he is allowed harvest privileges and the lessee's permit from the Division of Water Resources (Permit 5a).

8. The department shall establish a schedule of dates when the special restricted or condemned waters shall be opened to participants in this program for the harvest of shellfish.

i. It is the intention of the department to operate this program whenever possible Monday through Friday, from daybreak to 1300 hours, for a period no longer than six months of any year. Dates for the program shall be dependent upon the degree of participation in the program and upon water temperatures over the leased relay plots that will assure adequate purging of contaminants from the shellfish. Program rules are subject to change on the basis of findings that show that continuation may jeopardize the well being of the shellfish resources and/or the health, safety or welfare of the public at large.

#### 9. Termination:

i. The department may terminate this program at any time for just cause and upon notice to all participants. Just cause shall include, but not be limited to, excessive depletion, or threat thereof, of shellfish stocks, lack of shellfish industry participation and excessive numbers of violations of the rules of the relay program.

ii. Upon mutual agreement the program may be terminated by return of all outstanding permit and announcement thereof by the department.

10. The participants shall be responsible for the appointment of one of their number to the position of relay coordinator (renumeration for this position, if any, shall be assumed by the participants). The relay manager will act as liaison with the applicable area station commander, New Jersey Marine Police, the Shellfish Control Unit of the Division of Water Resources and the Shellfish Section of the Division of Fish, Game and Shellfisheries, for scheduling areas for harvest. He will assist in determining the closing date for the relay effort, to be based upon the criteria noted in paragraph 9 of this subsection.

11. Penalty. Any participant violating these regulations or the terms of the special relay permit issued by the Division of Water Resources may be subject to prosecution under the provisions of N.J.S.A. 24:14-3, taking shellfish from condemned areas in violation of the permit, and may incur the penalty prescribed by the second paragraph of N.J.S.A. 24:14-9.

A public hearing respecting this proposal will be held on July 24, 1978, at 8:00 P.M. in the Little Egg Harbor Township Municipal Building in West Tuckerton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 30, 1978, to:

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

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules on Abandoned Vessels

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 12:7C-7 et seq.,

proposes to adopt new rules concerning abandoned vessels. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 025-78-06.

Full text of the proposal follows:

#### SUBCHAPTER 7. ABANDONED VESSELS

##### 7:6-7.1 Purpose and authority

These rules and regulations implement the Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq., by providing procedures for the acquisition of titles to abandoned vessels by certain persons and prescribing penalties for willful abandonment of such vessels.

##### 7:6-7.2 Definitions

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

"Applicant" means any person who desires to acquire title to an abandoned vessel under the provisions of this subchapter.

"Application" means Department of Environmental Protection application form LFA-001 which is available at any State motor vehicle agency.

"Certificate of search" means a certificate issued by the Secretary of State or a county recording officer showing whether there is on file any presently effective financing statement naming a particular debtor and covering a vessel and any statement of assignment thereof and if there is, giving the names and addresses of each secured party therein.

"Department" means the Department of Environmental Protection.

"Landowner" or "landowner's lessee" includes a marina owner.

"Lienholder" or secured party means any person holding a security interest.

"Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the uses or possession of a vessel subject to an interest of another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

"Registered letter" means a letter registered with a serial number by the United States Postal Service and requiring a returned signed receipt from the person to whom addressed, i.e., certified mail, return receipt requested.

"Removal costs" means any or all costs associated with the removal or destruction of any vessel from land or water and shall include the reimbursement of any or all costs incurred by the applicant in the course of acquiring title to an abandoned vessel.

"Security interest" means an interest which is reserved or created by an agreement which secures payment or performance of an obligation and is valid against third parties generally.

"Vessel" means a boat or watercraft, other than a sea-plane on the water, used or capable of being used as a means of transportation on the water, except a boat or watercraft which is subject to the provisions of P.L. 1969, c. 264 (C. 12:7C-1 et seq.).

"Waters of this State" means all waters within the jurisdiction of this State, both tidal and nontidal, and the marginal sea adjacent to this State.

##### 7:6-7.3 General provisions

(a) It is unlawful for any person to willfully abandon any vessel to or upon public land or waters of this State

or to or upon any private property or the water immediately adjacent thereto without the consent of the official designated by law to have jurisdiction over such public land or waterway, or the owner or other person in charge of the private property. A vessel which has remained moored, grounded or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than six months shall be prima facie evidence of such abandonment.

(b) A landowner, or his lessee or his agent with the written permission of the landowner, may acquire title to any vessel on his land or the water immediately adjacent thereto which has been abandoned according to the provisions of this subchapter.

(c) Rules concerning the six month period of abandonment are:

1. In cases where the landowner entered into a contract with the vessel owner to store the vessel for a certain period of time, the six month period of abandonment begins at the date on which the contractual period for storage of the vessel terminates.

2. In cases where the landowner has made repairs to a vessel, the six month period of abandonment begins at the date on which the landowner notifies the owner of the vessel that repairs to the vessel have been completed.

(d) All costs incurred in receiving title to a vessel under this subchapter shall be borne by the applicant.

##### 7:6-7.4 Procedures and requirements to acquire title

(a) If the abandoned vessel has a New Jersey boat registration number, the applicant shall furnish such information in writing to the Division of Motor Vehicles (DMV), Attn: Boat Registrations, 25 South Montgomery Street, Trenton, New Jersey 08625 and request that the DMV furnish him with the registered owner's name, present address, and any previous address which the DMV has listed on its records. The written request must be accompanied by a \$10.00 processing fee in the form of a check or money order payable to the Treasurer of the State of New Jersey for each abandoned vessel.

(b) If the abandoned vessel has a boat registration number issued by any of the following states, the applicant shall furnish such information in writing to the agency listed below for each such state and request that the agency furnish him with the registered owner's name and address.

State	Agency
Connecticut	Motor Vehicle Department Motorboat Numbering Section 60 State Street Weathersfield, Connecticut 06109
Delaware	Division of Motorboat Numbering P.O. Box 512 Lewes, Delaware 19953
Maryland	Licensing and Consumer Services Department of Natural Resources Tawes Office Building Annapolis, Maryland 21401
New York	Commissioner of Motor Vehicles Public Service Unit (Registration Record) Department of Motor Vehicles Empire State Plaza Albany, New York 12228 (\$2.00 fee required)

Pennsylvania            Pennsylvania Fish Commission  
3532 Walnut Street  
P.O. Box 1673  
Harrisburg, Pennsylvania 17120

Note: The applicant must state that the request is made in connection with the New Jersey Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq.

(c) If the abandoned vessel does not have a New Jersey boat registration number or other obvious means of owner identification, e.g., papers of identification aboard, etc., a search should be made for a vessel documentation number on the main beam of the vessel. If such number is found, the applicant shall write to the Commandant, (GMV-82), U.S. Coast Guard, Washington, D.C. 20590 and request that the Coast Guard furnish him with the name and address of the owner.

(d) Upon receipt of the registered owner's name, present address and any previous address from the New Jersey DMV, the applicant must determine the use for which the vessel is registered by noting the number entered in the "use" box on the copy of the boat registration certificate furnished by the DMV.

1. If the number in the "use" box is anything other than "1", the applicant shall furnish such information to the Secretary of State, Bureau of Commercial Recording, P.O. Box 1330, Trenton, New Jersey 08625 and request that the Secretary of State issue him a certificate of search. The written request must be accompanied by a \$10.00 fee in the form of a check or money order payable to the Secretary of State of New Jersey.

2. If the number in the "use" box is "1," the applicant shall furnish such information to the county recording officer of the county in which the owner presently resides and the county recording officer of the county in which the owner previously resided and request that each county recording officer issue him a certificate of search. Each written request must be accompanied by a \$10.00 fee in the form of a check or money order payable to the county recording officer.

(e) Upon receipt of the certificate of search requested according to the provisions of this subchapter, the applicant shall notify the owner and any secured party or assignee thereof by registered letter that if ownership is not claimed and the vessel removed within 30 days of receipt of the notice, title to the vessel will be applied for in the applicant's name in accordance with the provisions of the Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq. If the registered owner responds that the vessel was sold or transferred to another person, the applicant shall then redirect the prescribed notice to the new owner and later note such circumstances under paragraph 2 of the application. If any vessel's owner cannot be identified or his address ascertained, or no secured party appears on the records of the Secretary of State or county recording officer, the notices need not be sent.

(f) At the same time as the applicant undertakes the actions required by subsection (e) of this section he shall place a notice in a newspaper of general circulation published in the county or city where the vessel is located, describing the vessel, its location of apparent abandonment, any identifying number, and stating that if the vessel is not claimed and removed within 30 days after the publication date of the notice, the applicant will apply for title to the vessel in the applicant's name in accordance with the provisions of the Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq.

(g) At the end of the 30-day-period described in this section, the applicant may apply to the department for

title to the vessel in his name by submitting a completed and notarized application to the Director of Marine Services, Department of Environmental Protection, P.O. Box 1889, Trenton, New Jersey 08625. The application must be accompanied by the necessary notarized attachments and a \$10.00 title fee in the form of a check or money order payable to the Treasurer of the State of New Jersey.

(h) In the application, the applicant shall certify that:

1. The vessel has remained moored, grounded or otherwise attached or fastened to or upon his property without his consent for a period of more than six months and has been apparently abandoned;

2. He has not received any response from his inquiries of the owner or lienholder disputing his right to acquire title to the vessel;

3. To the best of his knowledge, the vessel is not the subject of any court action in which ownership or unpaid storage or repair bills are in dispute. If the applicant is unable to certify the items in paragraphs 1 through 3 herein, he may not acquire title to the vessel under the provisions of this subchapter. The applicant must, instead, pursue other remedies provided by law.

(i) If the applicant is a landowner's lessee or landowner's agent, he must certify that he has the landowner's permission to acquire title and he must submit some evidence of his authority to act on the landowner's behalf with the application.

(j) After receipt and review of the submitted application, provided all procedures and requirements of this subchapter have been fulfilled, the Division of Marine Services on behalf of the department will issue the applicant title to the vessel. The acquisition of title to the vessel by the applicant divests any other person of any interest in the vessel.

#### 7:6-7.5 Acquisition of title to abandoned vessel by the department

The Department may receive title to any vessel abandoned on any of the waters of this State or on any land owned by this State or any of its political subdivisions by proceeding in the same manner as a landowner, his lessee, or his agent, as set forth in this subchapter.

#### 7:6-7.6 Requirements subsequent to acquiring title

(a) After receiving title, if the new owner desires to remove an abandoned vessel from his land or the water immediately adjacent thereto, or to destroy such vessel, the removal costs shall be borne by the previous owner of said vessel, provided that such owner shall have been identified pursuant to section 4 of this subchapter. To recover such costs, the new owner may institute suit against the previous owner.

(b) After receiving title, if the new owner destroys or otherwise disposes of the vessel, he shall report all details thereof in writing, within 15 days of such destruction or disposal, to the Division of Motor Vehicles, Attn: Boat Registration, 25 South Montgomery Street, Trenton, New Jersey 08625.

#### 7:6-7.7 Penalties

(a) Any person who willfully abandons a vessel in violation of subsection 3(a) of this subchapter, shall be subject to a fine of not less than \$500.00 and not more than \$10,000, to be recovered in a summary proceeding instituted by the Commissioner of Environmental Protection in the name of the State in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq. Any person upon whose private property a vessel has been apparently abandoned may file a complaint with the Marine Police. The Marine Police are hereby delegated the authority to

institute summary proceedings on behalf of the Commissioner to enforce the Abandoned Vessels Disposition Law, N.J.S.A. 12:7C-7 et seq., and the provisions of this subchapter and to collect penalties for violations thereof in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

(b) Any person who obtains or attempts to obtain title to a vessel under the provisions of this subchapter through fraudulent means is guilty of a disorderly persons offense and upon conviction shall be subject to a fine of not more than \$200.00.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Donald T. Graham, Director  
Division of Marine Services  
Department of Environmental Protection  
P.O. Box 1889  
Trenton, N.J. 08625

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

Daniel J. O'Hern  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Administrative Order on Bait Clams

On June 1, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:2-6.2 and in accordance with applicable provisions of the Administrative Procedure Act, issued an emergency administrative order, known within the Department of Environmental Protection as Docket No. DEP 023-78-06, concerning bait clams.

Full text of the adoption follows:

Whereas, there exists a need to provide adequate stock of sea clams (*Spisula solidissima*) for use for bait, and

Whereas, inadequate numbers of harvestable sea clams exist in the areas of water now open to bait clammers in the Cape May area, and

Whereas, the bait clam harvest is essential to the sport and commercial fishing industry and the economic health and welfare of the coastal area,

Now, therefore, I, Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority granted in N.J.S.A. 50:2-6.2, open an additional area of condemned water south of Cape May inlet, approximately one square mile in size with boundaries as described below, for the dredging of sea clams for bait from June 1 to September 30, 1978.

From Point A, FL-R - 2 C M:

Longitude 74 degrees 51.3 minutes W,  
Latitude 38 degrees 55.7 minutes N.

Approximately 245 degrees T, 1.5 miles from Point A to Point B:

Longitude 74 degrees 52.9 minutes W,  
Latitude 38 degrees 55.1 minutes N.

Approximately 333 degrees T, .6 miles from Point B to Point C:

Longitude 74 degrees 53.3 minutes W,  
Latitude 38 degrees 55.7 minutes N.

Approximately 64 degrees T to FL-G-7M and South Jetty Light, Point D:

Longitude 74 degrees 51.9 minutes W,  
Latitude 38 degrees 56.2 minutes N,  
to Point E, North Jetty Light, FL - 7M:  
Longitude 74 degrees 51.7 minutes W,  
Latitude 38 degrees 56.2 minutes N,  
then 145 degrees T back to Point A.

An order adopting this rule was filed and became effective on June 6, 1978, as R.1978 d.188.

Take notice that, this is a temporary rule not subject to codification, and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Emergency Amendment on Implementation Data of Standards for Construction of Sewerage Facilities

On May 30, 1978, Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3, 58:11-36 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency amendment, known within the Department of Environmental Protection as Docket No. DEP 011-77-02, which extended the effective date of N.J.A.C. 7:9-2.1 and 7:10-3.10 et seq. from June 1, 1978 to July 1, 1978.

An order adopting this amendment was filed and became effective on May 31, 1978, as R.1978 d.182 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

#### Adopt 1978-79 Game Code

On June 13, 1978, Harry McGarrigel, Chairman of the Fish, Game and Shellfisheries Division in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 and in accordance with applicable provisions of the Administrative Procedure Act, adopted the 1978-79 Game Code, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 186(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

An order adopting these rules was filed on June 16, 1978, as R.1978 d.199 to become effective on August 1, 1978. Take notice that, these rules are temporary rules not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Amendment Concerning Codeine-Based Cough Preparations

The Department of Health, pursuant to authority of N.J.S.A. 24:21-15c, proposes to amend N.J.A.C. 8:65-7.18 (a) by adopting new text therein concerning codeine-based cough preparations being sold only on a prescription basis.

Full text of the proposed new text follows:

8:65-7.18(a)1. Except when dispensed directly in good faith by a practitioner, other than a pharmacist, in the course of his professional practice only, to an ultimate user, no codeine-based cough preparations subject to the provisions of schedule V of the New Jersey Controlled Dangerous Substance Act may be dispensed without a written or oral prescription. Such prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription, unless renewed by the practitioner.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

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

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

Watson E. Neiman  
Acting Commissioner  
Department of Health

(b)

## HEALTH

### DRUG UTILIZATION REVIEW COUNCIL

#### Interim Drug Evaluation and Acceptance Criteria

On June 19, 1978, Sanford Lugar, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted interim drug evaluation and acceptance criteria, to be cited as N.J.A.C. 8:70-1.1 et seq., substantially as proposed in the Notice published March 9, 1978, at 10 N.J.R. 101(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

The substantive changes are as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

8:70-1.1

(b) In evaluating and accepting drugs into the formulary, all products will be compared to reference standards [which shall be established by the council. The minimum reference standards will be those of] such as, but not limited to, those available from the Food and Drug Administration, the United States Pharmacopoeia

and the National Formulary. [For certain products the council may decide that manufacturers, labelers and distributors will be expected to comply with reference standards as stated in a food and drug administration approved full or abbreviated new drug application.]

[(c) 5. Economic criteria.]

8:70-1.4

(a) The actual manufacturer of the drug product [and the sources of materials] must be identified. All components of the drug product, both active and inactive, must be listed and the component's specific purpose (e.g. binder, lubricant, coloring agent, etc.) and source (whether foreign or domestic) must be given. In addition, the manufacturer, labeler and distributor, if any, must certify that the active and inactive ingredients, sources, and the final dosage form are approved by the Federal Food and Drug Administration or the Drug Utilization Review Council of the New Jersey Department of Health. Products for which a manufacturer, labeler or distributor refuses to provide this information will not be approved. [This information is required for all active and inactive ingredients as well as all other components of the product.] Information regarding proprietary formulations will be held strictly confidential within the limits of applicable law.

[8:70-1.5

All products which will be considered for approval by the council will be reviewed in terms of the potential economic savings to the individuals for whom the products have been prescribed.]

An order adopting these rules was filed and became effective on June 19, 1978, as R.1978 d.202.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### HEALTH CARE ADMINISTRATION BOARD

#### Amendment on Postponement of Effective Date Of Implementation of Nursing Home Standards

On June 1, 1978, the Health Care Administration Board in the Department of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which postponed the effective date of the implementation of the amended nursing home standards (See: R.1978 d.65 at 10 N.J.R. 104(d)) from July 1, 1978, to January 1, 1979. Such amended rules are cited as N.J.A.C. 8:39-1.1 et seq.

Reason for this postponement is the tight budget situation for Medicaid and the possible lack of reimbursement to facilities which must meet the new standards. The six-month delay will provide time for a clarification of the funding situation and further analysis of the cost impact of the new standards.

An order adopting this postponement was filed and became effective on June 19, 1978, as R.1978 d.203 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HIGHER EDUCATION

### HIGHER EDUCATION ASSISTANCE AUTHORITY

#### Proposed Amendments on Eligibility for Graduate Insured Loan Program

The Higher Education Assistance Authority, pursuant to the authority of N.J.S. 18A:72-10, proposes to amend N.J.A.C. 9:9-5.2, concerning the eligibility of students enrolled in schools of podiatry and optometry to participate in the graduate insured loan program.

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

#### 9:9-5.2 Qualifications for eligibility

(a) The qualifications for eligibility are:

1. Permanent resident of New Jersey for at least six months prior to filing application;
2. Enrolled or accepted for enrollment as a full-time student pursuing a graduate or professional degree beyond the baccalaureate level attending a school approved by the NJHEAA for medicine, osteopathy, dentistry, [or] veterinary medicine, **podiatry or optometry**;
3. Have exhausted the provisions of the guaranteed student loan program.

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 26, 1978, to:

William C. Nester  
Higher Education Assistance Authority  
1474 Prospect Street  
P.O. Box 1417  
Trenton, New Jersey 08625

The Higher Education Assistance Authority may thereafter adopt rules concerning this subject without further notice.

William C. Nester, Director  
Higher Education Assistance Authority  
Department of Higher Education

(b)

## HIGHER EDUCATION

### HIGHER EDUCATION ASSISTANCE AUTHORITY

#### Amendments on Noncitizen Eligibility for Student Loans

On June 7, 1978, William C. Nester, Director of the Higher Education Assistance Authority, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:9-1.1 and 9:9-1.2, concerning noncitizen eligibility for student loans, substantially as proposed in the Notice published January 5, 1978 at 10 N.J.R. 13(a), with inconsequential structural or language changes, in the opinion of the Department of Higher Education.

Such changes concern the deletion of the current text of the definitions of "eligible citizen" and "resident" in N.J.A.C. 9:9-1.1 and the adoption of an amended definition of "resident" therein.

An order adopting these amendments was filed and became effective on June 16, 1978, as R.1978 d.198.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HIGHER EDUCATION

### EDUCATIONAL OPPORTUNITY FUND

#### Emergency Amendments Concerning Eligibility of Independent Students Whose Primary Means of Support is Welfare

On June 7, 1978, the board of directors of the Educational Opportunity Fund, pursuant to the authority of N.J.S. 18A:71-33 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 9:11-1.5(d), concerning the eligibility of independent students whose primary means of support is welfare.

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

9:11-1.5(d) An independent student is financially eligible for an E.O.F. grant providing his or her gross annual income (including spouse) for the calendar year prior to the academic year for which aid is requested and the calendar year during which aid is received does not exceed the following schedule:

1. \$4,200 for a single student (household size 1);
2. \$5,500 for a married student, no other dependents (household size 2);
3. \$6,600 for a student with one additional dependent, but no spouse (household size 2);
4. \$7,000 for a student with two additional dependents (household size 3);
5. Add \$1,000 for each additional dependent to a maximum of \$10,000.
6. **An independent student who received welfare as the primary means of family support is presumed to be eligible without regard to the amount of primary welfare support. In instances of Aid to Working Parents (AWP) or other partial welfare support, a need analysis and income verification are required.**

An order adopting these amendments was filed and became effective on June 19, 1978, as R.1978 d.200 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HIGHER EDUCATION

### EDUCATIONAL OPPORTUNITY FUND

#### Amendments on Academic Year Program Support Funds

On June 7, 1978, the Board of Directors of the Educational Opportunity Fund in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-33 and in accordance with applicable provisions of the Adminis-

trative Procedure Act, adopted amendments which deleted the current text of N.J.A.C. 9:11-2.1 et seq. and adopted new rules to be cited as N.J.A.C. 9:12-1.1 et seq., concerning the provision of funds for the support of programs for Educational Opportunity Fund students at institutions of higher education in New Jersey, substantially as proposed in the Notice published December 8, 1977, at 9 N.J.R. 570(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Higher Education.

An order adopting these amendments was filed on June 19, 1978 as R.1978 d.201, to become effective for the academic year beginning in the fall of 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## (a)

# HUMAN SERVICES

## DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

### Proposed Amendments on Transportation Services

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. 10:50-1.2, and 10:50-2.6, and to add N.J.A.C. 10:50-2.9, concerning transportation services.

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

#### 10:50-1.1 Introduction

This Manual describes the policies and procedures of the Medicaid Program for reimbursement of providers of transportation services. Questions about this manual may be directed to any local medical assistance unit listed in this chapter or to the Division of Medical Assistance and Health Services, P.O. Box 2486, Trenton, N.J. 08625.

#### 10:50-1.2 Definitions

...

"Transportation" means the use of an approved carrier to move the sick, injured or disabled person from place to place when considered medically necessary. Prior authorization is required except where specifically stated.

1. Each transportation carrier must be individually approved by the Department of Human Services, Division of Medical Assistance and Health Services as a provider before it can be reimbursed for transportation services rendered to Medicaid-eligible persons.

2. Prerequisite for a New Jersey based ambulance or invalid coach service for Title XIX (Medicaid) approval is possession of a certificate of need and license issued by the Department of Health (when required) and the stipulation if any, that transportation services be limited to the area covered by the certificate of need. Ambulance carriers must also be approved by the Title XVIII (Medicare) Program before they will be considered eligible for Medicaid reimbursement. Transportation carriers in states other than New Jersey must be approved by their state's Medicaid Program and by the Medicare Program if they desire reimbursement for ambulance services. All vehicles must meet the specifications described in this Section.

3. As a condition of participation, the Transportation provider agrees to bill the Medicaid program for services provided by the billing entity only. If the provider seeks reimbursement for services performed by any other organ-

ization or entity, whether a franchisee, independent contractor, etc., full disclosure in writing of the financial and organizational arrangement between said entities must be made to, and approved in advance by, the Division of Medical Assistance and Health Services.

Editor's Note: The current text of paragraphs 3. and 4. of this subsection is proposed to be cited as paragraphs 4. and 5.

10:50-2.6[(a)1. xi. 15. Patient's certification: Under ordinary circumstances, the patient must sign the claim form when services have been received. The claim form to be signed should indicate service rendered, and the patient must not sign a blank claim form prior to receiving services or as a condition for receiving services. However, when the patient's signature is unobtainable, the following procedure may be used:

(1) Illiterate patient: The patient may sign by mark (X), and the signature must be witnessed by another person including the provider of service who signs his name and address on the same line.

(2) Other: If a patient is physically or mentally incapable of signing or if patient is a minor child or deceased, or for other reasons the patient's signature is not obtainable, through reasonable effort, the form may be signed on his behalf by:

- (A) A parent; or
- (B) A legal guardian; or
- (C) A relative; or
- (D) A friend; or
- (E) An individual provider; or
- (F) A representation of an institution providing care or support; or
- (G) A representative of a governmental agency providing assistance.

(3) Attached to the claim form or written directly on the form should be a brief explanation of reason patient was not personally able to sign and relationship of signee to the patient-recipient.]

10:50-2.6(a)1. xi. 15. The transportation provider is required to obtain the patient's signature on a standard Medicaid Patient Certification Form. (See section 8 of this subchapter.) The provider must certify in item 15 of the claim form that a signed Medicaid Patient Certification Form is on file for each service billed.

#### 10:50-2.9 Patient Certification

(a) The Transportation provider is required to obtain a patient signature on a standard Medicaid Patient Certification Form to certify that the service(s) was received and to obtain authorization for the release of patient information. The provider must keep an individual patient certification form on file for each service rendered and must furnish such records upon request to representatives of the New Jersey Medicaid Program. If a signed patient certification form is not on record for each trip, Medicaid reimbursement for the trip(s) is subject to recoupment.

(b) The provider is responsible for printing his own supply of Patient Certification Forms. The language must be identical to that of the sample in Exhibit II at the end of this chapter. The form may not be smaller than 3½" x 6", and the print must be readily legible. The provider's name and address must be identified on the front of the form.

(c) The Patient Certification Form must be fully completed by the provider before it is presented to the patient for signature. The patient may not sign a blank patient certification form prior to receiving services or as a condition for receiving services.

(d) When the patient's signature is unobtainable, the following procedures may be used:

1. Illiterate patient:

i. The patient may sign by mark (X), and the signature must be witnessed by another person who signs his name and address on the same line.

3. Other: If a patient is physically or mentally incapable of signing, or if the patient is a minor child or deceased, the form may be signed on his behalf by:

- i. A parent, or
- ii. A legal guardian, or
- iii. A relative, or
- iv. A friend, or
- v. An individual provider, or
- vi. A representative of an institution providing care or support, or
- vii. A representative of a governmental agency providing assistance.

(e) A brief explanation of the reason the patient was not personally able to sign and the relationship of the signee to the patient must be noted directly on the Patient Certification Form.

MEDICAID PATIENT CERTIFICATION FORM

Name of Patient .....

HSP # .....

From: .....  
(Place Trip Began)

To: .....  
(Where Patient Was Going)

Returned

To: .....  
(Place of Return)

Approx. Mileage .....

P.U. Time ..... Appt. ....

Driver: .....

Authorization to release information and payment request. I certify that the transportation service(s) listed above were received on ...../...../....., and I request that payment for these service(s) be made on my behalf. I authorize any holder of medical or other information about me to release to the Division of Medical Assistance and Health Services or its authorized agents any information needed for this or a related claim.

.....  
Patient's Signature

IMPORTANT: PATIENT IS NOT TO SIGN THIS CERTIFICATION UNLESS ALL INFORMATION IS ACCURATELY FILLED IN ABOVE.  
(Exhibit II)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, 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

(a)

HUMAN SERVICES

DIVISION OF MENTAL RETARDATION

Proposed Standards on Regulating Community Residences for Developmentally Disabled

Ann Klein, Commissioner of Human Services, pursuant to authority of Chapter 448, Laws of 1977, proposes to promulgate a Manual of Standards for the licensing and regulation of Community Residences for the Developmentally Disabled. Such rules, if adopted, will be cited as N.J.A.C. 10:44A-1.1 et seq.

It is the objective of the Division of Mental Retardation to establish 1000 placements in group accommodations throughout the State within the next four years. Every community residence for the developmentally disabled will provide assistance to every person admitted in maintaining a basic level of care and in developing the potential to live independently in the community.

The standards reflect current consensus on desirable and beneficent services to the developmentally disabled. The Manual of Standards is divided into two major areas: Method of Application for License (to operate a community residence) and Standards of Operation.

Copies of the manual may be obtained from or made available by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Magdalen E. Walker  
Administrative Practice Officer  
Division of Mental Retardation  
169 West Hanover Street  
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 MENTAL RETARDATION

BUREAU OF GUARDIANSHIP SERVICES

Proposed Amendments on Provision Of Guardianship Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4-165.1 et seq., proposes to delete the current text of N.J.A.C. 10:45-1.1 et seq. and adopt new text therein, concerning the provision of guardianship services to mentally deficient adults receiving a functional service of the Division of Mental Retardation.

The main objectives of the proposed new rules are to reflect current legislation, the clarification of roles of guardianship staff and delineation of rules and responsibilities of functional service staff.

Copies of the eight pages of full text of this proposal

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

Chief, Bureau of Guardianship Services  
Division of Mental Retardation  
Post Office Box 1237  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to: the Division of Mental Retardation 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

(a)

## HUMAN SERVICES

### DIVISION OF MENTAL RETARDATION

#### BUREAU OF GUARDIANSHIP SERVICES

##### Proposed Amendments on Determination of Mental Deficiency/Need for Guardianship

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4-165.1 et seq., proposes to delete in its entirety the current text of N.J.A.C. 10:43-1.1 et seq. and adopt new text therein, concerning the determination of mental deficiency or need for the guardianship of mentally retarded persons receiving a functional service of the Division of Mental Retardation.

The main objective of the proposed new rules is to reflect current legislation and changes in classification of mentally retarded persons. Schedules for redetermination and notification to client and family have been simplified or established.

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

Chief, Bureau of Guardianship Services  
Division of Mental Retardation  
Post Office Box 1237  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to the Division of Mental Retardation 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 MENTAL RETARDATION

##### Proposed Rules on Community Residences for Mentally Retarded and Developmentally Disabled

Ann Klein, Commissioner of Human Services, pursuant to the authority of N.J.S.A. 30:4-24, proposes to adopt reg-

ulations governing the distribution of funds for the development of community residences commonly referred to as Group Homes for the Mentally Retarded and other Developmentally Disabled Persons. Such rules, if adopted, will be cited as N.J.A.C. 10:44-13.1 et seq.

Chapter 42, Laws of 1977 has resulted in availability of funds for private non-profit organizations incorporated in the State of New Jersey to establish community residential facilities for the developmentally disabled to be operated under contract with the Division of Mental Retardation. Such community residences must contain no fewer than six nor more than eight residents and must meet structural and program standards established by the Division of Mental Retardation.

Funds to be made available may be used for acquisition, construction and/or renovation of suitable facilities in accordance with applicable State, county or municipal requirements. Included in the regulations is a requirement that recipients of grants must reserve 75 per cent of available bed space for clients of the Division of Mental Retardation and must agree to maintain the program for no less than ten years.

Copies of the five pages of text of the proposed regulations governing distribution of funds may be obtained from:

Magdalen E. Walker  
Administrative Procedure Officer  
Division of Mental Retardation  
169 West Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to the Division of Mental Retardation 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

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

##### Proposed Amendments on SSI Recipients In Immediate Need of Assistance

David Einhorn, acting Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend a portion of the rules concerning SSI recipients who are in immediate need of assistance.

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

10:85-1.1(a) General assistance is a program under which financial and medical aid is provided by municipal departments of welfare to persons currently ineligible for participation in any other public assistance program in New Jersey [or for supplemental security income].

10:85-3.1(a) General assistance shall be provided to all needy persons who, while in the State, are entitled to receive such assistance. Entitlement does not extend to persons who have been found eligible for or are recipients of public assistance programs administered by the county welfare agency, or who have been found ineligible for

such programs due to voluntary refusal to comply with program requirements[,] . [nor to persons receiving benefits under the supplemental security income (SSI) program.] (See also subsections (c) and (d) of this section.)

10:85-3.1(d)3. SSI recipients: If an individual (or couple) who is receiving, or has been officially notified of eligibility to receive SSI benefits, does not receive his/her SSI payment promptly, such person(s) may be in immediate need and may apply for general assistance. Under these circumstances, the MWD shall contact the SSA/DO to determine the anticipated length of the delay and shall provide assistance for that period, based on the allowance standards in schedule I and provided that financial eligibility exists in accordance with this subchapter. (See subchapter 4 of this chapter regarding periods for which assistance may be granted.)

i. Refer to subchapter 7 of this chapter regarding use of a time-limited notice.

ii. Except where a form GA-30 was signed while an application for SSI was pending, and is currently in effect, N.J.A.C. 10:85-6.5 does not apply, and any reimbursement to the MWD is on a voluntary basis only.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

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

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

David Einhorn  
Acting Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### OFFICE OF THE COMMISSIONER

#### SOCIAL SERVICES PLANNING UNIT

#### Notice of Availability of Comprehensive Annual Service Program Plan for FY'79

Take notice that, the Department of Human Services has issued the following Notice concerning the publication and availability of the Comprehensive Annual Services Program Plan for FY'79.

Full text of the Notice follows:

On July 1, 1978, the above Plan was published by the Department of Human Services in accordance with Title 45 of the Code of Federal Regulations, part 228. The Plan gives information on Title XX social services in New Jersey, definitions of what services are provided, income eligibility levels for recipients, where services are provided, and projected service expenditures.

Copies of the Plan are available for public review at County Welfare Agencies, District Offices of the Division of Youth and Family Services, and Planning Offices of the Boards of Freeholders. County Coalition offices also have copies and may be called for further information.

The Social Services Planning Unit at 116 West State Street in Trenton 08625 will mail individual copies of the

complete Plan upon written request. The comments on the proposed Plan at the four public hearings, published April 1, 1978, both written and oral, may be reviewed at that address. A toll free number (800-792-8306) is available for information on the Plan until July 31, 1978.

This Notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Amendments on Legal Settlements In General Assistance Program

On May 22, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-1.1, 10:85-1.3, 10:85-2.1, 10:85-3.2, 10:85-4.6, 10:85-6.2, 10:85-6.3, 10:85-6.4 and 10:85-10.1 et seq., concerning legal settlements in the general assistance program, as proposed in the Notice published April 6, 1978, at 10 N.J.R. 150(a).

An order adopting these amendments was filed on May 24, 1978, as R.1978 d.171 to become effective on June 1, 1978.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Emergency Amendments Concerning Pharmaceutical Assistance to Aged

On May 26, 1978, David Einhorn, Acting 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 emergency amendments concerning pharmaceutical assistance to the aged, which rescinded the current text of N.J.A.C. 10:69A-4.3(c) of the Pharmaceutical Assistance to the Aged Eligibility Manual, amended certain rules in subchapter 5, chapter 51, in Title 10 of the New Jersey Administrative Code and adopted new rules, to be cited as N.J.A.C. 10:51-6.1 et seq., concerning pharmacies with institutional permits.

This adoption amends and revises existing rules to conform with Attorney General John Degnan's opinion of April 18, 1978, and recognizes for purposes of reimbursement, a new class of institutional pharmacy providers.

Copies of the 28 pages of full text of this adoption may be obtained from or made available for review by contacting:

Administrative Practice Officer  
Division of Medical Assistance and Health Services  
Post Office Box 2486  
Trenton, New Jersey 08625

An order adopting these amendments was filed and became effective on May 31, 1978, as R.1978 d.183 (Exempt, Emergency Rule).

G. Duncan Fletcher  
 Director of Administrative Procedure  
 Department of State

**(a)**

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Emergency Amendments on Inclusion  
 Of 18-21 Year Olds in AFDC-N Segment**

On June 6, 1978, David Einhorn, Acting 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 emergency amendments to N.J.A.C. 10:81-2.6(b), 10:81-2.21, 10:81-3.1(a), 10:81-3.11(c) and 10:81-3.13 (a) and (c), concerning the inclusion of 18-21 year olds in the AFDC-N segment.

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

10:81-2.6(b) The IM worker shall explain to the applicant that children up to age [of] 18 are eligible for AFDC[-C or -F], or to the age of 21 if regularly attending school, college or a vocational or training course. [The AFDC-N applicant shall be informed that children are eligible to age 18 only.]

10:81-2.21 School attendance

(a) The CWA will verify attendance in a school, college, training or vocational program of AFDC-C and -F children between the ages of 16 and 18 for WIN registration purposes and between 18 and 21 for eligibility in the AFDC-C or -F segment. (See sections 130 and 214 of the ASH.)

(b) The CWA will verify school attendance of children between ages of 16 and 18 relevant to work registration and training programs[.] (See section [3432] **3436** and section 130 of the ASH) and between 18 and 21 for eligibility in the AFDC-N segment. (See sections 123.1 and 130 of the ASH.)

10:81-3.1(a)

**Table 1.**  
**Eligibility Criteria for**  
**AFDC-C, -F and -N Segments**

Age	AFDC-C Children	AFDC-F Children	AFDC-N Children
	Birth to 18, or to 21 if in school, college, vocational, or technical training. Parent(s) of any age.	Birth to 18, or to 21 if in school, college, vocational, or technical training. Parent(s) of any age.	Birth to 18, or to <b>21 if in school, college, vocational, or technical training.</b> Parent(s) of any age.

10:81-3.11 (c) The term "parent" in AFDC-N is used to refer to two adults of the opposite sex who have at least one eligible child [under the age of 18] residing with them who is under age 18 or under age 21 if in school, college, vocational or technical training. This child must be the natural child of both parents or the natural child of one and adopted by the other or a child adopted by both.

10:81-3.13 (a) To be considered of eligible age, a child in AFDC[-C or -F] must be under age 18, or under age 21 and a student regularly attending school, college or university or regularly attending a course of vocational or technical training leading to a certificate, diploma or degree designed to prepare him/her for gainful employment. See Assistance Standards Handbook section 130 for definitions regarding school attendance.

10:81-3.13 (c) In AFDC-N, [no child 18 and over] a child aged 18 to 21 and not a student regularly attending school, college or a vocational or training course is not eligible for inclusion in the eligible unit. See section 8543 for possible eligibility for "Medicaid special[.]".

An order adopting these amendments was filed and became effective on June 8, 1978, as R.1978 d.190 (Exempt, Emergency Rule).

G. Duncan Fletcher  
 Director of Administrative Procedure  
 Department of State

**(b)**

**HUMAN SERVICES**

**DIVISION OF PUBLIC WELFARE**

**Emergency Amendments on Inclusion of 18-21  
 Year-Olds in AFDC-N Segment**

On June 6, 1978, David Einhorn, Acting 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 emergency amendments to N.J.A.C. 10:82-1.5 and 10:82-1.7, concerning the inclusion of 18-21 year olds in the AFDC-N segment.

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

10:82-1.5 Eligible unit; AFDC-N segment

(a) The eligible unit shall include the two natural or adoptive parents and their eligible children under 18 years of age [unless] or under 21 years of age and regularly attending school or formal vocational or technical training. If one parent has children of his/her own living in the home[.], the following shall apply:

1. When a parent has children of his/her own, this parent, this parent's spouse, and this parent's child(ren) may be eligible for the AFDC-C segment. The needs of the remaining eligible members of the unit shall be met according to -N segment standards.

2. The same potential for eligibility under the AFDC-C segment may apply to each parent in his/her own right, in which event only their joint children shall be -N segment eligibles.

(b) [In the AFDC-N segment, no child over 18 shall be included in the eligible unit.] A child over 18 and under 21 who is not regularly attending school or formal vocational or technical training is not eligible for AFDC-N and shall not be included in the eligible unit. See PAM section 8540 for possible Medicaid eligibility.

10:82-1.7 Eligible AFDC [-C or -F] child over 18 and under 21 regularly attending school

(d) If the student is in fact living apart from the eligible unit and is receiving all expenses for room and

(Continued on Page 26)

# 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.

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

It includes ALL rules adopted through June 19, 1978.

## RULES NOT YET IN PRINT IN CODE:

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
<b>AGRICULTURE — TITLE 2</b>			
2:2-1.1	Amendments on contagious equine metritis reporting	R.1978 d.122	10 N.J.R. 182(d)
2:2-4.40	Rule on pseudorabies vaccination	R.1977 d.367	9 N.J.R. 502(b)
2:48-2.1	Amendments on advertising of milk products	R.1978 d.57	10 N.J.R. 92(a)
2:48-4.1	Confidentiality of certain reports	R.1977 d.366	9 N.J.R. 502(a)
2:52-1.6(a)	Revisions on required reports	R.1977 d.310	9 N.J.R. 404(a)
2:52-7.1 et seq.	Rules on application of minimum price regulations in sale of milk	R.1977 d.303	9 N.J.R. 403(c)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.294	9 N.J.R. 403(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.108	10 N.J.R. 182(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.8	10 N.J.R. 54(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.145	10 N.J.R. 218(b)
2:53-1.2(a)	Amend schedule 69-1N for North Jersey	R.1977 d.414	9 N.J.R. 555(c)
2:54-3.7	Suspension to Federal Order No. 4	R.1978 d.149	10 N.J.R. 218(c)
2:54-3.10	Amend Federal milk handling order	R.1977 d.407	9 N.J.R. 502(c)
2:69-1.11	Revisions on commercial values	R.1977 d.266	9 N.J.R. 403(a)
2:69-1.11	Amended commercial values	R.1978 d.197	10 N.J.R. 2(a)
2:70-1.8	New rules on slurries and suspensions	R.1978 d.81	10 N.J.R. 135(a)
2:71-1.30	Revisions on certificates on grade for eggs	R.1977 d.339	9 N.J.R. 451(b)
2:71-1.30	Amendments on certificates of grade	R.1978 d.115	10 N.J.R. 182(c)
2:71-2.26 to 2.31	Inspection and grading of fruits and vegetables	R.1978 d.114	10 N.J.R. 182(b)
2:90-1.3, 1.7, 1.12	Revisions to rules of Soil Conservation Committee	R.1978 d.5	10 N.J.R. 54(b)

(Rules in the Code for Title 2 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 11.)

## BANKING — TITLE 3

3:1-2.2, 2.3	Amend certain procedural rules	R.1977 d.462	10 N.J.R. 2(b)
3:1-2.24	Minimum subscription for capital stock associations	R.1978 d.71	10 N.J.R. 137(a)
3:1-6.1 et seq.	Amended fees	R.1977 d.469	10 N.J.R. 3(a)
3:1-9.1 et seq.	Rules on home mortgage disclosures	R.1977 d.308	9 N.J.R. 405(c)
3:1-9.2	Amended definition of home improvement loan	R.1977 d.470	10 N.J.R. 3(b)
3:1-10.1 et seq.	Restrictions on real property transactions in new charter applications	R.1978 d.55	10 N.J.R. 92(c)
3:1-11.1 et seq.	Restrictions on loans involving affiliated persons	R.1977 d.471	10 N.J.R. 3(c)
3:1-11.1	Amended definitions of affiliate and institution	R.1978 d.144	10 N.J.R. 219(a)
3:7-2.3	Deletion on verification of real estate taxes	R.1977 d.428	9 N.J.R. 556(a)
3:7-3.9(a)26.	Amend electronic data processing	R.1978 d.103	10 N.J.R. 136(b)
3:10-3.2, 3.3	Amendments on private mortgage insurance	R.1977 d.429	9 N.J.R. 556(b)
3:17-6.4	Repeal rule on husband and wife as one borrower	R.1977 d.330	9 N.J.R. 452(c)
3:18-6.1	Pledged receivables as collateral security for commercial loans	R.1978 d.41	10 N.J.R. 92(b)
3:26-3.1	Reporting possible illegal activity by employees or customers of savings and loan associations	R.1978 d.163	10 N.J.R. 219(b)

(Rules in the Code for Title 3 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

## CIVIL SERVICE — TITLE 4

(Rules in the Code for Title 4 include all adoptions to date—Transmittal Sheet No. 11.)

## COMMUNITY AFFAIRS — TITLE 5

5:23-1.4, 2.9, 3.3, 4.11	Amend Uniform Construction Code	R.1978 d.162	10 N.J.R. 225(a)
5:23-2.6 3.3, 3.8, 4.3 and 4.8	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)
5:23-3.4(a)21	Revisions to building subcode	R.1977 d.380	9 N.J.R. 506(a)
5:23-4.3(c)6.	Amendments on conflicts of interest	R.1977 d.434	9 N.J.R. 558(a)
5:23-4.9, 5.3	Amendments on effective dates	R.1977 d.435	9 N.J.R. 558(b)
5:24-1.1 et seq.	Conversion to condominiums and cooperatives	R.1978 d.22	10 N.J.R. 55(b)
5:30-1.14	Public participation in revenue sharing program	R.1977 d.479	10 N.J.R. 55(a)
5:62-1.1 et seq.	Rules on Handicapped Person's Recreational Opportunities Act	R.1978 d.143	10 N.J.R. 224(a)

(Rules in the Code for Title 5 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

## EDUCATION — TITLE 6

6:3-1.6	Delete summer payment plan rule for academic year personnel	R.1977 d.465	10 N.J.R. 6(b)
6:3-1.11	Amendments on superintendency	R.1978 d.7	10 N.J.R. 59(a)
6:3-2.1 through 6:3-2.8	Amendments on pupil records	R.1978 d.87	10 N.J.R. 142(c)
6:8-1.1, 6.2, 7.1	Amendments on thorough and efficient system	R.1978 d.85	10 N.J.R. 142(a)
6:20-2.3	Amendments on bookkeeping in local school districts	R.1977 d.483	10 N.J.R. 5(b)
6:28-5.1 et seq.	Rules on auxiliary services for nonpublic school pupils	R.1977 d.464	10 N.J.R. 6(a)
6:28-6.1 et seq.	Rules on corrective speech services for nonpublic school pupils	R.1977 d.466	10 N.J.R. 6(c)
6:39-1.1 et seq.	Amendments on Statewide assessment	R.1978 d.146	10 N.J.R. 227(a)
6:44-3.1(a)5.	Amendments on standards for adult education reimbursement	R.1978 d.147	10 N.J.R. 227(b)
6:46-4.18	Recognition of accredited private vocational schools	R.1978 d.86	10 N.J.R. 142(b)
6:46-9.1 et seq.	Contracting for educational services with eligible private vocational schools	R.1978 d.148	10 N.J.R. 227(c)
6:68-1.8	Amendments on State library aid	R.1978 d.121	10 N.J.R. 183(b)

(Rules in the Code for Title 6 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 11.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1E-1.1 et seq.	Amendments on discharge of petroleum and other substances	R.1978 d.112	10 N.J.R. 187(a)
7:1C-1.1 et seq.	Revisions on 90-day construction permits	R.1977 d.390	9 N.J.R. 513(c)
7:7A-1.13(a)	Extend Wetlands Order for parts of Salem, Cape May and Ocean	R.1977 d.267	9 N.J.R. 418(b)
7:8-1.1 et seq.	Rules of practice and procedure; Division of Water Resources	R.1978 d.48	10 N.J.R. 101(b)
7:9-2.1 et seq., 7:9-2.1,	Standards for construction of sewerage facilities and water systems	R.1978 d.21	10 N.J.R. 61(b)
7:10-3.10 et seq.	Extend effective date on sewers to July 1, 1978	R.1978 d.182	10 N.J.R. 11(b)
7:9-2.1 et seq., 7:10-3.10 et seq.	Extend effective date on construction of sewage facilities	R.1978 d.102	10 N.J.R. 146(d)
7:9-2.4, 2.60, 2.67, 2.70	Amendments on construction of sewerage facilities and waste supply systems	R.1978 d.161	10 N.J.R. 237(b)
7:10-3.10 et seq.			
7:9-4.4, 4.6, 4.8, 14.1 et seq.	Amendments on water quality standards for Pine Barrens	R.1978 d.20	10 N.J.R. 61(a)
7:9-10.1 et seq.	Amendments on Pine Barrens as critical area for sewerage	R.1978 d.19	10 N.J.R. 60(a)
7:9, 10, 20	Amend certain rules of the Division of Water Resources	R.1977 d.477	10 N.J.R. 10(c)
7:12-1.1, 1.3	Amendments on shellfish in Great Egg Harbor Bay	R.1977 d.427	9 N.J.R. 561(b)
7:12-1.1, 1.3	Amendments on shellfish beds in Barnegat Bay	R.1978 d.69	10 N.J.R. 144(a)
7:12-1.3(a) 14.	Revisions on condemnation of certain shellfish beds	R.1977 d.300	9 N.J.R. 420(b)
7:12-1.3(a)39.i.	Revisions on condemnation of certain shellfish beds	R.1977 d.301	9 N.J.R. 420(c)
7:12-1.3(a)39i.(1)	Amendments on condemnation of certain shellfish harvesting waters	R.1977 d.283	9 N.J.R. 419(a)
7:13-1.2, 1.4	Amendments on floodway delineations	R.1978 d.70	10 N.J.R. 145(a)
7:14-1.1 et seq.	Rules on the Water Pollution Control Act	R.1977 d.268	9 N.J.R. 418(c)
7:14-7.1 et seq.	Rules on ocean dumping alternatives development	R.1977 d.458	10 N.J.R. 10(b)
7:16-1.1 et seq.	Financial assistance for public sewage systems	R.1978 d.18	10 N.J.R. 59(c)
7:22-1.1 et seq.	Award of grants for wastewater treatment facilities	R.1977 d.356	9 N.J.R. 465(b)
7:25-9.5	Rules on crab dredging	R.1977 d.269	9 N.J.R. 418(d)
7:25-9.6	Relaying hard clams; Manasquan River	R.1977 d.338	9 N.J.R. 464(b)
7:25-9.6(g), (h)	Revision on relaying hard clams in Manasquan River	R.1977 d.363	9 N.J.R. 512(b)
7:26-1.4, 2.6, 2.11, 2.13, 7.1 et seq.	Amendments on manifest system for hazardous wastes	R.1978 d.72	10 N.J.R. 146(a)

7:26-1.10(c)	Revisions to effective dates of categories of solid waste districts	R.1977 d.311	9 N.J.R. 421(a)
7:27-2.10(a)	Delete portion of rule on orchard prunings	R.1977 d.485	10 N.J.R. 59(b)
7:27-3.1 et seq.	Revisions on control and prohibition of smoke from combustion of fuel	R.1977 d.284	9 N.J.R. 420(a)
7:27-4.1 et seq.	Revisions on control and prohibition of particles from combustion	R.1977 d.284	9 N.J.R. 420(a)
7:27-5.1 et seq.	Revisions on prohibition of air pollution	R.1977 d.284	9 N.J.R. 420(a)
7:28-24.1 et seq.	Nuclear medicine technology	R.1978 d.101	10 N.J.R. 146(c)
7:28-25.1 et seq.	Radiation laboratory fee schedule	R.1978 d.47	10 N.J.R. 101(a)
7:36-1.1 et seq.	Rules on Green Acres land grant program	R.1977 d.395	9 N.J.R. 514(a)
Temporary rule	Revisions on sea clam harvest area openings	R.1977 d.337	9 N.J.R. 464(a)
Temporary rule	Special rule on limiting use of shotgun shells	R.1977 d.355	9 N.J.R. 465(a)
Temporary rule	1978 Fish Code	R.1977 d.384	9 N.J.R. 513(a)
Temporary rule	Crab dredging season for Atlantic Coast	R.1977 d.387	9 N.J.R. 513(b)
Temporary rule	Rules on 1977-78 sea clam season	R.1977 d.451	10 N.J.R. 10(a)
Temporary rule	Closing of State waters to sea clam harvesting	R.1978 d.111	10 N.J.R. 186(c)
Temporary rule	Emergency amendments on opening sea clam waters	R.1978 d.119	10 N.J.R. 187(b)
Temporary rule	Amendments on 1978 oyster seed bed season	R.1978 d.123	10 N.J.R. 188(a)
Temporary rule	Change date of 1978 bay season; oyster seed beds	R.1978 d.123	10 N.J.R. 188(b)
Temporary Rule	1978-79 game code	R.1978 d.199	10 N.J.R. 11(c)

(Rules in the Code for Title 7 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 3.)

### HEALTH — TITLE 8

8:7-1.9(a)2.1.	Amendments on qualifications of health officer	R.1978 d.24	10 N.J.R. 62(c)
8:13-2.1 et seq.	Depuration of soft shell clams	R.1978 d.127	10 N.J.R. 188(d)
8:15-1.1 et seq.	Smoking in public places	R.1978 d.129	10 N.J.R. 189(a)
8:15-1.1 et seq.	Postpone effective date of public smoking rules	R.1978 d.168	10 N.J.R. 250(a)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
8:21-4.1 et seq.	New drugs and amygdalin	R.1978 d.93	10 N.J.R. 148(a)
8:21-7.1 et seq.	Extension of effective date to July 1, 1979	R.1977 d.472	10 N.J.R. 12(b)
8:21-9.4, 9.6	Amendments on licenses for food and cosmetic establishments	R.1978 d.167	10 N.J.R. 249(b)
8:21-11.1 et seq.	Rules on dented cans, salvage foods and beverages	R.1978 d.100	10 N.J.R. 149(a)
8:25-5.2	Amendments on waterfront staff and youth camp safety standards	R.1978 d.166	10 N.J.R. 249(a)
8:30-14.1 et seq.	Long-term-care facilities for indigents as condition for licensure	R.1978 d.25	10 N.J.R. 62(d)
8:31-8.1 et seq.	Amended standards and criteria; prenatal services	R.1978 d.49	10 N.J.R. 103(b)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-27.1 et seq.	Rules on megavoltage radiation oncology units	R.1977 d.397	9 N.J.R. 518(b)
8:31A-10.5	Implementation of economic factor for SHARE	R.1977 d.396	9 N.J.R. 518(a)
8:33-1.5(f)3.	Amendment or certificates of need and transfers of ownership	R.1978 d.62	10 N.J.R. 104(a)
8:33-1.5(1), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(d)
8:36A-1.1 et seq.	Rules on regional end-stage renal disease services	R.1977 d.398	9 N.J.R. 518(c)
8:39-1.1 et seq.	Amended standards for licensing long-term care facilities	R.1978 d.65	10 N.J.R. 104(d)
8:39-1.1 et seq.	Change effective date on nursing homes to January 1, 1979	R.1978 d.203	10 N.J.R. 12(c)
8:42-1.18(f)	Amendments on licensure of home health agencies	R.1977 d.400	9 N.J.R. 519(a)
8:43-4.7(c)	Amendments on records for new boarding homes	R.1977 d.401	9 N.J.R. 519(b)
8:43B-15.1 et seq.	Renal dialysis services	R.1978 d.63	10 N.J.R. 104(b)
8:43B-16.1 et seq.	Nurse-midwifery services	R.1978 d.64	10 N.J.R. 104(c)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
8:57-1.19	Reporting bladder cancer	R.1977 d.467	10 N.J.R. 12(a)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.4	Addition of Lorazepam to controlled dangerous substances	R.1978 d.23	10 N.J.R. 62(b)
8:65-10.5	Add Loperamide as dangerous	R.1977 d.440	9 N.J.R. 567(a)
8:65-10.6	Excluded O.T.C. substances	R.1978 d.60	10 N.J.R. 103(d)
8:65-10.7	Excepted prescription drugs	R.1978 d.61	10 N.J.R. 103(e)
8:65-10.8	Exempt chemical preparations	R.1978 d.59	10 N.J.R. 103(c)
8:70-1.1 et seq.	Interim drug evaluation and acceptance criteria	R.1978 d.202	10 N.J.R. 12(b)

(Rules in the Code for Title 8 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 8.)

### HIGHER EDUCATION — TITLE 9

9:2-2.2	Definition of academic year	R.1978 d.52	10 N.J.R. 105(b)
9:2-6.1 et seq.	Amendments on appeals to Chancellor	R.1978 d.136	10 N.J.R. 253(a)
9:2-11.1 et seq.	Veterans tuition credit program	R.1977 d.376	9 N.J.R. 521(a)
9:4-3.57(b)	Amendments on non-credit and credit courses auditing procedures	R.1977 d.483	10 N.J.R. 63(a)
9:4-7.2(d)	Amendment on multi-year contracts for non-teaching personnel	R.1978 d.53	10 N.J.R. 105(c)
9:7-1.1 et seq.	Amendments on tuition aid grants and scholarship program	R.1978 d.106	10 N.J.R. 190(a)

9:9-1.1, 1.2	Noncitizen eligibility for student loans	R.1978 d.198	10 N.J.R. 13(b)
9:11-1.5(d)	Amendments on eligibility of independent students	R.1978 d.200	10 N.J.R. 13(c)
9:11-1.1 et seq.	Amend financial aid guidelines for students	R.1978 d.54	10 N.J.R. 105(d)
9:11-2.1 et seq., 9:12-1.1 et seq.	Amendments on academic year program support funds	R.1978 d.201	10 N.J.R. 13(d)
9:14-3	Amendments to SPUR rules	R.1977 d.439	9 N.J.R. 571(a)

(Rules in the Code for Title 9 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 10.)

## HUMAN SERVICES — TITLE 10

10:3-1.1 et seq.	Rules on debarment of contracting persons	R.1978 d.83	10 N.J.R. 154(a)
10:37-12.1 et seq.	Construction assistance for community mental health facilities	R.1977 d.482	10 N.J.R. 63(d)
10:49-1.3(b)	Adoption by reference of Federal standards for mentally retarded	R.1977 d.490	10 N.J.R. 65(b)
10:51-1.10(c)	Amendments on basis of payment for legend drugs	R.1978 d.1	10 N.J.R. 66(d)
10:54-3.5, 3.6	Amendments on pneumococcal polyvalent vaccine	R.1978 d.44	10 N.J.R. 116(b)
10:51-5.1 et seq.	Rules on pharmaceutical assistance to aged program	R.1977 d.491	10 N.J.R. 66(a)
10:51-5.1 et seq., 6.1 et seq., 10:69A-4.3(c)	Amendments on pharmaceutical assistance to the aged	R.1978 d.183	10 N.J.R. 17(c)
10:56-1.1 et seq.	Amended dental services manual	R.1978 d.2	10 N.J.R. 66(e)
10:63-3.1 et seq.	Amendments on cost study, rate review guidelines, long-term-care	R.1977 d.489	10 N.J.R. 65(a)
10:69A-1.1 et seq.	Amendments on pharmaceutical assistance to aged	R.1977 d.492	10 N.J.R. 66(b)
10:81	Amendments to Public Assistance Manual to conform	R.1977 d.452	10 N.J.R. 16(b)
10:81-2.6, 2.21, 3.1, 3.11, 3.13	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.190	10 N.J.R. 18(a)
10:81-3.8(b), 8.22(a)	Amendments on medical assistance for unborn child	R.1978 d.140	10 N.J.R. 255(a)
10:81-6.15(d)	Amendments on fair hearing requests	R.1977 d.447	10 N.J.R. 16(a)
10:81 Appendix D	Amendments on incentive payments to CWA's	R.1978 d.88	10 N.J.R. 154(c)
10:82-1.3, 1.4, 2.3, 2.4, 2.6, 2.10, 2.19, 3.2, 3.8	Amendments on budgeting public assistance cases	R.1978 d.157	10 N.J.R. 255(b)
10:82-1.5, 1.7	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.191	10 N.J.R. 18(b)
10:82-2.9	Amendments on budgeting cases involving stepparents	R.1978 d.76	10 N.J.R. 153(c)
10:85-1.1, 1.3, 2.1, 3.2, 4.6, 6.2, 6.3, 6.4, 10.1 et seq.	Amendments on legal settlements	R.1978 d.171	10 N.J.R. 17(b)
10:85-3.1(a)2, 3.3(e)1., 3.4(b)1., 9.1(d)	Amendments on sponsors of aliens as potential resources	R.1977 d.444	10 N.J.R. 15(a)
10:85-3.2(g)	Amendments on mandatory registration with Employment Service	R.1978 d.169	10 N.J.R. 256(a)
10:85-3.3, 4.1, 4.2	Amendments on general assistance payment levels	R.1977 d.488	10 N.J.R. 64(c)
10:85-3.3(e)4, and 9.5(c)	Amendments on financial eligibility and support	R.1977 d.44E	10 N.J.R. 15(b)
10:85-3.3(e)5.	Amendments on exemption of HUD vendor payments	R.1977 d.446	10 N.J.R. 15(c)
10:85-5.3(h)3.	Amendments on referral of clients to DVRS	R.1978 d.77	10 N.J.R. 153(d)
10:87-3.8	Amendments on illegal aliens in food stamp program	R.1978 d.117	10 N.J.R. 192(c)
10:87-3.24	Delete rule on administrative reports	R.1977 d.487	10 N.J.R. 64(b)
10:87-4.13(a)	Identification of exempt assets for food stamps	R.1978 d.74	10 N.J.R. 153(b)
10:87-5.8	Amendments on income deductions for food stamps	R.1978 d.84	10 N.J.R. 154(b)
10:87-6.5	Amendments on certification pending verification for food stamps	R.1978 d.109	10 N.J.R. 192(b)
10:87-6.14, 6.41, 6.42 and 6.44	Amendments to Food Stamp Manual	R.1978 d.43	10 N.J.R. 116(a)
10:87-7.17(a)6	Amendment on appellant's right during fair hearing	R.1977 d.486	10 N.J.R. 64(a)
10:94-4.4	Amendments on exclusion of home Medicaid only	R.1978 d.73	10 N.J.R. 153(a)
10:109	Amend Ruling 11 on classification and compensation	R.1978 d.107	10 N.J.R. 192(a)
Appendix I			
10:109-2.2(e)	Amend Ruling II classification and compensation plan	R.1977 d.459	10 N.J.R. 16(c)
Temporary rule	1978 State plan for vocational rehabilitation	R.1977 d.494	10 N.J.R. 66(c)

(Rules in the Code for Title 10 include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 10.)

## CORRECTIONS — TITLE 10A

10:70-1.1 et seq.	Amended rules of State Parole Board	R.1978 d.97	10 N.J.R. 154(d)
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(Rules in the Code for Title 10A include all adoptions prior to Nov. 21, 1977—Transmittal Sheet No. 1.)

## INSURANCE — TITLE 11

11:1-5.2(f)	Assumption of insolvent N.Y. insurers' obligations	R.1977 d.389	9 N.J.R. 535(d)
11:1-5.2(g)	Policies of Empire Mutual Insurance Co. and Allcity Insurance Co.	R.1977 d.413	9 N.J.R. 586(a)
11:1-5.2(g)4	Amendment on three-year policies covered by JUA	R.1978 d.3	10 N.J.R. 69(a)
11:1-5.4	FAIR Plan surcharge	R.1978 d.78	10 N.J.R. 165(a)
11:1-10.1	Amended definition of financial institutions	R.1978 d.17	10 N.J.R. 70(a)
11:1-10.1 et seq.	Amendments on licensing of financial institutions	R.1977 d.405	9 N.J.R. 536(c)
11:1-11.3	Disciplinary action and restitution	R.1978 d.11	10 N.J.R. 69(b)
11:2-1.5	Educational program requirements for title agents	R.1977 d.438	9 N.J.R. 586(a)
11:3-8.1	Amendment on nonrenewal of auto insurance	R.1977 d.437	9 N.J.R. 586(b)
11:3-11.1	Motorized bicycle insurance	R.1978 d.12	10 N.J.R. 69(c)
11:4-10.2	Required notice concerning expenses exhibits	R.1977 d.358	9 N.J.R. 481(b)
11:4-13.1 et seq.	Group student health insurance	R.1977 d.309	9 N.J.R. 438(d)
11:4-14.1 et seq.	Home health care insurance coverage	R.1977 d.476	10 N.J.R. 16(d)
11:4-15.1 et seq.	Alcoholism benefits	R.1978 d.165	10 N.J.R. 257(a)
11:5-1.1	Revisions on disciplinary action	R.1977 d.392	9 N.J.R. 536(b)
11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
11:5-1.16(d)	Amendments on prohibited advertising	R.1977 d.391	9 N.J.R. 536(a)
11:5-1.25(h)	Revisions on sale of interstate properties	R.1977 d.292	9 N.J.R. 438(c)
11:5-1.27	Amendments on educational requirements for salesmen and brokers license examinations	R.1978 d.135	10 N.J.R. 256(d)

(Rules in the Code for Title 11 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

## LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Revised 1978 maximum weekly benefit rates	R.1977 d.297	9 N.J.R. 439(b)
12:15-1.4	Revised 1978 taxable wage base under unemployment compensation	R.1977 d.298	9 N.J.R. 439(c)
12:20-5.4(b)	Amendments on appearances before appeal tribunals	R.1978 d.116	10 N.J.R. 202(a)
12:235-4.8	Amendments on certificates of readiness	R.1977 d.406	9 N.J.R. 537(b)
Temporary rule	Revised 1978 workers' compensation benefit rates	R.1977 d.296	9 N.J.R. 439(a)
Temporary rule	Listing of wage rates for construction workers	R.1977 d.383	9 N.J.R. 537(a)

(Rules in the Code for Title 12 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

## LAW AND PUBLIC SAFETY — TITLE 13

13:2-1.1 et seq.	Revised rules of Division of Alcoholic Beverage Control	R.1977 d.342	9 N.J.R. 487(b)
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.33	10 N.J.R. 121(a)
13:2-3.11	Alcoholic Beverage Licenses in Atlantic City	R.1977 d.348	9 N.J.R. 487(c)
13:2-18.7, 31.3, 31.6(b), 34.6	Amendments on sales and licensing	R.1978 d.75	10 N.J.R. 170(a)
13:4-8.2(a)1.	Deletion on discovery by parties other than Division	R.1978 d.82	10 N.J.R. 171(a)
13:4-9.1, 8.2, 8.4	Amendments on procedure rules of Division on Civil Rights	R.1978 d.26	10 N.J.R. 72(a)
13:4-12.9	Costs of hearings	R.1978 d.46	10 N.J.R. 121(b)
13:19-10.1 et seq.	Revisions on point system and driving during suspension	R.1977 d.352	9 N.J.R. 488(b)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.66	10 N.J.R. 122(a)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.67	10 N.J.R. 122(b)
13:20-35.1 et seq.	Inspection of State-owned vehicles by central motor pool	R.1978 d.40	10 N.J.R. 71(b)
13:23-2.2(d)	Amendments on documents; applications for driver school licenses	R.1978 d.68	10 N.J.R. 122(c)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.58	10 N.J.R. 121(d)
13:30-8.3	Amendments on use of general anesthesia	R.1978 d.120	10 N.J.R. 203(b)
13:30-8.6	Providing information to the public	R.1978 d.170	10 N.J.R. 261(c)
13:33-1.29	Amendments on record of prescription filled	R.1978 d.9	10 N.J.R. 72(b)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.32	10 N.J.R. 120(a)
13:35-1.4	Amendments on approving educational chiropractic institutions	R.1977 d.481	10 N.J.R. 71(c)
13:35-6.12	Release of patient records	R.1978 d.134	10 N.J.R. 261(b)
13:35-6.13	Provision of information to the public	R.1978 d.126	10 N.J.R. 204(a)
13:35-7.2	Termination of pregnancy	R.1977 d.351	9 N.J.R. 488(a)
13:37-8.1 et seq.	Revisions on schools of practical nursing	R.1977 d.273	9 N.J.R. 440(b)
13:40-6.1	Fees schedule; professional engineers and land surveyors	R.1978 d.193	10 N.J.R. 27(d)
13:42-1.2	Amendments on fees; psychological examiners	R.1978 d.192	10 N.J.R. 27(c)
13:44-2.9	Temporary permits	R.1977 d.285	9 N.J.R. 441(a)
13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.56	10 N.J.R. 121(c)
13:47D-4.34(a)3.	Amendments on magnitude of permitted variations	R.1978 d.141	10 N.J.R. 259(b)

13:70-1.17, 1.27, 14:29, 16.34 13:71-5.1, 5.20, 8.38, 23.22	Amend harness and thoroughbred racing rules	R.1977 d.331	9 N.J.R. 487(a)
13:70-9.19, 25.5	Amendments on jockey payments for dead heats	R.1978 d.132	10 N.J.R. 27(b)
13:70-15.1, 15.2, 19.34, 19.38, 13:71-9.1, 9.3	Amendments on veterinarians classified as State veterinarians	R.1978 d.133	10 N.J.R. 261(a)

(Rules in the Code for Title 13 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

### ENERGY — TITLE 14A (Including Board of Public Utilities - 14)

14:1-1.7, 4.3, 6.5, 8.4, 8.5, 9.4, 10.1	Revisions on communications	R.1977 d.263	9 N.J.R. 442(a)
14:3-3.6, 7.1, 7.5, 7.12, 7.13, 7.14	Amendments on public utility deposits and discontinuances	R.1978 d.155	10 N.J.R. 261(e)
14:8-1.2	Railroad track safety	R.1978 d.110	10 N.J.R. 205(a)
14:10-1.1 et seq.	Amendments on telephone service	R.1978 d.89	10 N.J.R. 171(b)
14:17-18.1 et seq.	Amendments on cable television rates	R.1978 d.125	10 N.J.R. 207(a)
14:18-11.19, 11.21	Revisions on required information	R.1977 d.295	9 N.J.R. 443(a)
14A:1.1 et seq.	Adopt P.U.C. rules of practice by reference	R.1977 d.264	9 N.J.R. 442(b)
14A:1-1 et seq.	Rules of practice for Department of Energy	R.1977 d.433	9 N.J.R. 593(a)
14A:2-1.1 et seq.	Energy emergency allocation	R.1977 d.432	9 N.J.R. 592(b)
14A:3-2.1 et seq.	Air conditioning energy efficiency ratios	R.1978 d.150	10 N.J.R. 261(d)

(Rules in the Code for Title 14 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 8.)

### STATE — TITLE 15

(Rules in the Code for Title 15 include all adoptions to date—Transmittal Sheet No. 10.)

### PUBLIC ADVOCATE — TITLE 15A

15A:1-1.1 et seq.	Rules of practice; Public Interest Advocacy	R.1977 d.362	9 N.J.R. 541(b)
	(No rules yet available in the Code.)		

### TRANSPORTATION — TITLE 16

16:1-2.1 et seq.	Revisions on issuance and sale of DOT public records	R.1977 d.345	9 N.J.R. 493(d)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-1.172	Speed limits on parts of Route U.S. 206	R.1978 d.137	10 N.J.R. 263(c)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.103	Revisions on restricted parking on parts of Route 49	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.151, 152	Restricted parking on parts of Routes 31 and 28	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.153, 3.154	Restricted parking on parts of Routes 88 and 28	R.1977 d.329	9 N.J.R. 493(c)
16:28-3.155	Restricted parking on parts of Route 57	R.1977 d.328	9 N.J.R. 493(b)
16:28-3.157, 3.158	Restricted parking on parts of U.S. Routes 22 and 57	R.1977 d.493	10 N.J.R. 80(a)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)
16:28-5.3	Stop intersection on part of Route 208	R.1977 d.326	9 N.J.R. 492(c)
16:28-6.16	No left turn on parts of Route 23	R.1977 d.325	9 N.J.R. 492(b)
16:28-12.1, 12.5, 12.9, 12.15, 12.16 and 12.17	No right turns on red on parts of Routes US 1, 5, 10, 22, 23 and 24	R.1977 d.456	10 N.J.R. 36(e)
16:28-12.18, 12.19, 12.20, 12.26, 12.35 and 12.36	Amend no right turns on parts of Routes 27, 28, 29, 36, 46 and 47	R.1977 d.454	10 N.J.R. 36(c)
16:28-12.37, 12.38, 12.44, 12.55 and 12.56	No right turns on parts of Routes 49, 70, 124 and US 130	R.1977 d.453	10 N.J.R. 36(b)

16:28-12.56 through 12.59	No right turns on red on parts of Routes 130, 154, 166 and 168	R.1977 d.455	10 N.J.R. 36(d)
16:28-13.4	Limited access on interstate highways	R.1977 d.443	10 N.J.R. 36(a)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 172(a)
16:41-8	Amend rules on outdoor advertising on access highways	R.1977 d.426	9 N.J.R. 593(d)
16:41-10.9	Violations relating to permits	R.1977 d.418	9 N.J.R. 593(c)
16:65-1.1, 1.2, 4.2, 5.1, 5.5, 6.2	Revisions on classification of contractors	R.1977 d.388	9 N.J.R. 543(b)
16:65-3.2 through 3.5	Amendments on requisition, distribution and sale of construction plans	R.1978 d.164	10 N.J.R. 264(a)

(Rules in the Code for Title 16 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

## TREASURY-GENERAL — TITLE 17

17:1-4.19	Amendments on biweekly salary for retirement	R.1978 d.96	10 N.J.R. 175(b)
17:1-4.30	Optional settlements for group life	R.1977 d.416	9 N.J.R. 601(a)
17:1-10.1, 10.3	Amend rules on prescription drug program	R.1978 d.98	10 N.J.R. 175(c)
17:1-11.1 et seq.	Rules on dental expense program	R.1977 d.99	10 N.J.R. 175(d)
17:2-3.2(i), 6.24(b), 6.25	Amendments on biweekly computation of retirement and death benefits	R.1978 d.138	10 N.J.R. 265(c)
17:2-3.3	Amended contributory insurance rate	R.1978 d.139	10 N.J.R. 265(d)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 176(a)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 176(b)
17:4-4.1, 6.1, 6.2, 6.3, 6.13	Revisions on police, firemen's retirement system	R.1977 d.378	9 N.J.R. 544(c)
17:5-2.1(g), 5.9	Amendments on salary computation of retirement benefits	R.1978 d.113	10 N.J.R. 209(b)
17:6-2.1(a), 3.2, 3.9, 3.10	Amend rules of Consolidated Police and Firemen's Pension Fund	R.1977 d.461	10 N.J.R. 44(b)
17:9-2.3(a), 5.2, 5.11	Amendments on State health benefits program	R.1978 d.131	10 N.J.R. 265(b)
17:9-6.1(a)	Amended definition of retired employee	R.1978 d.130	10 N.J.R. 265(a)
17:10-3.1, 4.1, 5.10, 5.12	Amendments on judicial retirement system	R.1978 d.184	10 N.J.R. 37(a)
17:16-5.4, 5.5	Amendments on classification of funds	R.1978 d.180	10 N.J.R. 36(b)
17:16-5.5	Amendments on classification of funds	R.1978 d.94	10 N.J.R. 175(a)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)
17:16-31.1 et seq.	Rules on New Jersey Cash Management Fund	R.1977 d.478	10 N.J.R. 45(c)
17:16-41.1 et seq.	Cash management fund	R.1977 d.436	9 N.J.R. 601(b)
17:18-1.79	Signing of formal judgments	R.1978 d.195	10 N.J.R. 37(c)
17:21-12.1 et seq.	Pick-Four lottery rules	R.1978 d.179	10 N.J.R. 36(a)
17:24-4.3, 7.4, 13.2	Amendments on affirmative action requirements	R.1978 d.185	10 N.J.R. 37(b)
17:27-1.1 et seq.	Affirmative action requirements for public works	R.1977 d.364	9 N.J.R. 543(c)

(Rules in the Code for Title 17 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

## TREASURY-TAXATION — TITLE 18

18:5-6.5, 6.19	Amendments on cigarette distributors' licenses	R.1977 d.473	10 N.J.R. 44(c)
18:5-6.5(d)	Rule on fingerprinting for cigarette distributors' licenses	R.1977 d.468	10 N.J.R. 45(b)
18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(b)
18:12-7.1 et seq.	Amendments to homestead tax rebate rules	R.1978 d.4	10 N.J.R. 81(b)
18:12-7.11	Amendment on extension of filing date	R.1977 d.448	10 N.J.R. 44(a)
18:12-7.12	Amendment on extension of filing date; homestead tax rebate	R.1978 d.10	10 N.J.R. 81(c)
18:24-4.1, 4.4, 4.7	Revisions on exemptions from sales and use tax	R.1977 d.365	9 N.J.R. 544(a)
18:24-7.8, 7.18, 19.4	Amendments on exemption of certain vehicles from sales tax	R.1977 d.484	10 N.J.R. 81(a)
18:24-25.1 et seq.	Rules on sales tax and data processing	R.1978 d.142	10 N.J.R. 265(e)
18:26-2.5, 6.2, 8.22, 9.13	Amendments on transfer inheritance tax	R.1978 d.31	10 N.J.R. 128(a)
18:26-8.22	Amendments on estates for life or years	R.1978 d.118	10 N.J.R. 210(a)
18:33-1.1 et seq.	Closing agreements and compromises	R.1978 d.29	10 N.J.R. 127(d)
18:35-1.8	Information returns for 1977 and subsequent years	R.1977 d.460	10 N.J.R. 45(a)

(Rules in the Code for Title 18 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

(Continued from Page 18)

board from other sources, an adjustment to accommodate [to] for this absence must be made in computing the family's grant. For this purpose, the amount of \$25.00 per month for AFDC-C and -F children or the amount of \$17.00 per month for AFDC-N children shall be entered as "other income" on the PA-3A form.

[(e) When an eligible AFDC-N child under age 18 has completed secondary school and is regularly attending a college, university or course of vocational training designed to fit him/her for gainful employment, sections 125.2 and 125.3 shall apply.]

An order adopting these amendments was filed and became effective on June 8, 1978, as R.1978 d.191 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rules on Title Insurance Agents' Service Fees

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:46B-49(d), 17:1-18.1 and 17:1C-6 (e), proposes to adopt new rules concerning service fees for title insurance agents, to be cited as N.J.A.C. 11:11-1.1 et seq.

Full text of the proposed rules follows:

### SUBTITLE H. TITLE INSURANCE

#### CHAPTER 11

#### TITLE INSURANCE AGENTS

##### 11:11-1.1 Service fees

(a) Title insurance agents may charge a service fee in any transaction in which the agent or his salaried employee actually performs full settlement services with disbursements.

(b) If charged, the fee must be uniformly charged by the agent to all insureds.

(c) The maximum service fee shall be \$30.00.

(d) Need for continuance of service fees may be re-determined at any time rate changes are made.

Note: This chapter shall expire on May 15, 1983.

Interested persons may present statements or arguments in writing concerning this rule or may appear at a hearing at 10:00 A.M. on July 27, 1978 at 201 East State Street, Trenton, New Jersey.

Reply to Naomi LaBastille, Special Assistant to Commissioner:

Department of Insurance  
P.O. Box 1510  
201 East State Street  
Trenton, New Jersey 08625

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

James J. Sheeran  
Commissioner  
Department of Insurance

### OTHER AGENCIES — TITLE 19

19:1	Amended rules of Mortgage Finance Agency	R.1977 d.442	10 N.J.R. 47(a)
19:3B-1.1 et seq.	General plan EIA guidelines	R.1978 d.196	10 N.J.R. 39(a)
19:6-3.1 et seq.	Uniform procedures for Meadowlands construction code	R.1977 d.457	10 N.J.R. 49(a)
19:8-1.1, 3.1(b)	Amendments on use of Parkway by trucks	R.1977 d.419	9 N.J.R. 603(d)
19:8-1.8	Revisions on Garden State Parkway commuter parking	R.1977 d.270	9 N.J.R. 448(b)
19:9-4.1 et seq.	Rules on inspection and obtaining of Turnpike Authority records	R.1977 d.265	9 N.J.R. 448(d)
19:10-1.1 et seq.	Revised rules on PERC	R.1977 d.272	9 N.J.R. 448(a)
19:16-1.1 et seq.	Rules on negotiations, public fire and police departments	R.1977 d.349	9 N.J.R. 497(a)
19:25-12.1(b)	Revisions on reporting of expenditures	R.1977 d.379	9 N.J.R. 548(a)
19:25-15.38-15.41	Rules on election travel, political action committees and valuation	R.1977 d.350	9 N.J.R. 496(b)
19:40-1.1 et seq.	Practices and procedures; Casino Control Commission	R.1977 d.394	9 N.J.R. 546(a)
19:41-1.1 et seq.	Rules on casino applications	R.1977 d.475	10 N.J.R. 4(d)
19:41-1.4, 3.4, and 12.1 et seq.	Amendments on labor applications procedures and registration	R.1978 d.176	10 N.J.R. 38(b)
19:41-2.3	Declaratory rulings on casino applications	R.1978 d.158	10 N.J.R. 266(a)
19:41-7.14	Adopt personal history disclosure form No. 4	R.1978 d.175	10 N.J.R. 38(a)
19:41-11.1 et seq.	Applications by casino licensees for approval	R.1978 d.177	10 N.J.R. 38(c)
19:42-1.1 et seq.	Casino hearings rules	R.1978 d.159	10 N.J.R. 266(b)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 128(c)
19:44-1.1 et seq.	Rules on gaming schools	R.1977 d.474	10 N.J.R. 4(c)
19:45-1.1 et seq.	Internal and accounting casino controls	R.1978 d.178	10 N.J.R. 38(d)
19:46-1.1 to 1.20	Casino gaming equipment	R.1978 d.187	10 N.J.R. 38(f)
19:46-1.22 through 1.31	Regulations for casino slot machines	R.1978 d.160	10 N.J.R. 266(c)
19:47-1.1 et seq.	Rules of casino games	R.1978 d.186	10 N.J.R. 38(e)
19:50-1.1 et seq.	Casino hotel alcoholic beverage control	R.1978 d.13	10 N.J.R. 81(d)
19:50-1.6(w)	Amendments on casino alcoholic beverage control	R.1978 d.173	10 N.J.R. 37(e)
19:51-1.1 et seq.	Rules on casino advertising	R.1978 d.14	10 N.J.R. 82(a)
19:52-1.1 et seq.	Rules on casino entertainment	R.1978 d.15	10 N.J.R. 82(b)
19:53-1.1 et seq.	Rules on casino equal employment opportunities	R.1978 d.16	10 N.J.R. 83(a)
19:53-1.4, 1.5	Amendments on casino equal employment opportunity	R.1978 d.172	10 N.J.R. 37(d)
19:54-1.1 et seq.	Casino gross revenues tax	R.1978 d.174	10 N.J.R. 37(f)

(Rules in the Code for Title 19 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

(a)

## LABOR AND INDUSTRY

### THE COMMISSIONER

#### ECONOMIC DEVELOPMENT AUTHORITY

##### Proposed Rule on Confidentiality of Certain Financial and Commercial Records

John J. Horn, Commissioner of Labor and Industry and Chairman of the Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-1 et seq. and executive order number 9 of 1963, proposes to adopt a new rule, to be cited as N.J.A.C. 19:30-2.3, concerning the confidentiality of certain financial and commercial records.

Full text of the proposal follows:

##### 19:30-2.3 Confidentiality

(a) The following records of the Economic Development Authority, a body corporate and politic, in but not of the Department of Labor and Industry, shall not be deemed public records, copies of which may be purchased or reproduced under the provisions of N.J.S.A. 47:1A-1 et seq.:

1. All records containing commercial or financial information of the sort not customarily disclosed to the public and whose disclosure would be likely to:

- i. Result in placing the person submitting it at a substantial and unfair competitive disadvantage; or
- ii. Be likely to affect the authority's ability to obtain similar information in connection with future loans or loan guarantee applications.

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 26, 1978, to:

Robert S. Powell Jr., Executive Director  
Economic Development Authority  
Labor and Industry Building  
Post Office Box 1446  
Trenton, New Jersey 08625

John J. Horn, Commissioner of Labor and Industry, may thereafter adopt this rule without further notice.

John J. Horn  
Commissioner of Labor and Industry  
Department of Labor and Industry

(b)

## LAW AND PUBLIC SAFETY

### RACING COMMISSION

##### Amendments on Jockey Payments for Dead Heats in Thoroughbred Racing

On February 21, 1978, John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:70-9.19 and 13:70-25.5 concerning jockey payments for dead heats in thoroughbred racing, as proposed in the Notice published November 10, 1977, at 9 N.J.R. 540(a).

An order adopting these amendments was filed and became effective on April 19, 1978, as R.1978 d.132.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF PSYCHOLOGICAL EXAMINERS

##### Amendments on Fees

On March 13, 1978, Leonard Roth, Secretary of the Board of Psychological Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-3.2, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:42-1.2 concerning fees, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 70(b).

An order adopting these amendments was filed and became effective on June 9, 1978, as R.1978 d.192.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

##### Rules on New Fee Schedule

On March 2, 1978, Morris Berkowitz, President of the Board of Professional Engineers and Land Surveyors in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:8-27 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:40-6.1, concerning the fee schedule, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 71(a).

An order adopting these rules was filed and became effective on June 9, 1978, as R.1978 d.193.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## ENERGY

### DIVISION OF ENERGY PLANNING AND CONSERVATION

##### Proposed Rules on Technical Sufficiency Standards For Solar Heating and Cooling Systems

Charles A. Richman, Director of the Division of Energy Planning and Conservation in the Department of Energy, pursuant to authority of P.L. 1977, c. 256, proposes to adopt

new rules concerning technical sufficiency standards for solar heating and cooling systems. Such rules, if adopted, will be cited as N.J.A.C. 14A:4-1.1 et seq.

The proposed rules are designed to provide technical standards for solar systems to qualify for a property tax exemption. The proposed rules concern general provisions, eligibility criteria and solar system standards.

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

Dennis O'Malley  
Administrator, Office of Alternate Technology  
Department of Energy  
101 Commerce Street  
Newark, N.J. 07102

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Steven J. Pecco  
Assistant Commissioner  
Department of Energy  
101 Commerce Street  
Newark, N.J. 07102

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

Charles A. Richman  
Director, Division of Energy Planning  
and Conservation  
Department of Energy

### (a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rule on Traffic and Parking Regulations on NJDOT Property

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-208, proposes to adopt a new rule concerning traffic control and parking at the Metro Park Train Station.

Full text of the proposal follows:

#### SUBCHAPTER 16. TRAFFIC AND PARKING REGULATIONS ON NJDOT PROPERTY

##### 16:28-16.1 Metro Park train station

(a) The following rules and regulations are adopted pursuant to N.J.S.A. 39:4-208 of the revised statutes for the control of traffic and parking on Department of Transportation property (Metro Park train station) in the Township of Woodbridge, Middlesex County:

1. The operator of a vehicle shall not stop or stand the vehicle in the driveways or roadways marked with signs or any of the parking areas so as to interfere with the free and orderly movement of vehicles entering or leaving the areas.

2. The operator of a vehicle will not park any time along the curbing fronting the railroad station and exiting platform.

3. The operator of a vehicle will park said vehicle in a proper manner in the spaces marked by white lines and they shall not park the vehicle in any other space not so marked.

4. The two driveways in the Metro Park train station beginning at the Middlesex-Essex Turnpike are hereby

designated as through streets and the existing stop signs shall remain as installed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Frank Bara  
Administrative Practice Officer  
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 Amendment on No Right Turns Along Portions of Route 49

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.27, proposes to amend N.J.A.C. 16:28-12.37, concerning the prohibition of right turns on portions of Route 49.

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

16:28-12.37(a)15. **West on Route 49 to North on Route 45.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Frank Bara  
Administrative Practice Officer  
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

### (c)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Rules on Speed Limits on Various State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt new rules concerning speed limits on various State highways.

Full text of the proposal follows:

16:28-1.173 Route U.S. 9 in Galloway Township, Atlantic County

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

16:28-1.174 Route 140 in Salem County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route 140 (Plant Street) described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

- 1. Carneys Point Township: 40 mph.

16:28-1.175 Route U.S. 30 in portions of Camden County

In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for the certain part of State Highway Route U.S. 30 under Regulation LS-68-11 items (1) (2) and (3), are hereby amended by revising the speed limits to effect a 45 mph limit within the corporate limits of the City of Camden and that section in Pennsauken Township, between the City of Camden-Pennsauken Township line (milepost 56.1) and the Route U.S. 130 and Route 38 traffic circle (milepost 55.5).

16:28-1.176 Route 44 in Gloucester County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route 44 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

	Mileposts
1. Logan Township:	
i. Zone 1: 50 mph within corporate limits:	0.0 to 2.5
2. Greenwich Township:	
i. 50 mph between Logan Township Line and Willow Drive:	2.5 to 3.4;
ii. Zone 2: 35 mph between Willow Drive and Casperson Street except,	3.4 to 4.5;
(1) School zone: 25 mph in the Gibbstown elementary school zone, during recess or while children are going to or leaving school, during opening or closing hours.	
iii. Zone 3: 45 mph between Casperson Street and Swedesboro-Billingsport Road:	4.5 to 5.6.
3. Greenwich Township and Paulsboro Borough:	
i. Zone 4: 35 mph between Swedesboro-Billingsport Road and Berkley Road:	5.6 to 5.7.
4. Paulsboro Borough:	
i. 35 mph between Berkley Road and West Deptford Township line:	5.7 to 6.6.
5. West Deptford Township:	
i. Zone 5: 50 mph between the Borough of Paulsboro-West Deptford Township line and 900 feet south of Church Street:	6.6 to 8.9;
ii. Zone 6: 40 mph between 900 feet south of Church Street and Salem Avenue:	8.9 to 9.4;
iii. Zone 7: 45 mph between Salem Avenue and Route U.S. 130:	9.4 to 9.9.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Frank Bara  
Administrative Practice Officer  
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 Rules on No-Passing Zones Along Various State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to adopt new rules concerning no passing zones along portions of various State highways.

Full text of the proposal follows:

16:28-15.3 Route 67 in the Borough of Fort Lee, Bergen County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 67 described in drawing #HNPZ-021 dated December 8, 1977, shall be and hereby are designated and established as "no passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.4 Route 63 in the Borough of Fort Lee, Bergen County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 63 described in drawing #HNPZ-020 dated December 8, 1977, shall be and hereby are designated and established as "no passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

216:28-15.5 Route 5 in Ridgefield Borough, Palisades Park Borough, Fort Lee Borough, Edgewater Borough, in Bergen County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 5 described in drawing #HNPZ-022 dated December 8, 1977, shall be and hereby are designated and established as "no passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.6 Route 94 from Warren County-Sussex County line to N.J.-N.Y. State line in Fredon Township, Town of Newton, Hampton Township, Lafayette Township, Sparta Township, Hardyston Township, Hamburg Borough, Vernon Township in Sussex County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 94 described in drawing #HNPZ-009 dated March 11, 1977, shall be and hereby are designated and established as "no passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Frank Bara  
Administrative Practice Officer  
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 on Restricted Parking On Various State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to delete the current text of N.J.A.C. 16:28-3.108 and adopt new text therein, plus three new rules concerning restricted parking on portions of various State highways.

Full text of the proposal follows:

16:28-3.108 Route 28 in the Borough of Roselle Park, Union County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 28 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along the westbound side of Route 28 (1) from a point 145 feet east of the easterly curb line of Chiego Place (Coolidge Place) to a point 180 feet west of the westerly curb line of Chiego Place (Coolidge Place).

ii. Along the eastbound side of Route 28:

(1) From the Cranford Township-Roselle Park Borough corporate line to a point 135 feet east of the prolongation of the easterly curb line of Jerome Street;

(2) From a point 120 feet east of the easterly curb line of Walnut Street to a point 192 feet east of the easterly curb line of Walnut Street;

(3) From the prolongation of the easterly curb line of Berwyn Street to a point 130 feet west of the prolongation of the easterly curb line of Berwyn Street.

16:28-3.169 Route U.S. 40 in Buena Borough, Atlantic County

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

1. No stopping or standing:

i. Along the southerly (eastbound) side of Route U.S. 40 from a point 306 feet east of the easterly curb line of Arbor Avenue to a point 70 feet easterly therefrom.

ii. Along the northerly (westbound) side of Route U.S. 40 from a point 100 feet east of the easterly curb line of South Boulevard to a point 155 feet west of the westerly curb line of North Boulevard.

16:28-3.170 Route U.S. 9 in the Township of Middle, Cape May County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route U.S. 9 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along both sides of Route U.S. 9:

(1) From the northerly curb line of Pacific Avenue to a point 100 feet north therefrom;

(2) From the southerly curb line of Romney Place to the southerly curb line of Orbit Drive;

(3) From a point 150 feet south to the southerly curb line of Brooks Avenue to a point 450 feet north of the northerly curb line of Brooks Avenue.

ii. Along the easterly side (northbound) of Route U.S. 9:

(1) From the southerly curb line of Colonial Avenue to a point 100 feet southerly therefrom;

(2) From the northerly curb line of Colonial Avenue to a point 100 feet northerly therefrom.

16:28-3.171 Route 27 in the Borough of Roselle, Union County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 27 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing between the hours of 6:00 A.M. to 12:00 Midnight along the westerly curb line of Route 27 (southbound) beginning at a point 260 feet north of the northerly curb line of Highland Parkway to a point 260 feet northerly therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Frank Bara  
Administrative Practice Officer  
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 on No-Passing Zones Along Various State Highways

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1, proposes to adopt new rules concerning the establishment of no-passing zones along portions of Routes U.S. 206 and 12.

Full text of the proposal follows:

16:28-15.7 Route U.S. 206 from Mercer County-Somerset County line to Somerset County-Morris County line, in Montgomery Township, Hillsboro Township, Somerville Borough, Bridgewater Township, Bedminster Township, Peapack-Gladstone Borough, in Somerset County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route U.S. 206 described in drawing #HNPZ-004 dated November 23, 1976, shall be and hereby are designated and established as "no passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.8 Route U.S. 206 from Somerset-Morris County line to I-80-206-N.J. 183 interchange, in Chester Township, Chester Borough, Mount Olive Township, Roxbury Township, in Morris County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route U.S. 206 described in drawing #HNPZ-005, dated November 23, 1976, shall be and hereby are designated and established as "no passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:28-15.9 Route U.S. 206 from I-80 - N.J. 183-U.S. 206 N.B. interchange to Delaware Road-Montague River-Old Mine Road, in Byram Township, Andover Borough, Andover Township, Newton, Town of Hampton Township, Frankford Township, Branchville Borough, Sandyston Township, Montague Township, in Sussex County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route U.S. 206 described in drawing #HNPZ-006 dated January 7, 1977, shall be and hereby are designated and established as "no parking" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

16:282-15.10 Route 12 from Little Nishisekewick Creek Bridge to South Main Street-Reaville Avenue Circle in Frenchtown Borough, Kingwood Township, Franklin Township, Delaware Township, Raritan Township, Flemington Borough, in Hunterdon County

(a) In accordance with the provisions of N.J.S.A. 39:4-201.1, the certain parts of State Highway Route 12 described in drawing #HNPZ-007 dated January 18, 1977, shall be and hereby are designated and established as "no passing" zones.

(b) Any regulation or part of regulation inconsistent with this regulation is hereby repealed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Frank Bara  
Administrative Practice Officer  
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 TAXATION**

#### **Proposed Rule on Taxable Status of Federal Securities Regarding Gross Income Tax**

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to the authority of N.J.S.A. 54A:1-1 et seq., proposes to adopt a new rule concerning the taxable status of Federal securities regarding the Gross Income Tax Act of New Jersey.

Full text of the proposal follows:

#### **18:35-1.9 Taxable status of Federal securities**

(a) Gross income shall not include interest on obligations:

1. Issued by or on behalf of New Jersey or any county, municipality, school or other district, agency, authority,

commission, instrumentality, public corporation (including one created or existing pursuant to agreement or compact with this or any other state), body corporate and politic or political subdivision of New Jersey; or

2. Those obligations which are statutorily free from State or local taxation under any act of New Jersey or under the laws of the United States.

(b) The term "net gains or income" shall not include gains or income derived from obligations whose interest is exempt from tax under paragraph 1. of this subsection. Losses from sales of such exempt securities shall not be taken into account in the computation of gains from disposition of property. A list of various securities follows, together with an indication of whether the interest and the gains there from are taxable or exempt:

#### **1. Federal securities:**

Security	Interest
i. Asian Development Bank	T
ii. Bank for Cooperatives	E
iii. Environmental Financing Authority	T
iv. Export-Import Bank of the United States ("Eximbank"):	
(1) Series 1978 - B debentures	E
(2) Participation certificates (reversal of Counsel opinion dated 8/29/67)	T
v. Federal Deposit Insurance Corporation obligations	E
vi. Federal Housing Authority (F.H.A.)	E
vii. Farmers Home Administration	E
viii. Federal Financing Bank	E
ix. Federal Home Loan Bank	E
x. Federal Home Loan Mortgage Corp.	T
xi. Federal Intermediate Credit Banks	E
xii. Federal Land Banks	E
xiii. Federal National Mortgage Association (Fannie Mae):	
(1) Interest on bonds and debentures	T
(2) Guaranteed Participation Certificates	T
xiv. Federal Savings and Loan Insurance Corporation obligations	E
xv. General Services Administration	E
xvi. Government National Mortgage Assn. (Ginnie Mae)	T
xvii. Guam	E
xviii. H.U.D./New Communities	E
xix. H.U.D. Public Housing Notes and Bonds (Taxfree in State of issuance. (In state of issuance) E	
(1) If issued in the District of Columbia, Puerto Rico, the Virgin Islands, they are exempt from all State tax.)	
(If issued in other states)	T
xx. Inter-American Development Bank Bonds	T
xxi. International Monetary Fund and Bank for Reconstruction and Development (World Bank)	T
xxii. Jonathan Development Corp. (Obligations guaranteed under New Communities Act of 1968)	T
xxiii. Merchant Marine	E
xxiv. Panama Canal Zone Bonds specifically exempt from tax by 31 USC 744 and 745	E
xxv. Production Credit Associations	E
xxvi. Puerto Rico Water Resources - 4.2 per cent bonds due 1/1/89 - Interest on Bonds	E
xxvii. Puerto Rico	E
xxviii. R.F.K. Stadium Bonds	T

xxix. Small Business Administration	E
xxx. Student Loan Marketing Association	E
xxxi. Tennessee Valley Authority	E
xxxii. U.S. Postal Service	E
xxxiii. U.S. Treasury	E
xxxiv. U.S. Treasury Bills	E
xxxv. USAVE Certificates - Farmers Home Administration Insured Loan Notes	Partially
xxxvi. Virgin Islands	E
xxxvii. Washington Metropolitan Area Transit Authority Bonds	T

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
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 TAXATION

#### Proposed Rules on Solar Energy Devices And Systems Regarding Sales and Use Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to the authority of N.J.S.A. 54:32B-1, et seq., proposes to adopt rules regarding the exemption from sales and use taxation of solar energy devices or systems designed to provide heating or cooling, or electrical or mechanical power.

Full text of the proposal follows:

#### SUBCHAPTER 26. SOLAR ENERGY DEVICES OR SYSTEMS

##### 18:24-26.1 Scope of subchapter

This subchapter is intended to clarify the application of the Sales and Use Tax Act (N.J.S.A. 54:32B-1, et seq.) to the purchase, rental, lease or use of solar energy devices or systems designed to provide heating or cooling or electrical or mechanical power by collecting and transferring solar-generated energy and including mechanical or chemical devices for storage of solar-generated energy.

##### 18:24-26.2 Technical sufficiency standards of solar energy systems, devices for storing solar-generated energy

The technical sufficiency standards of solar energy systems, devices for storing solar-generated energy as established and promulgated under N.J.A.C. 14A:5.1 et seq. by the Director of the Division of Energy Planning and Conservation in the Department of Energy shall be used to determine eligibility for exemption from sales and use tax of such solar energy systems.

##### 18:24-26.3 Exemption effective on or after July 1, 1978

(a) Delivery in New Jersey on or after July 1, 1978 shall be the criterion for determining the right to exemption from tax.

(b) Where a written agreement has been entered into for the purchase of solar energy heating or cooling systems, or mechanical or chemical devices for storing solar-generated energy, the date of delivery shall determine the right to exemption from tax. For example, a written agreement is entered into on May 1, 1978, for the purchase of a solar energy heating or cooling system. The system is delivered at the purchaser's location in New Jersey on July 2, 1978. Since delivery is made on or after July 1, 1978, the receipts from the sale of the equipment are not subject to tax.

(c) In cases of partial delivery of heating or cooling systems made to the purchaser's location in New Jersey prior to July 1, 1978, and delivery of the remainder is made on or after July 1, 1978, the exemption will apply, provided, however, that the partly delivered system is not capable of operation prior to July 1, 1978.

##### 18:24-26.4 Procedure for exemption

For purposes of exemption from tax the purchaser of a solar energy device or system shall issue to the vendor an exempt use certificate (form ST-4). The certificate should indicate on its face that the purchase qualifies for exemption under the technical sufficiency standards of a solar energy system. (See section 2 of these rules.) The purchaser must insert the address of the property upon which the solar energy device or system will be installed. In those cases where the purchaser is not registered with the Division of Taxation a certificate of authority number is not required. However, for purposes of verification either a federal identification number or social security number is to be furnished.

##### 18:24-26.5 Nonexempt purchases

The exemption from tax will not apply to those devices or systems for heating or cooling, electrical or mechanical power that would be required regardless of the energy source being utilized.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
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

(b)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning Transfer Inheritance Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 et seq., proposes to amend a portion of the rules concerning the transfer inheritance tax.

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

18:26-11.8 [Checking] Transfers to savings accounts [transfers] without a waiver

(a) Funds of a decedent on deposit in a checking account in any bank may be transferred to an interest bearing account in the same bank in the name of the decedent or his estate without obtaining a waiver. [; however, such transfer requires that the banking institution promptly file a notice with the Transfer Inheritance Tax Bureau, Trenton, New Jersey, containing the following information:

1. Decedent's name;
2. Date of death and domicile;
3. Name and address of executor or administrator of estate; and
4. The account number sought to be transferred and the balance on deposit as of the date of death.]

(b) [In any event, the bank is required to retain the name control over the substituted account as the original account until the New Jersey inheritance tax is provided for and paid.] Funds of a decedent on deposit in an Individual Retirement Account (IRA) and/or Keogh retirement plan account may be transferred to another account in the same bank without obtaining a waiver.

(c) Any certificate of deposit or any type of a preferred account containing funds of a decedent may be transferred to another account in the same bank without obtaining a waiver.

(d) The transfers permitted above are subject to the requirement that the banking institution promptly file a notice with the Transfer Inheritance Tax Bureau, Trenton, New Jersey, containing the following information:

1. Decedent's name;
2. Date of death and domicile;
3. Name and address of executor or administrator of estate;
4. The account number, or certificate number, sought to be transferred and the balance on deposit or the maturity value as of the date of death.

(e) In any event, the bank is required to retain the same control over the substituted account as the original account until the New Jersey inheritance tax is provided for and paid.

18:26-11.23 Inventory of safe deposit box by district supervisor

(a) The inventory of the contents of a safe deposit box must be made by the district supervisor or other representative of the Transfer Inheritance Tax Bureau operating in the district where the box is located in the presence of a proper representative of the decedent's estate. Following the completion of the inventory, a release of the box is delivered by the district supervisor to the bank, unless the contents include currency or negotiable securities, not necessitating waivers. In instances of that nature the district supervisor shall exercise his judgment as to whether or not the box must be resealed pending the completion of the inheritance tax proceeding or the establishment of security for payment of the transfer inheritance tax liability.

(b) In the event a safe deposit box rented in the name of a decedent, individually, or as a joint renter, has been sealed pending inventory and release as set forth in subsection (a) of this section, and the safe deposit box is not inventoried after the expiration of a period of six months from the date of sealing, notice of non-inventory of the safe deposit box shall be filed by the renter institution with the bureau within 10 days after the expiration of said six-month period.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Jack Silverstein  
Chief Tax Counselor  
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 TAXATION

#### Proposed Amendments on Tax Abatement on Added Assessments

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to the authority of N.J.S.A. 54:50-1 et seq., proposes to adopt amendments to the rules concerning tax abatement on added assessments.

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

#### SUBCHAPTER 6. ALLOWANCE OF HOME IMPROVEMENT EXEMPTION

##### 18:12-6.1 Definitions

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

"Act" means P.L. 1975, c. 104 and all amendments and supplements thereto.

"Application" means a written request for the exemption filed with the local tax assessor on forms devised by the Director of the Division of Taxation.

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

"Assessors full and true value of home improvements" means that portion of any increased assessed value of real property which directly resulted from improvements made thereon.

"Board" means the Board of Property Tax Abatement Appeals established within the department to hear matters arising out of [P.L. 1975, C. 104] the Act.

"Completion" means substantially ready for the use for which it was intended.

"Department" means the Department of Community Affairs.

"Dwelling" means any building or part of a building used, to be used or held for use, as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof.

"Exemption" means that amount to be deducted from the "assessor's full and true value of home improvements".

"Home improvement" means the improvement of a dwelling which does not change its permitted use, and shall include the modernization, rehabilitation, renovation, alteration or repair of a dwelling.

"Qualified municipality" means any municipality in which residential neighborhoods have been declared by the

county planning board or the Commissioner of the Department of Community Affairs to be [endangered by blight] in need of rehabilitation pursuant to section 3 of the act.

#### 18:12-6.2 Board of Property Tax Abatement Appeals; membership

(a) There is hereby established a Board of Property Tax Abatement Appeals within the department for the purposes of hearing matters arising out of [P.L. 1975, c. 104, section 3] the Act.

(b) The board shall consist of three members of the department to be appointed by the commissioner as follows:

1. An assistant commissioner or division director acting as chairman; and
2. Two members of the department who shall not be either an assistant commissioner or division director.

#### 18:12-6.3 Municipalities and counties; petition

(a) A municipality seeking qualified municipality status pursuant to [P.L. 1975, c. 104] the Act, shall be given an opportunity to present written or oral testimony before the board and may be represented by its counsel or other duly authorized officer.

(b) The petition shall contain such information as was presented to the county and any further new information not previously available. Any new information shall be so identified and made available to the county. The county may petition the department to stay its proceedings pending a re-evaluation of the matter based on the new evidence.

(c) The county wherein the municipality is located shall in all cases be notified of the pending action and given an opportunity to appear and present evidence to rebut the municipal contention of eligibility for qualified municipality status.

#### 18:12-6.4 Rules and procedures

(a) General rules and procedures include the following:

1. The board shall schedule hearings within 30 days of the receipt of a completed application therefore, and shall submit its recommendation within 15 days of such hearing to the commissioner.

2. The board may stay its proceedings if it determines that the county planning board from which the appeal is taken is still legitimately considering the matter. Such stay may be undertaken by the board on its own initiative or upon the request of the county planning board. The board shall notify the municipality of such stay and the reasons therefore.

(b) Decisions of the board shall be by a vote of the majority. All members shall be present during the proceedings of the board and for the purpose of voting.

(c) Hearings of the board shall be conducted by the chairman and shall be informal to the extent possible. The board shall not be bound by strict rules of evidence or procedure, and may from time-to-time develop further rules for its internal governance.

(d) The board is empowered to call witnesses, assemble data on its own initiative or require that parties to the appeal provide such data, and carry out such other and further discovery procedures as will enable it to perform its functions under [P.L. 1975, c. 104] the Act.

(e) Decisions of the board shall be in writing prepared by the chairman. The text of the decision shall fully explain the board's position. Any dissenting opinion may be attached.

(f) The commissioner may adopt, modify or reject the decision of the board and may, where appropriate, return the case to the board for further consideration and review. Unless returning the case for further consideration

and review, the commissioner shall act upon the board's recommendation within 15 days of receipt thereof.

(g) Decisions of the board as adopted or modified by the commissioner shall be forwarded to the mayor of the petitioning municipality and to the chief officer of the county planning board.

#### 18:12-6.5 Eligible real property

(a) Real property must meet the following qualifications in order to gain the exemption:

1. It must be located in an area of municipality designated to be [endangered by "blight"] in need of rehabilitation as determined by the county planning board or the Commissioner of the Department of Community Affairs.

2. It must contain a building or buildings which were constructed more than 20 years prior to the time of application for the exemption and is used or being held for use, in whole or part, as a home or residential dwelling, which is a constituent part of the real property.

(b) This application must be filed with the assessor within 30 days, including Saturdays and Sundays, following the completion of the improvements. Owners in qualified municipalities are entitled to apply for and receive the benefits afforded by [P.L. 1975, c. 104] the Act upon adoption of an implementing municipal ordinance in conformity with the requirements of the Act.

#### 18:12-6.6 Application procedure

(a) The following conditions shall apply to all claims for the exemption at the time of application:

1. Claims for the exemption shall be in writing upon forms prescribed by the Director of Taxation and must be filed with the local tax assessor within 30 days following completion of the home improvement.

2. Each taxing district subject to the provisions of this act is required to provide copies of the prescribed application form for the use of claimants. Taxing districts which require applications for exemption forms may obtain them from one of the companies which specialize in supplying forms for municipal use. Each such taxing district subject to the provisions of the act shall include with a residential property owner's annual tax bill a copy of the notice provided to it by the Department of Community Affairs in accordance with the Act. For municipalities adopting an ordinance after November 4, 1977 such mailing shall be made within one year of the adoption of an ordinance. For municipalities who have adopted an ordinance prior to November 4, 1977, such mailing must be made prior to November 4, 1978. In either case such notice shall be required on a one-time basis only.

3. When required by the assessor, claimants for the exemption must submit such data in support of their claim as he might request.

4. Additional claims for the exemption may be submitted and approved with regard to dwellings with respect to which a previous home improvement exemption was granted in an amount less than \$4,000 or \$10,000 as the case may be provided, however, the total deduction for any dwelling unit shall not be in excess of the maximum [of \$4,000] annual allowance provided by ordinance.

#### 18:12-6.7 Procedures upon allowance of exemption

(a) The following procedures shall apply upon allowance of exemption:

1. Every application for exemption of one or more improvements which qualify shall be approved and allowed by the assessor, but in no case may the exemption exceed the maximum [of \$4,000] per dwelling unit.

2. Claim for the exemption, once filed on the prescribed form and allowed by the assessor, shall continue in force for a period of five years following January 1 of the year in which the exemption was allowed.

3. The law required that the granting of any exemption pursuant to [P.L. 1975, c. 104] the Act shall be recorded and made a permanent part of the official tax record. (See: section 7.) Accordingly, the assessor shall designate the exemption by the symbol "H" under "Specific exemptions" on the real property tax list and reflect it in column 7 on the said list.

4. The law provides that in applying the exemption the assessor may regard the improvements ". . . as not increasing the value of such property for a period of five years and notwithstanding that the value of the dwelling to which such improvements are made is increased thereby. . . ." Accordingly, the provisions of N.J.S. 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.

5. The law provides that every application for exemption of one or more improvements which qualify as improvements shall be approved and allowed by the assessor. Where application for exemption is made, however with respect to improvement or improvements which do not qualify, the assessor should notify claimant of the disallowance of the claim in writing upon form H.I.E.-2 within 20 days after disallowance and properly note thereon the specific reasons for the disallowance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Jack Silverstein  
Chief Tax Counselor  
Division of Taxation  
West State and Willow Sts.  
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**

**JUDICIAL RETIREMENT SYSTEM  
STATE HOUSE COMMISSION**

**Proposed Amendments and Rescission of Rules  
Concerning Computation of Benefits**

William J. Joseph, Secretary of the Judicial Retirement System, State House Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq., proposes to amend N.J.A.C. 17:10-1.9 and 17:10-3.1 and rescind N.J.A.C. 17:10-5.12 and 17:10-5.14, concerning the computation of benefits.

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

17:10-1.9 Judges; biweekly salaries

(a) [Retirement and death benefits as well as] [s]Service credit will be determined on the basis of biweekly pay periods for judges paid by centralized payroll.

(b) In the event a judge is reported on a combination of monthly and biweekly pay periods, [his final salary as well as] his service credit will be computed on proportional basis.

17:10-3.1 Computation of benefits

[(a) Full salary credit will be given for the month or biweekly pay period in which a member dies, if he was paid salary to date of death.

(b) Death benefits shall be based on the base salary paid during the 12 months of 26 biweekly pay periods immediately preceding the member's death. The salary, in the month or biweekly pay period in which no salary was paid, shall be counted as zero.]

[(c)] (a) If a member dies during the first year following his date of enrollment, the insurance benefit shall be 1½ times the [compensation paid.] salary he received at the time of death multiplied by the number of biweekly pay periods or months since his enrollment.

[(d)] (b) Where a post audit of insurance claim payments indicates that the salary reported by an employer was incorrect and resulted in the overpayment of an insurance claim to a member's designated beneficiary or estate, the employer will be billed for the value of the overpayment of insurance benefits. Where post audits establish the insurance benefits were underpaid, an additional check would be sent to the beneficiary for the value of the underpayment.

[(e) In computing the final salary for a member reported on a biweekly basis, a total of 26 biweekly pays will be used including any retroactive salary payments made within the prescribed period. The total salary will be adjusted by multiplying the total by the factors supplied by the actuary at the beginning of each fiscal year; such adjustment will compensate for State biweekly payroll schedules.

(f) If a member was reported on a biweekly basis on any combination of 10 and 12-month contract years, the last year's salary prior to death or retirement shall be determined on a proportional basis. The biweekly pay periods for which no salary was received shall be counted as zero.

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

17:10-5.12 [Final salary; biweekly salary computation for judges paid by centralized payroll] (Reserved)

[(a) In computing final salary in the case of a member reported on a biweekly basis, a total of 26 biweekly pays will be used including any retroactive salary payments made within the prescribed period. The total salary will be adjusted by factors supplied by the actuary at the beginning of each fiscal year; such adjustment will compensate for State biweekly payroll schedules.

(b) If a member was reported on a biweekly basis on any combination of 10 and 12-month contract years, the last year's salary prior to death or retirement shall be determined on a proportional basis. The biweekly pay periods for which no salary was received shall be counted as zero.]

17:10-5.14 [Final salary; members paid by counties] (Reserved)

[(a) In order to determine the final salary for benefits on a one-year average:

1. Member reported by a county, use the creditable salaries paid to the member during his final 12 months of service.

2. If a member was reported on the basis of any combination of 10 and 12-month contract years, the final average compensation shall be determined on a proportional basis.

3. The months for which no salary was received shall be counted as zero.]

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 26, 1978, to:

William J. Joseph, Secretary  
Judicial Retirement System  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

The Judicial Retirement System, State House Commission may thereafter adopt rules concerning this subject without further notice.

William J. Joseph, Secretary  
Judicial Retirement System  
Division of Pensions  
Department of the Treasury

(a)

## TREASURY

### LOTTERY COMMISSION

#### Adopt Rules on Pick-Four Lottery

On May 25, 1978, Gloria A. Decker, Executive Director of the Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning the Pick-Four Lottery, as proposed in the Notice published May 4, 1978, at 10 N.J.R. 207(b).

Take notice that, these new rules are to be cited as N.J.A.C. 17:21-12.1 et seq. rather than N.J.A.C. 17:12-1.1 et seq. as was incorrectly stated in the Notice of Proposal.

An order adopting these rules was filed and became effective on May 26, 1978, as R.1978 d. 179.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### INVESTMENT COUNCIL

#### Amendments Concerning Classification of Funds

On May 6, 1978, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:16-5.4 and 17:16-5.5 concerning the classification of funds.

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

#### 17:16-5.4 Demand group

(a) The demand group shall include:

1. Emergency Services Fund;
2. Escheat Reserve Fund - Unclaimed Bank Deposits;
3. Escheat Reserve Fund - Unclaimed Domestic Life Insurance Reserve Fund;
4. [3.] Higher Education Assistance Fund;

5. [4.] Motor Vehicle Liability Security Fund;
6. [5.] Motor Vehicle Security Responsibility Fund;
7. [6.] New Jersey Insurance Development Fund;
8. [7.] New Jersey Spill Compensation Fund;
9. [8.] Outstanding Checks Account;
10. [9.] Real Estate Guaranty Fund;
11. [10.] State Disability Benefits Fund;
12. [11.] Unclaimed Personal Property Trust Fund;
13. [12.] Unemployment Compensation Auxiliary Fund;
14. [13.] Unsatisfied Claim and Judgment Fund;
15. [14.] Workmen's Compensation Security Fund - Mutual;
16. [15.] Workmen's Compensation Security Fund - Stock.

#### 17:16-5.5 Temporary reserve group

(a) The temporary reserve group shall include:

1. Clean Waters Fund;
2. College of Medicine and Dentistry of New Jersey—Self Insurance Reserve Fund 110;
3. General Investment Fund;
4. General Revenue Sharing Fund;
5. General Trust Funds;
6. Higher Education Buildings Construction Fund (Act of 1971);
7. Housing Assistance Fund;
8. Institutions Construction Fund;
9. Mortgage Assistance Fund;
10. New Jersey Educational Facilities Authority;
11. New Jersey Housing Finance Agency;
12. New Jersey State Area Redevelopment Fund;
13. [12.] Pension Increase Fund;
14. [13.] Public Buildings Construction Fund;
15. [14.] School Building Aid - Capital Reserve Fund;
16. Special Railroad Deposits Trust Fund;
17. [15.] State Facilities for Handicapped Fund;
18. [16.] State Health Benefits Fund;
19. [17.] State Lottery Fund - Investment;
20. [18.] State of New Jersey - Alternate Benefit Program;
21. [19.] State 1964 Institution Construction Fund;
22. [20.] State Recreation and Conservation Land Acquisition Fund;
23. [21.] State Recreation and Conservation Land Acquisition Fund (Act of 1971);
24. [22.] State Recreation and Conservation Land Acquisition and Development Fund;
25. [23.] State Transportation Fund;
26. [24.] State Water Development Fund;
27. [25.] Transportation Benefit Fund;
28. [26.] Transportation Fund;
29. [27.] Veterans' Loan Guaranty and Insurance Fund (Veterans' Guaranteed Loan Fund);
30. [28.] Water Conservation Fund.

An order adopting these amendments was filed and became effective on May 26, 1978, as R.1978 d.180 (Ex-empt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### STATE TREASURER

#### Amendments on Affirmative Action Requirements for Public Contracts

On May 30, 1978, Clifford A. Goldman, State Treasurer, pursuant to authority of P.L. 1975, c. 127, and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:24-4.3, 17:24-7.4 and 17:27-13.2 concerning affirmative action requirements for public contracts, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 209(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 June 2, 1978, as R.1978 d.185.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### STATE HOUSE COMMISSION

#### JUDICIAL RETIREMENT SYSTEM

#### Amendments to Rules on Judicial Retirement System

On May 18, 1978, William J. Joseph, Secretary of the Judicial Retirement System in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:10-3.1, 17:10-4.1, 17:10-5.10 and 17:10-5.12 concerning the judicial retirement system, as proposed in the Notice published August 4, 1977, at 9 N.J.R. 387(a).

An order adopting these amendments was filed and became effective on May 31, 1978, as R.1978 d.184.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF TAX APPEALS

#### Procedure Rule on Signing Formal Judgments

On June 1, 1978, Anthony M. Lario, presiding judge in the Division of Tax Appeals in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new, procedure rule concerning the signing of formal judgments.

Full text of the adoption follows:

17:18-1.79 Signing; formal judgments

(a) Regarding a matter under appeal which was the subject of a panel report, the formal judgment to be entered need not be signed by the majority of the judges but instead shall be signed by the presiding judge or a

judge so designated by him and attested to by the secretary or assistant secretary.

(b) Said judgment shall have the same legal effect as if signed by a majority of the judges.

An order adopting this rule was filed and became effective on June 14, 1978, as R.1978 d.195 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## (Other Agencies)

## CASINO CONTROL COMMISSION

#### Amendments on Equal Employment Opportunity

On May 25, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:53-1.4 and 19:53-1.5 concerning equal employment opportunity, as proposed in the Notice published May 4, 1978, at 10 N.J.R. 211(a).

An order adopting these amendments was filed and became effective on May 25, 1978, as R.1978 d.172.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## CASINO CONTROL COMMISSION

#### Amendments on Casino Hotel Alcoholic Beverage Control

On May 25, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:50-1.6(w) concerning the casino hotel alcoholic beverage control, as proposed in the Notice published May 4, 1978, at 10 N.J.R. 210(d).

An order adopting these amendments was filed and became effective on May 25, 1978, as R.1978 d.173.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(f)

## CASINO CONTROL COMMISSION

#### Rules on Gross Revenues Tax

On May 25, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:54-1.1 et seq., concerning the gross revenues tax, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 210(c), but with subsequent, substantive changes not detri-

mental to the public, in the opinion of the Casino Control Commission.

An order adopting this form was filed and became effective on May 25, 1978, as R.1978 d.174.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(a)**

## CASINO CONTROL COMMISSION

### Rules on Personal History Disclosure Form

On May 25, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted the personal history disclosure form Number 4, as proposed in the Notice published May 4, 1978, at 10 N.J.R. 210(b).

A note reflecting the adoption of this form will appear in N.J.A.C. 19:41-7.14.

An order adopting this form was filed and became effective on May 25, 1978, as R.1978 d.175.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

## CASINO CONTROL COMMISSION

### Amendments on Applications Procedures And Labor Organization Registration

On May 25, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 19:41-1.4, 19:41-3.4 and 19:21-12.1 et seq. concerning applications procedures and labor organization registration, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 211(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Casino Control Commission.

An order adopting these amendments was filed and became effective on May 25, 1978, as R.1978 d.176.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

## CASINO CONTROL COMMISSION

### Rules on Applications by Casino Licensees for Approval of Agreements

On May 25, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:41-11.1 et seq., concerning applications by casino licensees for approval of agreements, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 212(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Casino Control Commission.

An order adopting these rules was filed and became effective on May 25, 1978, as R.1978 d.177.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(d)**

## CASINO CONTROL COMMISSION

### Rules on Internal and Accounting Controls

On May 25, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:45-1.1 et seq., concerning internal and accounting controls, substantially as proposed in the Notice published May 4, 1978, at 10 N.J.R. 212(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Casino Control Commission.

An order adopting these rules was filed and became effective on May 25, 1978, as R.1978 d.178.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(e)**

## CASINO CONTROL COMMISSION

### Rules on Rules of Games

On May 25, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 19:47-1.1 et seq. concerning the rules of games, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 177(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Casino Control Commission.

An order adopting these rules was filed and became effective on June 2, 1978, as R.1978 d. 186.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(f)**

## CASINO CONTROL COMMISSION

### Rules on Gaming Equipment

On June 5, 1978, Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:46-1.1, through 19:46-1.20, concerning gaming equipment, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 4(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Casino Control Commission.

An order adopting these rules was filed and became effective on June 5, 1978, as R.1978 d.187.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

### General Plan EIA Guidelines

On June 7, 1978, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 19:3B-1.1 et seq., concerning the environmental/socio-economic impact guidelines for specially planned areas, substantially as proposed in the Notice published April 6, 1978, at 10 N.J.R. 177(c), with only inconsequential structural or language changes, in the opinion of the Hackensack Meadowlands Development Commission.

An order adopting these guidelines was filed and became effective on June 14, 1978, as R.1978 d.196.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HIGHWAY AUTHORITY GARDEN STATE PARKWAY

### Proposed Amendment of Regulations Governing Garden State Parkway

F. Joseph Carragher, Executive Director of the Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1, et seq., proposes to amend N.J.A.C. 19:8-1.1, concerning definitions, and N.J.A.C. 19:8-2.9, concerning loitering, of the authority's regulations governing use of the Garden State Parkway.

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

#### 19:8-1.1 Definitions

"Garden State Parkway" means the highway project known as the Garden State Parkway as defined and described in L. 1952, c. 16 and more particularly section 20 thereof, expressly including, but not limited to, all real property owned by or under the jurisdiction of the Authority and any improvements thereon.

...  
"Loitering" means remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and which also includes the colloquial expression "hanging around."  
...

19:8-2.9(b) [Loitering in or about the parkway for the purpose of "hitchhiking" or participating in a "car pool", or as part of a demonstration or protest, or for any other purpose, is prohibited.]

No person shall loiter on the parkway in such a manner as to:

1. Create or cause to be created a danger of a breach of the peace.
2. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
3. Obstruct the free passage of pedestrians or vehicles.

4. Obstruct, molest or interfere with any person lawfully on the parkway. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom, or in whose hearing, they are made.

Interested persons may present statements or arguments in writing relevant to the proposal on or before July 26, 1978, to:

F. Joseph Carragher, Executive Director  
Highway Authority  
Garden State Parkway  
Woodbridge, N.J. 07095

The Highway Authority may thereafter amend rules concerning the above subjects without further notice.

F. Joseph Carragher  
Executive Director  
Highway Authority

(c)

## INTERSTATE SANITATION COMMISSION

### Adopt Water Quality Regulations

On September 7, 1977, Natale Colosi, Chairman of the Interstate Sanitation Commission, pursuant to authority of the Tri-State Compact (N.J.S.A. 32:18-1 et seq.), adopted water quality regulations, which became effective on October 15, 1977.

Full text of the regulations follows:

#### WATER QUALITY REGULATIONS

Pursuant to the authority conferred upon the Interstate Sanitation Commission by the provisions variously denominated as article XVII or article VII.3 of the tri-state compact, the following classifications of waters of the Interstate Sanitation District and requirements therefor are in effect from and after October 15, 1977:

#### 1. General

1.01. All waters of the District (whether of Class A, Class B, or any subclass thereof) shall be of such quality and condition that they will be free from floating solids, settleable solids, oil, grease, sludge deposits, color or turbidity to the extent that none of the foregoing shall be noticeable in the water or deposited along the shore or on aquatic substrata in quantities detrimental to the natural biota; nor shall any of the foregoing be present in quantities that would render the waters in question unsuitable for use in accordance with their respective classifications.

1.02. No toxic or deleterious substances shall be present, either alone or in combination with other substances, in such concentrations as to be detrimental to fish or inhibit their natural migration or that will be offensive to humans or which would produce offensive tastes or odors or be unhealthful in biota used for human consumption.

1.03. No sewage or other polluting matters shall be discharged or permitted to flow into, or be placed in, or permitted to fall or move into the waters of the District, except in conformity with these regulations.

#### 2. Classification of Waters

2.01. There are two classes of waters within the Dis-

strict: Class A (waters suitable for recreation, shellfish culture and development of fishlife), and Class B (waters not suitable primarily for recreation, shellfish culture and development of fishlife). Class B shall be divided into two subclasses to be known respectively as "B-1" and "B-2". In addition to the general requirements set forth in Section 1 of these regulations, requirements for each class, subclass, and effluent are as set forth below.

2.02. Streams and other water bodies shall have a minimum dissolved oxygen content in accordance with their respective classifications as follows:

- A: 5 milligrams per liter
- B-1: 4 milligrams per liter
- B-2: 3 milligrams per liter

2.03. In addition to meeting the dissolved oxygen requirements set forth in section 2.02 hereof, waters shall in all respects be suitable for their best intended uses as follows:

A: Suitable for primary contact recreation; also suitable in designated areas for shellfish harvesting.

B-1: Suitable for fishing and secondary contact recreation.

B-2: Suitable for passage of anadromous fish and for the maintenance of fishlife in a manner consistent with the criteria established in sections 1.01 and 1.02 of these regulations.

2.04. As used in these regulations:

2.04(a). "Primary contact recreation" means recreational activity that involves significant ingestion risk, including but not limited to wading, swimming, diving, surfing and water skiing.

2.04(b). "Secondary contact recreation" means recreational activity in which the probability of significant contact with the water or water ingestion is minimal, including but not limited to boating, fishing and shoreline recreational activity involving limited contact with surface waters.

2.05. Effluents discharged or flowing into waters of any class shall meet the requirements provided herein. The effluent limitation values contained in subsection 2.05(b) are geometric means and in subsections 2.05(c) and (d) are arithmetic means. Industrial effluent limitation values are for process water volume. Any contaminants taken into the dischargers plant or process from the waters of the District shall not be charged against the effluent quality in computing the values for compliance with these regulations.

2.05(a). pH within the range from 6.0 to 9.0 may be required if the receiving waters are outside this range.

2.05(b). Fecal coliform content shall not exceed 200 per 100 ml on a 30-consecutive-day average; 400 per 100 ml on a 7-consecutive-day average; and 800 per 100 ml on a 6-consecutive-hour average but no sample may contain more than 2400 per 100 ml. These requirements apply when disinfection is required to protect the best intended uses of the waters in question. For example, in the case of discharge into waters used primarily for bathing, this bacterial standard need not be required except during the bathing season.

2.05(c). Biochemical oxygen demand shall not exceed 30 mg/1 on a 30-consecutive-day average, 45 mg/1 on a 7-consecutive-day average, and 50 mg/1 on a 6-consecutive-hour average. Further, all sewage or other polluting matter discharged or permitted to flow into waters of the District shall first have been so treated as to effect a reduction in the oxygen demand of the effluent sufficient to maintain the dissolved oxygen content in the waters of the District and in the general vicinity of the point

of discharge of the sewage or other polluting matter into those waters, at a depth of about five feet below the surface, of not less than the dissolved oxygen concentration set forth in section 2.02.

2.05(d). Total suspended solids content shall not exceed 30 mg/1 on a 30-consecutive-day average, 45 mg/1 on a 7-consecutive-day average, and 50 mg/1 on a 6-consecutive hour average.

2.05(e). Effluents shall contain no floating solids.

2.05(f). All wastes shall be of a character that will not violate or cause violation of the requirements contained in section 1 "General".

2.05(g). An effluent discharge which does not satisfy the requirements of the Commission shall not be considered to be in violation thereof if caused by temporary excess flows due to storm water conveyed to treatment plants through combined sewer systems, provided that the discharger is operating the facility with reasonable care, maintenance and efficiency and has acted and continues to act with due diligence and speed to correct the condition resulting from the storm-water flow.

2.06. Unless there has been rainfall in greater than trace amounts or significant melting of frozen precipitation during the immediately preceding 24 hours, no discharges to the waters of the District shall occur from combined sewer regulating devices.

### 3. Consistency with States

3.01(a). The following waters of the District are hereby classified as Class A:

(1) The East River east of the Whitestone Bridge and extending out and including Long Island Sound waters west of a line from the easterly side of New Haven Harbor at Morgan Point in Connecticut to the easterly side of Port Jefferson Harbor in New York;

(2) The Hudson River from the New York-New Jersey state line opposite Hastings-on-Hudson to the Bear Mountain Bridge;

(3) The Raritan River east of the Victory Bridge and into Raritan Bay and to the lower end of the Arthur Kill on a line drawn from the southernmost point of Staten Island to the southernmost point of Perth Amboy;

(4) Sandy Hook Bay;

(5) The lower New York Bay northerly to a line drawn from the tip of Fort Wadsworth on Staten Island to the tip of Seagate in Brooklyn;

(6) The Atlantic Ocean and the estuaries and tidal waters thereof west of the easterly side of Fire Island inlet and continuing into lower New York Bay.

3.01(b). The following waters of the District are hereby classified as Class B-1:

(1) The Hudson River south of a line from the New York-New Jersey state line opposite Hastings-on-Hudson south and including the portion of the Harlem River to the Washington Bridge and into the Upper New York harbor and the portion of the Lower Bay which is north of a line from Fort Wadsworth in Staten Island to the tip of Seagate in Brooklyn. For the purposes of these regulations, the Upper New York harbor terminates at the mouth of the Kill Van Kull (at a north-south line drawn from the northernmost point of Staten Island to the easternmost point at Constable Hook in Bayonne) and to the mouth of the East River (a true east-west line passing through the southernmost tip of Manhattan Island at the Battery and extending to the east shore of the East River in Brooklyn);

(2) The waters of the Upper East River north and east of a line between Hunts Point in the Bronx and Sanford Point in Queens and including those waters up to the Whitestone Bridge;

(3) The lower portion of the Arthur Kill north of a line from the southernmost part of Perth Amboy and south of Outerbridge Crossing.

3.01(c). The following waters of the District are hereby classified as Class B-2:

(1) The waters of the Arthur Kill north of Outerbridge Crossing and into and including the Newark Bay up to the mouths of the Passaic and Hackensack Rivers and into the Kill Van Kull west of a north-south line drawn from the northernmost point of Staten Island to the easternmost point at Constable Point in Bayonne;

(2) The lower East River north of a true east-west line passing through the southernmost tip of Manhattan Island to the Battery, extending to the east shore of the East River in Brooklyn up to west of a line drawn from Hunts Point, Bronx, to Sanford Point in Queens and into the Harlem River up to and including the waters south of the Washington Bridge.

3.02. The classifications made by these regulations shall be governed by and implement any water and related land resource plans, water use plans or pollution control plans adopted by appropriate agencies of the signatory states. To this end, particular waters within a geographic area designated by these regulations as belonging to a given class or subclass shall, notwithstanding such designation, be deemed to belong to the class or subclass which is appropriate for the use or uses prescribed in the state water and related land resource plan, water use plan or pollution control plan of the state in which the waters in question are situated and which is applicable thereto.

4. Commission Requirements Consolidated

4.01. It is the purpose and effect of these regulations to contain all of the water quality requirements of the Commission, whether in force because expressly set forth in the tri-state compact or in force because adopted by the Commission pursuant to the provisions of the compact variously known as article XVII or article VII.3. Accordingly, requirements contained in the compact and still in force are repeated in these regulations and made a part hereof. In accordance with article XVII or article VII.3 of the compact, the other provisions of these regulations are in addition to or in substitution for requirements previously in force.

5. Variances

5.01. Any person or other entity discharging effluents is relieved of the requirements for such effluents contained in section 2.05(c) and (d) if at all times of the year the waters into which the discharge enters meet the requirements of section 2.02 of these regulations.

The foregoing applies only if the discharger who is discharging biochemical oxygen demand or total suspended solids or both has a permit from the United States Environmental Protection Agency or the state pursuant to section 4.02 of the Federal Water Pollution Control Act amendments of 1972 (33USC1342), which permit has requirements or limitations relating to discharge of biochemical oxygen demand, total suspended solids, or both, as the case may be, and the discharger is complying with those requirements or limitations.

5.02. Nothing in these regulations shall be construed to encourage or give the sanction of the Commission to the degradation of any waters which are of a quality consistent with these regulations. Accordingly, it is the responsibility of any discharger determining that he will proceed under these variance provisions to plan and

operate his facilities and processes with due regard for present and changing conditions of and affecting the waters in his area. It shall not be a defense to a violation that the discharger did not anticipate or was not aware of changes which have resulted in the applicability of section 2.05(c) and (d) to his effluent discharge.

6. Policy

6.01. It is recognized that requirements with respect to the treatment and discharge of liquid wastes are subject to change from time to time and that an upgrading of requirements and standards may occur as circumstances make appropriate.

An order adopting these regulations was filed on May 31, 1978, as R.1978 d.181 (Exempt, Exempt Agency).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

# PORT AUTHORITY OF NEW YORK AND NEW JERSEY

## Amendments on Port Authority Bus Terminal Charges and Maps of Speed Limits

On April 26, 1978, the committee on operations of the Port Authority of New York and New Jersey adopted amendments to the schedule of charges for the Port Authority bus terminal's public vehicular parking rate, and also amended the maps of air terminal highway speed limits concerning Kennedy International, LaGuardia and Newark International Airports.

Full text of the adoption follows:

Resolved, that the resolution of this committee establishing rates for the public vehicular parking area at the Port Authority bus terminal, adopted on January 31, 1962, (appearing at page 24 of the committee minutes of that date), as subsequently amended, be and the same is hereby amended to read as follows, effective July 1, 1978:

"Resolved, that the following schedule of rates, which rates include 6 per cent New York City parking tax, be and the same hereby is established for the public vehicular parking area at the Port Authority bus terminal:

Parking duration	
Up to 1 hour .....	\$2.50
Up to 2 hours .....	3.50
Up to 4 hours .....	4.00
Up to 6 hours .....	4.50
Up to 10 hours .....	4.75
Up to 11 hours .....	5.50
Up to 12 hours .....	6.00
Up to 13 hours .....	6.50
Up to 24 hours .....	7.00
Over 24 hours, each added hour .....	.50
Maximum for each 24 hours .....	7.00"

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

"Resolved, that the Port Authority of New York and New Jersey hereby establishes speed limits for the air terminal highways at Kennedy International, LaGuardia and Newark International Airports, as shown on the maps entitled 'Kennedy International Airport - Map of Air Terminal Highway Speed Limits' dated April 26, 1978, 'LaGuardia Airport - Map of Air Terminal Highway Speed Limits' dated April 26, 1978, and 'Newark International Airport - Map of Air Terminal Highway Speed Limits', dated April 26, 1978, which said maps shall be filed with the secretary, and directs that appropriate signs shall be posted on the air terminal highways showing said speed limits; and be it further"

the said resolution in all other respects to remain in full force and effect.

An order adopting these amendments was filed on June 6, 1978, as R.1978 d.189 (Exempt, Exempt Agency).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TURNPIKE AUTHORITY

### Proposed Amendments in Fee Schedule For Photographs of Turnpike Structures

The Turnpike Authority, pursuant to authority of N.J. S.A. 27:23-1 et seq., proposes to amend N.J.A.C. 19:9-4.2(b), concerning the fee schedule for taking photographs of the Turnpike's roadway, structures and/or appurtenances.

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

19:9-4.2(b) Photographs of the Turnpike roadway, structures and/or appurtenances will be taken upon written request, addressed to the Director of Public Information. Requests must specify the exact location of the site, accompanied by a brief description of the item to be photographed. All requests shall be accompanied by a check or money order made payable to the New Jersey Turnpike Authority in accordance with the following fee schedule:

1. One 8 inches by 10 inches black and white single weight glossy—\$30.00 for the first photo; all additional photos, \$15.00 each. These prices include travel time, materials and film processing.

[1. Photographs, 8 by 10 black and white single weight glossy, per picture \$10.00;

2. Photographs, 11 by 14 black and white glossy, per picture \$15.00;

3. If a four by five contact black and white print which is the same size as the original negative is required, such four by five (glossy single weight) print will be furnished for an additional fee, per print \$5.00.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 26, 1978, to:

Turnpike Authority  
New Brunswick, N.J. 08903

The Turnpike Authority may thereafter adopt rules concerning this subject without further notice.

Herbert I. Olaxsch  
Senior Attorney  
Turnpike Authority

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

## NEW LAW WOULD SET UP SEPARATE TAX COURT

A new law was signed last month by Gov. Brendan Byrne that makes New Jersey the second state in the nation to set up a separate court to deal exclusively with tax matters.

The court will go into operation a year from now provided voters approve it in a referendum question to be on the November election ballot. It would unify the county court and state superior court systems.

The bill establishes a new judicial tax court with from 6 to 12 judges, under the jurisdiction of the State court system, with Chief Justice Richard J. Hughes assigning the judges.

In hailing the move, Byrne said "this bill provides a structure for appeals. But it does not criticize the judges under the old system. In fact, it's appropriate to pay tribute to those judges who had to deal with an overwhelming volume of work."

The Chief Justice added that the new court "will add many thousands of cases to the court system."

The Division of Tax Appeals in the Treasury Department, the present arbitrator of appeals on virtually every State tax, has been the focus of criticism for over a decade, due principally to delays of up to three years.

If the new tax court is approved by voters, the initial appeal of tax questions will still be to the county tax boards, but instead of appeals going to the Tax Appeals Division they would go to the new court.

Along with the court bill, Byrne signed a companion measure giving the new court authority to handle appeals of all major taxes, including the income, property, inheritance and sales taxes. Appeals of those decisions will go to the State appeals court.

## OUTDOOR RECREATION FACILITIES DESCRIBED

Now available is a colorful brochure describing New Jersey's many State-operated outdoor recreational facilities.

The glove-compartment-size pamphlet is published by the Department of Environmental Protection (DEP) and gives at-a-glance information on State parks, forests and historic sites. It also lists day-use facilities for swimming and picnicking, marinas, camping and wildlife areas.

In addition to 10 pages of descriptive text, the brochure contains easy-to-read charts and a color-keyed map showing all of the State's recreation areas, some pictured in full color.

The brochure, "New Jersey Invites You to Enjoy Its State Parks and Forests," is available by writing: DEP Bureau of Parks, P.O. Box 1420, Trenton, N.J. 08625. Or phone (609) 292-2797.

## **GOVERNOR SIGNS THREE LAWS PROVIDING \$7 MILLION FOR ECONOMIC RECOVERY**

Governor Brendan Byrne recently signed into law S-688, which enables the Economic Development Authority to arrange for and guarantee "working capital" loans.

"This program will enable the EDA to expand its services to small and minority businesses which are often crippled by lack of working capital in their early stages of development," the Governor said.

"This legislation was part of the 16-point economic recovery plan I submitted to the Legislature last October. It is an important bill and I am pleased to be able to sign it today," Byrne said.

According to the legislation, the loans could be used for the acquisition or financing of inventory, raw materials, supplies, work in progress, stock in trade or the capital stock in a company. They could also be used to refinance existing debt obligations.

The bill appropriates \$3 million from the unemployment compensation auxiliary fund for the EDA's use in making loan and bond guarantees. At least 50 per cent of this appropriation must be used for projects located in urban aid municipalities.

The governor also recently signed two other pieces of economic recovery legislation—A-3593, which appropriates \$3 million to the EDA for urban economic development, and A-3594, which appropriates \$1 million to the Department of Labor and Industry to be used for customized training of employees for new and expanding business firms.

## **GOVERNOR SETS UP OFFICE ON POLICY AND PLANNING**

Donald Linky, an assistant counsel to Gov. Brendan Byrne, was recently named to head the Governor's newly-created Office of Policy and Planning.

Linky, who specialized in environmental matters, said he envisions his new job as "trying to develop goals for State government and a coordinated approach to planning."

Linky will now report directly to Byrne's chief of staff, Robert Mulcahy 3d, instead of Special Counsel Stewart Pollock.

According to Byrne, the new office will "focus the limited resources of State government on priority issues and generally make the system run more effectively and productively."

The Governor had strong praise for Linky, 32, who has served as one of Byrne's lawyers since 1975.

Byrne said additional appointments will be made in the future.

In other action, Byrne announced the appointment of two assistant counsels, Alexander P. Waugh Jr., 28, of Upper Montclair, and Arlene Gardner, 27, of Princeton, Miss Gardner was deputy research director for the Governor's 1977 reelection campaign.

## **BOARD PICKS NEW CONSUMER LEADER**

The State Board of Professional Engineers and Land Surveyors has elected Horace R. Cardoni of Mountainside, the panel's public member, to serve as president.

Cardoni becomes the third consumer member to serve as president of a professional board in New Jersey. The Board of Optometrists and the Board of Architects previously named their public members to the presidency.

## **EDA EXPANDS SMALL LOANS PROGRAM TO INCLUDE WORKING CAPITAL USES**

The Economic Development Authority has issued its first guaranteed loan for "working capital" to a Wayne firm.

Alkon Corp. of Wayne, manufacturer and seller of pneumatic products such as cylinders and valves, was the recipient of the first such guaranteed loan.

Under terms of the loan, the EDA agreed to guarantee 30 per cent of the firm's \$600,000 loan to be used for operating expenses, including purchase of supplies.

The working capital loan agreement came just one week after Gov. Brendan Byrne signed into law a bill allowing the EDA to make such agreements. Previously, the EDA was limited to guaranteeing or helping to finance only capital projects.

Under the law, the EDA may arrange loans to be used for the purchase or financing of inventory, raw materials, supplies, work in progress, stock in trade or the capital stock in a company. They could also be used to refinance existing debt obligations.

"The program will enable the EDA to expand its service to small and minority businesses which are often crippled by lack of working capital in their early stages of development," Byrne said when he signed the bill.

## **AWARD \$5.3 MILLION SEWER GRANTS FOR OCEAN AND CUMBERLAND COUNTIES**

Governor Brendan Byrne recently announced the award of \$4 million in sewerage construction grants to the Brick Township Municipal Utilities Authority (Ocean County) for construction of collection systems. The funds were made available through the clean waters bond issue administered by the State Department of Environmental Protection.

Byrne said the collection systems will serve the unsewered sections of the township and will eliminate four small wastewater treatment plants. The project is designed to meet future needs of the township's 40,000 population.

He also announced two sewerage construction grants totaling \$1.3 million to the Cumberland County Sewerage Authority and the Borough of Stanhope (Sussex County).

The \$1.2 million grant to Cumberland County will be used towards a \$15 million project to expand and upgrade the City of Bridgeton's wastewater treatment plant. The facility will provide secondary treatment and will protect the water quality of the Cohansey River. The plant will have a treatment capacity of seven million gallons per day.

## **31 NEW DEVELOPMENT AUTHORITY LOANS**

John J. Horn, Commissioner of the Department of Labor and Industry, announced the approval of 31 new financings by the Economic Development Authority at their April meeting.

The new financings involve \$42,643,000 in low-interest loans which are expected to create 1,171 permanent jobs and another 434 construction jobs.

The loans, arranged through the sale of the Authority's tax-exempt bonds, will go for construction of new facilities and purchase of land, buildings and equipment for projects in 13 counties.

# "Sunset" Provision Applies To Administrative Rules

A complete and periodic review of all administrative rules for the State became effective last month following signing by Gov. Brendan Byrne of Executive Order 66.

The "sunset" provision of the order provides that all administrative rules hereafter adopted shall expire automatically not more than five years after adoption. The five-year limit likewise applies to amendments of existing rules.

A second requirement is that all present rules undergo a "thorough review", with a report to be sent to the Governor "on all rules which are not necessary, adequate, reasonable, efficient, understandable or responsive to the purposes for which they were promulgated."

The order became effective May 15, 1978. Rules as printed in the Register and the Administrative Code are controlling.

## FAUVER NAMED CORRECTIONS HEAD AS CLIMAX OF 18-YEAR CAREER

William Fauver, an 18-year State career man, was sworn in last month as Corrections Department Commissioner and a member of the Governor's Cabinet.

Known as "tough but fair" by inmates, Fauver began as a teacher in the Bordentown Reformatory in 1960, later served as Trenton State Prison warden and headed two youth prisons before taking over the old Division of Corrections and Parole in 1973.

He continued in that post when the newly-titled Department of Corrections was created in November, 1976 with Robert Mulcahy as first Commissioner. Fauver, 46, had been acting commissioner since Mulcahy left the first of this year to become Gov. Byrne's chief of staff.

He lives in Annandale with his wife, Illena.

The Department supervises approximately 6,500 inmates and 8,000 parolees and has 4,000 employees. The top post pays \$49,000 a year.

Current annual budget is \$73 million and the operation includes three major prisons, four correctional institutions, two training schools for youthful offenders, an adult diagnostic and treatment center, three community service centers, nine parole offices and smaller satellite facilities. A majority of inmates are between 20 and 30 years of age.

As one of his first actions, Commissioner Fauver appointed Judith A. Nallin of Plainsboro the Deputy Commissioner for the Department. She had been assistant commissioner for policy development since December 1976, following 2½ years as an assistant counsel to Gov. Brendan Byrne.

Ms. Nallin, 30, will receive approximately \$40,000 in the second-level post.

She helped draft the legislation that created the new Corrections Department in 1976 and worked on the model penal code for the State. An honors graduate of Douglass College, she received her law degree from Rutgers Newark Law School in 1973 and is a member of the New Jersey and the District of Columbia bar.

Fauver commented that "in a relatively short time in the Department she has demonstrated herself to be extremely competent in dealing with correctional problems and formulating policy."

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## FOUR STATE AGENCIES ABOLISHED

Governor Brendan Byrne last month signed into law a bill repealing the authorization for one committee and three councils no longer in operation and which had not met in recent years.

Abolished are the State Medical Examination Advisory Committee, created in 1967, the Narcotic Advisory Council established in 1964, the Urban Loan Advisory Council established in 1969, and the Parks, Forestry and Recreation Council established in 1966.

"This administration bill is in conjunction with my Executive Order calling for a review of legislative bodies," said Governor Byrne. "It is another step in ending the proliferation of boards, commissions, committees and councils which have been established through legislation but are clearly non-functioning."

## JACOBSON NAMES ENERGY ASSISTANTS

Commissioner of Energy Joel R. Jacobson last month appointed two assistant commissioners in a reorganization geared to meet the 11-month-old Energy Department's increasing scope.

Jacobson named as his assistants Charles A. Richman, 33, of Freehold, Director of the Division of Energy Planning and Conservation, and Steven J. Picco, 30, of Trenton, chief of the Department of Environmental Protection's Office of Regulatory and Governmental Affairs.

## \$7.2 MILLION GREEN ACRES GRANTS

### AWARDED TO 17 MUNICIPALITIES

Green Acres grants totaling \$3.6 million were recently awarded for use in Bergen, Burlington, Cumberland, Essex, Gloucester, Middlesex, Morris, Ocean, Salem, Sussex, Union and Warren counties. Seventeen municipalities will match the grants, funded through the State Department of Environmental Protection, to cover the total \$7.2 million cost of all projects.