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THE NEW JERSEY REGISTER

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Robert J. Burkhardt, Secretary of State
Leon S. Wilson, Director of Administrative Procedure

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Printed and distributed by the New Jersey Law Journal, designated by the Department of State, Division of Administrative Procedure, pursuant to the Administrative Procedure Act, Chapter 410, Laws of 1968 (N.J.S.A. 52:14B-1, et seq.), as the official organ for publication of the 'New Jersey Register', a periodic bulletin of rules and regulations filed and notices issued by administrative agencies of the State.

THURSDAY, SEPTEMBER 25, 1969

MESSAGE FROM THE GOVERNOR

The publication of this first issue of the NEW JERSEY REGISTER marks the official implementation of the ADMINISTRATIVE PROCEDURE ACT OF 1968, and constitutes the implementation of a program officially conceived more than 20 years ago. New Jersey's 1947 Constitution provided: "The Legislature shall provide for the prompt publication of (all administrative) rules and regulations." Now, with the publication of this Register, New Jersey can provide an official, continuing and comprehensive source of information about the activities of its State agencies. This capability is a crucial ingredient in the program I have urged to assure public confidence in the activities of its governmental agencies.

Public participation in the making of the rules which affect us all will be encouraged and simplified by the availability of this periodical. Until now, only the Federal Government and one state, among all the jurisdictions of this country have attempted a single official publication, gathering together all the information necessary to an informed public. I am pleased New Jersey has now taken this progressive step and I urge all those who deal with government to accept this challenge of involvement.

It is with great pride that I join in taking special note of this occasion and in commending those who have participated in this significant program.

RICHARD J. HUGHES

INTRODUCTION

The Division of Administrative Procedure is pleased to publish the first issue of the New Jersey Register a periodic bulletin of administrative activity by New Jersey State agencies. On September 1, 1969, the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) took effect. This Act completes the intention of the 1947 Constitution calling for the publication of the quasi-legislative pronouncements of New Jersey's administrative agencies.

Primarily, the Act provides for the compilation, codification and systematic updating of existing rules in a publication to be entitled the New Jersey Administrative Code. Public participation in the rule-making process is encouraged by the requirement of the Act that advance notice of rule-making activity be published in the Register.

To implement and enforce the provisions of the Act, the new Division of Administrative Procedure was created within the Department of State. Inquiries and correspondence concerning the provisions of the Administrative Procedure Act and the work of the Division of Administrative Procedure may be directed to:

Director
Division of Administrative Procedure
10 North Stockton Street
Trenton, New Jersey, 08608
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Included in this first issue of the Register is the Administrative Procedure Act, as approved by Governor Hughes on January 14, 1969 (which became effective September 1), the Rules of Administrative Procedure of the newly created Division (interim), and notices of proposed rules submitted by the Departments of Conservation and Economic Development, Education, Health, Higher Education and Treasury (Division of Tax Appeals and Racing Commission).

LEON S. WILSON
Director of Administrative Procedure

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ADMINISTRATIVE PROCEDURE ACT

The following is the text of the Administrative Procedure Act which became Chapter 410 of the Laws of 1968 on January 14, 1969:

An Act concerning practice and procedure of administrative agencies of the State.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

C.52:14B-1 Short Title

1. This act shall be known and may be cited as the "Administrative Procedure Act."

C.52:14B-2 Definitions

2. As used in this act:

(a) "State agency" or "agency" shall include each of the principal departments in the executive branch of the State Government, and all boards, divisions, commissions, agencies, departments, councils, authorities, offices or officers within any such departments now existing or hereafter established and authorized by statute to make, adopt or promulgate rules or adjudicate contested cases, except the office of the Governor, the Division of Workmen's Compensation in the Department of Labor and Industry, the Department of Defense, and any boards, divisions, commissions, councils, agencies, departments, authorities, offices or officers therein, and all agencies the primary responsibility of which is the management or operation of a State educational, medical, mental, rehabilitative, custodial, penal or correctional institution or program insofar as the acts of such agency relate to the internal affairs of such institution or program.

(b) "Contested case" means a proceeding, including any licensing proceeding, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing.

(c) "Administrative adjudication" or "adjudication" includes any and every final determination, decision or order made or rendered in any contested case.

(d) "The head of the agency" means and includes the individual or group of individuals constituting the highest authority within any agency authorized or required by law to render an adjudication in a contested case.

(e) "Administrative rule" or "rule," when not otherwise modified, means each agency statement of general applicability and continuing effect that implements or interprets law or policy, or describes the organization, procedure or practice requirements of any agency. The term includes the amendment or repeal of any rule, but does not include: (1) statements concerning the internal management or discipline of any agency; (2) intraagency and interagency statements; and (3) agency decisions and findings in contested cases.

(f) "License" includes the whole or part of any agency license, permit, certificate, approval, chapter, registration or other form of permission required by law.

(g) "Secretary" means the Secretary of State.

(h) "Director" shall mean the Director of the Division of Administrative Procedure, unless otherwise indicated by context.

C.52:14B-3 Additional responsibilities of each State agency

3. In addition to other rule-making requirements imposed by law, each agency shall:

- (1) adopt as a rule a description of its organization, stating the general course and method of its operations and methods whereby the public may obtain information or make submissions or requests;
- (2) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency;
- (3) make available for public inspection all final orders, decisions, and opinion, in accordance with the provisions of chapter 73 of the laws of 1963 as amended and supplemented (C. 47:1A-1 et seq.).

C.52:14B-4 Adoption, amendment or repeal of agency rules

4. (a) Prior to the adoption, amendment, or repeal of any rule, except as may be otherwise provided the agency shall:

- (1) Give at least 20 days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely request of the agency for advance notice of its rule-making proceedings and in addition to other public notice required by law shall be published in the New Jersey Register;
- (2) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule.
- (3) A rule prescribing the organization or procedure of an agency may be adopted at any time without prior notice or hearing. Such rule shall be effective upon filing in accordance with section 5 of this act or upon any later date specified by the agency.
- (4) If any agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 20 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt the rule.
- (5) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this section must be commenced within 1 year from the effective date of the rule.

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Administrative Procedure Act—continued

C.52:14B-5 Filing and publication of rules

5. (a) Each agency shall file in the office of the Secretary of State a certified copy of each rule adopted by it.

(b) Each rule hereafter adopted is effective upon filing with the Secretary of State.

(c) The Secretary of State shall: (1) accept for filing or publication any rule duly adopted and submitted by any agency pursuant to this act; (2) endorse upon the certified copy of each rule accepted for filing pursuant to this act the date and time upon which such rule was filed; and (3) maintain the certified copy of each rule so filed in a permanent register open to public inspection.

(d) The filing of a certified copy of any rule shall be deemed to establish the rebuttable presumptions that: (1) it was duly adopted; (2) it was duly submitted for pre-publication and made available for public inspection at the hour and date endorsed upon it; (3) all requirements of this act and of interagency rules of the Secretary of State relative to such rule have been complied with; (4) its text is the text of the rule as adopted. Judicial notice shall be taken of the text of each rule, duly filed.

(e) The publication of a rule in the New Jersey Administrative Code or the New Jersey Register shall be deemed to establish the rebuttable presumption that the rule was duly filed and that the text of the rule as so published is the text of the rule adopted. Judicial notice shall be taken of the text of each rule published in the New Jersey Administrative Code or the New Jersey Register.

C.52:14B-6 Division of Administrative Procedure; Creation; personnel; appointment and duties of director.

6. (a) There is hereby created in the Department of State a Division of Administrative Procedure.

(b) The secretary shall employ and assign to the division such personnel as shall enable the division to discharge its responsibilities effectively and efficiently. The Department of State shall furnish such funds, equipment, and personnel as is necessary to implement the work of the division within the limits of appropriations for the purpose.

(c) The division shall be under the immediate supervision of a director who shall be a person qualified by training and experience to direct the work of such division. The director shall be appointed by the secretary without regard to the provisions of the Civil Service Law, Title 11, New Jersey Statutes, and shall serve at the pleasure of the secretary and until the director's successor is appointed and has qualified. He shall receive such salary as is provided by law. The director: (1) shall administer the work of the division under the direction and supervision of the secretary; (2) shall perform such functions, in addition to the work of the division, as the secretary may prescribe; (3) shall organize and reorganize the division; (4) shall assign and reassign personnel to employment within the division; (5) shall perform or cause to be performed the work of the division in such manner and pursuant to such program as he may deem necessary and appropriate; (6) shall employ as necessary the services of the several departments and agencies of State Government and of the employees of such departments and agencies, in such manner and to such extent as may be agreed upon by the chief executive officer of such department or agency and the secretary.

(d) The secretary shall oversee the implementation of this act by each agency and is empowered to do all things necessary and appropriate to that end. The secretary shall delegate to the director his responsibility and authority pursuant to this act, or such of that responsibility and authority as he may deem desirable, which shall be exercised under his supervision and direction.

(e) The division: (1) shall advise agencies concerning their obligations under this act, subject to the provisions of section 4(b) and 4(e) of chapter 20, laws of 1944, as amended and supplemented (C. 52:17A-4b and 4e); (2) shall advise agencies in connection with the preparation, consideration, publication and interpretation of rules required or appropriate pursuant to this act; (3) shall, to the extent and in such manner as the director may deem appropriate, assist agencies in the preparation of rules to the end that such rules be uniform and consistent to the extent practicable; (4) shall secure, compile, and maintain as reference material rules and supporting information appropriate to the exercise of its responsibilities; (5) shall effect and maintain liaison with agencies to assure compliance with this act; (6) shall formulate interdepartmental rules for the prompt, proper and co-ordinated promulgation of all rules required or appropriate pursuant to this act; (7) shall have access to information concerning each agency to assure the proper promulgation of all rules required by law; (8) shall advise each agency and, to such extent as the director may deem appropriate, shall establish standards regarding the conduct of hearings.

Administrative Procedure Act—continued

C.52:14B-7 New Jersey Administrative Code; New Jersey Register; publication; contents; standards for form; director's authority.

7. (a) The director shall compile, index, and publish a publication to be known as the "New Jersey Administrative Code," containing all effective rules adopted by each agency. The code shall be periodically supplemented or revised.

(b) The director shall publish a monthly bulletin to be known as the "New Jersey Register" setting forth: (1) the text of all rules filed during the preceding month, and (2) such notices as shall have been submitted pursuant to this act.

(c) The director may omit from the New Jersey Register or compilation any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or processed form is made available by the adopting agency on application thereto, and if the register or code contains a notice stating the general subject matter of the omitted rule and stating the manner in which a copy thereof may be obtained. He may include within the New Jersey Register and the New Jersey Administrative Code any document, material or information which he in his discretion may deem appropriate and convenient.

(d) Copies of the New Jersey Register and compilations shall be made available upon request to agencies and officials of this State and such other public officials as the director may designate free of charge and to other persons at prices fixed by the director to cover mailing and publication costs.

(e) To facilitate uniformity in the compilation and indexing of all agency rules, the director, in collaboration with the Director of the Division of the State Library, Archives and History, shall formulate and distribute to all agencies standards for the form, arrangement, numbering and indexing of agency rules and shall consult with each agency in the preparation of compilations of its rules.

(f) The director may determine the order in which such rules or any parts thereof are to be presented in the New Jersey Register and the New Jersey Administrative Code; he may number or renumber the parts, paragraphs and sections into which such rules may be divided; he may further divide or combine existing parts, paragraphs and sections and he may provide for appropriate digests, indices and other related material. He shall not, however, change the language of any existing rule, excepting a title or explanatory caption; but he shall recommend any such changes as he may deem advisable to the administrative agency authorized to adopt such rule.

(g) The director is hereby authorized and empowered to promulgate and enforce interagency rules for the implementation and administration of this act.

C.52:14B-8 Declaratory rulings of agencies

8. Declaratory rulings. Subject to the provisions of section 4(b) and 4(e) of chapter 20, laws of 1944, as amended and supplemented (C. 52:17A-4b and 4e), an agency upon the request of any interested person may in its discretion make a declaratory ruling with respect to the applicability to any person, property or state of facts of any statute or rule enforced or administered by that agency. A declaratory ruling shall bind the agency and all parties to the proceedings on the state of facts alleged. Full opportunity for hearing shall be afforded to the interested parties. Such ruling shall be deemed a final decision or action subject to review in the Appellate Division of the Superior Court. Nothing herein shall affect the right or practice of every agency in its sole discretion to render advisory opinions.

C.52:14B-9 Notice and conduct of hearings

9. (a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include in addition to such other information as may be deemed appropriate:

(1) A statement of the time, place, and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes and rules involved;

(4) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded all parties to respond, appear and present evidence and argument on all issues involved.

(d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, or consent order.

(e) Oral proceedings or any part thereof shall be transcribed on request of any party at the expense of such party.

(f) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(g) Unless otherwise provided by any law, agencies may place on any party the responsibility of requesting a hearing if the agency notifies him in writing of his right to a hearing and of his responsibility to request the hearing.

C.52:14B-10 Admissible evidence; Certain notice authorized; presiding officer's report; form, contents and effective date of final decision

10. In contested cases:

(a) The parties shall not be bound by rules of evidence whether statutory, common law, or adopted by the Rules of Court. All relevant evidence is admissible, except as otherwise provided herein. The presiding officer may in his discretion exclude any evidence if he finds that his probative value is substantially outweighed by the risk that its admission will either (i) necessitate undue consumption of time or (ii) create substantial danger of undue prejudice or confusion. The presiding officer shall give

effect to the rules of privilege recognized by law. Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) Notice may be taken of judicially noticeable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material notice, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(c) When a person not empowered to render an administrative adjudication is designated by the head of the agency as the presiding officer, his recommended report and decision containing recommended findings of fact and conclusions of law shall be filed with the agency and delivered or mailed to the parties of record; and an opportunity shall be afforded each party of record to file exceptions, objections and replies thereto, and to present argument to the head of the agency or a majority thereof, either orally or in writing, as the agency may order. The head of the agency shall adopt, reject or modify the recommended report and decision. The recommended report and decision shall be a part of the record in the case.

(d) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith by registered or certified mail to each party and to his attorney of record.

(e) Except where otherwise provided by law, the administrative adjudication of the agency shall be effective on the date of delivery or on the date of mailing, of the final decision to the parties of record, whichever shall occur first, or shall be effective on any date after the date of delivery or mailing, as the agency may provide by general rule or by order in the case. The date of delivery or mailing shall be stamped on the face of the decision.

C.52:14B-11 Hearings authorized for certain licensees.

11. No agency shall revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with the provisions of this act applicable to contested cases. If a licensee has, in accordance with law and agency rules, made timely and sufficient application for a renewal, his license shall not expire until his application has been finally determined by the agency. Any agency that has authority to suspend a license without first holding a hearing shall promptly upon exercising such authority afford the licensee an opportunity for hearing in conformity with the provisions of this act.

This section shall not apply (1) where a statute provides that an agency is not required to grant a hearing in regard to revocation, suspension or refusal to renew a license, as the case made be; or (2) where the agency is required by any law to revoke, suspend or refuse to renew a license, as the case may be, without exercising any discretion in the matter, on the basis of a judgment of a court of competent jurisdiction; or (3) where the suspension or refusal to renew is based solely upon failure of the licensee to maintain insurance coverage as required by any law or regulation.

C.52:14B-12 Administrative or judicial review

12. Whenever under statute or agency rule there is a mode of administrative review within an agency, such review shall remain unimpaired and any judicial review shall be from the final action of the agency. The administrative review within the agency need not comply with the requirements for the conduct of contested cases.

C.52:14B-13 Affect of act on prior proceedings

13. Nothing in this act shall be deemed to affect any agency proceeding initiated prior to the effective date hereof.

C.52:14B-14 Severability of act

14. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable.

C.52:14B-15 Repealer

15. All acts and parts of acts which are inconsistent with the provisions of this act are, to the extent of such inconsistency, hereby repealed; but such repeal shall not affect pending proceedings.

16. There is hereby appropriated out of the General Treasury the sum of \$300,000.00 to the Department of State for use to the extent and in the manner that the secretary may deem necessary in connection with the action authorized by section 17 of this act for the fiscal year ending June 30, 1969.

17. This act shall take effect September 1, 1969; provided, however, that any agency upon which responsibility or duty is imposed by this act may immediately take such action as may be necessary in preparation for the discharge of such responsibility or duty.

Approved January 14, 1969

RULES OF ADMINISTRATIVE PROCEDURE

Notice is hereby given that the Director, Division of Administrative Procedure, pursuant to authority delegated at N.J.S.A. 52:14B-7(g), the Administrative Procedure Act, has adopted the following Rules Of Administrative Procedure, which Rules constitute Chapter 5, Title 15, of the New Jersey Administrative Code. These rules were filed and became effective September 2, 1969, as R. 1969, d.1, (Exempt, interagency rules).

TITLE 15 - DEPARTMENT OF STATE

SUBTITLE B - DIVISION OF ADMINISTRATIVE PROCEDURE

CHAPTER 5 - ADMINISTRATIVE PROCEDURE

AUTHORITY NOTE

Unless otherwise expressly noted, all provisions of this Chapter 5 were adopted by the Director, Division of Administrative Procedure pursuant to authority delegated at N.J.S.A. 52:14B-7(g), The Administrative Procedure Act, and were filed and became effective September 2, 1969, as R. 1969, d.1, (Exempt, Interagency Rules).

**TITLE 15
DEPARTMENT OF STATE**

SUBTITLE B. DIVISION OF ADMINISTRATIVE PROCEDURE

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SUBCHAPTER 1
GENERAL PROVISIONS

15:5-1.1 SHORT TITLE

The provisions of this Chapter 5 may be known as the "Rules of Administrative Procedure."

15:5-1.2 DEFINITIONS

As used in this chapter, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the adopting agency:

"Act" means the Administrative Procedure Act of 1968 (c. 410, Laws of 1968; N.J.S.A. 52:14B-1 et seq.).

"Administrative agency" includes all agencies except those established within either the Legislative Branch or the Judicial Branch of the State Government for purposes of N. J. Const. Art. III, para. 1.

"Adopt" means the formal act by which a rule is established by an authorized adopting agency or officer. The act of adoption alone shall not be legally sufficient to invest a rule with the status of law.

"Adopting agency" or "authorized adopting agency" means that agency or officer designated by statute as authorized to establish rules. "Adopting officer" or "authorized adopting officer" means that person either designated by statute as authorized to establish rules or the principal executive officer of an authorized adopting agency.

"Agency" includes each instrumentality, body, institution or organization through which the government of the State exercises its power or prerogative and which is authorized by law to adopt rules or adjudicate contested cases. For purposes of these rules, "agency" when not otherwise modified means all agencies except exempt agencies.

To "amend" means to modify, alter or revise a previously codified rule.

"Autonomous agency" includes any administrative agency not subject to the policy control of one of the principal departments, which is authorized, explicitly or implicitly, by statute to establish rules. Any agency attached to or located within a principal department for administrative purposes only may be considered a constituent part of such principal department for purposes of determinations regarding the allocation of its rules within the Code without prejudice to its status as an autonomous agency.

The "Code" means the New Jersey Administrative Code, published pursuant to N.J.S.A. 52:14B-7(a).

To "Codify" means to revise the form in which rules are published to achieve a more logical and consistent arrangement of their provisions. A codification shall not affect the substantive provisions of any rule.

"Director" means the Director of the Division of Administrative Procedure.

"Division" means the Division of Administrative Procedure of the Department of State, established pursuant to N.J.S.A. 52:14B-6(a).

"Document" means any writing submitted to the Division by an agency for the purpose of filing pursuant to law. The singular of this term refers to the entirety of each discrete writing though such writing establishes or affects more than one rule or subject matter or consists of more than one page or part.

"Exempt agency" means any legislative, judicial or autonomous agency and the Office of the Governor, the Division of Workmen's Compensation, the Department of Defense and any constituent part thereof and any agency the primary responsibility of which is the management or operation of a State educational, medical, mental, rehabilitative, custodial, penal or correctional institution or program as shall be designated by the Division.

"Exempt rule" means any rule of an exempt agency, any emergency rule, any internal rule, interagency statement or intraagency statement, and any rule the adoption of which is required or specifically authorized by judicial decision, opinion or order, by legislative act, or by order of the Governor.

"Formal hearing" means that proceeding of an administrative agency conducted only after general publication of its time and date and during which the participants are subject to previously established rules of practice of general applicability.

"Informal hearing" means that proceeding conducted by an administrative agency without prior general publication of its time and date and at which participants are not subject to the rules of practice applicable to formal hearings.

"Internal rule" means any agency statement the principal objective of which is the description or governance of an agency's internal organization, procedure or practice. No internal rule shall be deemed a public rule by reason merely of the fact that as an incidental consequence of an internal rule, a private person is, in fact (i.e., without official act or process of the agency), subjected to sanction or loss of benefit.

"Person" includes any natural individual, association, joint venture, partnership, corporation, organization, institution and governmental instrumentality recognized by law for any purpose whatsoever. "Private person" means any person except the State Government and any officer, agent, employee or agency thereof.

"Quasi-judicial hearing" means that proceeding conducted by an administrative agency the objective of which is to determine the status, rights or obligations of a known person in accordance with the law and rules administered by the agency or to resolve a dispute among known persons pursuant to the law or rules administered by the agency.

"Quasi-legislative hearing" means that proceeding conducted by an administrative agency the principal objective of which is the eliciting of information deemed by the agency to be of assistance in the establishment of a rule.

The "Register" means the "New Jersey Register" published pursuant to N.J.S.A. 52:14B-7(b).

"Registry" means the serial list of documents which are accepted for filing by the Division.

To "repeal" means to declare void a previously codified rule, the effect of which is to terminate the legal effect of such rule prospectively only. Any rule so terminated shall continue thereafter to be enforced in and applied to all proceedings, formal or otherwise, initiated pursuant to rule or to law, prior to the effective date of such repeal.

To "rescind" means to declare void a previously codified rule, the effect of which is to terminate the legal effect of a rule both prospectively and retroactively as if the rule had never existed for any purpose.

"Rule," when not otherwise modified, or "public rule," means any agency statement of general applicability and continuing effect which is adopted by an agency to implement or interpret legislative or executive policy and which is adopted pursuant to legislative grant of authority, express or implied. The singular of this term refers to the provisions of a single and entire section of the Code, as provided in Section 5.10 of this chapter. This term does not include statements concerning the internal management or discipline of any agency, intraagency and interagency statements, and agency decisions and findings in contested cases.

"Secretary" means the Secretary of State of New Jersey.

15:5-1.3 CONDITIONS OF VALIDITY OF RULES

No rule, except an exempt rule, shall be enforced by any agency, nor shall any person be bound thereby, without public notice, opportunity to be heard and filing having first been accomplished pursuant to this Chapter 5 of Title 15, N.J.A.C.

15:5-1.4 OFFICIAL NOTICE

Public Notice of every rule, except an exempt rule, prior to its adoption and filing, shall be published in the New Jersey Register pursuant to Subchapters 2, 4 and 8 of this Chapter. The Register shall constitute the official instrument of the State for distribution of Public Notice regarding rules.

15:5-1.5 OFFICIAL CODIFICATION

Every rule, subsequent to adoption and filing, shall be published in the New Jersey Administrative Code pursuant to Subchapters 2, 4, 5, 6 and 8 of this Chapter. The Code shall constitute the official instrument of the State for codification of its rules.

[Cross Reference Note: See "Right to Know Law," N.J.S.A. 47:1A-1 et seq.; Act, "Code . . . Contents" N.J.S.A. 52:14B-7(c).]

15:5-1.6 CONSTRUCTION

Public rules shall be construed according to generally accepted principles of statutory construction, including those set forth in N.J.S.A. 1:1-1 et seq., except where provided otherwise or where the language or sense of the rule renders inappropriate the application of the general principle. These Rules of Administrative Procedure (this Chapter 5 of Title 15) shall be construed to provide the greatest flexibility to administrative agencies consistent with reasonable predictability and the assurance of even-handed justice in the administration of the law.

15:5-1.7 TENSE, GENDER AND NUMBER

Except as otherwise provided in any rule, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural and the plural the singular.

[Cross Reference Note: "Number; Gender," see N.J.S.A. 1:1-1.]

15:5-1.8 HEADING, ETC. NOT TO BE USED IN CONSTRUING

Title, subtitle, chapter, subchapter, section, article, group, part and division headings contained in the Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of the Code.

15:5-1.9 CORRESPONDENCE

The business of the Division shall be conducted at, and correspondence with it may be addressed to, the "Division of Administrative Procedure, Department of State, 10 North Stockton Street, Trenton, New Jersey, 08608," telephone Area Code 609-292-6060. Business hours of the Division shall be 9 a.m. to 5 p.m. Monday through Friday, holidays and abbreviated summer business hours excepted.

SUBCHAPTER 2
PUBLICATION OF CODE AND REGISTER

15:5-2.1 CONTENTS OF NEW JERSEY ADMINISTRATIVE CODE

The New Jersey Administrative Code shall contain in logical sequence the current rules of all administrative agencies of the State as well as information of interest or assistance to the general public not constituting a rule. Material other than rules may be included in the Code by order of the Director. Such material shall be limited to that which is explanatory of codified rules or that which is of general and continuing interest and assistance to persons dealing with administrative agencies.

15:5-2.2 PERIODIC SUPPLEMENTATION OF THE CODE

(a) At least once each calendar year all documents to be codified which have been filed with the Division during the previous year shall be permanently integrated into the Code by the publication and distribution of loose-leaf pages incorporating such documents, or by the publication or re-publication of an appropriate title of the Code or designated portion thereof.

(b) There shall be published with the Code a topical index which shall be supplemented or revised to reflect the presence in the Code of documents codified during the calendar year previous.

15:5-2.3 CONTENTS OF NEW JERSEY REGISTER

The New Jersey Register shall contain the text, or a synopsis or a description, of every public rule intended to be adopted by any agency in advance of its adoption. The Register shall also contain a formal notice of all rules actually adopted by any agency, which notice shall not restate the text of any rule previously published in the Register. The Register shall constitute the official vehicle for publication of the following official administrative notices:

- Notice of Intention to adopt or change a rule;
- Notice of quasi-legislative hearing;
- Notice of adoption of a rule;
- Notice of adoption of a procedural rule;
- Notice of adoption of an emergency rule;
- Notice of administrative reorganization;
- Notice of availability of official reports of administrative agencies;
- Notice of information of interest or assistance to persons dealing with an agency;

(i) Notices regarding the availability of the Administrative Code, its distribution and supplementation;

In addition to these notices, there may be included in the New Jersey Register information providing explanation or background of administrative activity and of New Jersey State Government generally.

15:5-2.4 FREQUENCY OF PUBLICATION OF REGISTER; INDEX

(a) The New Jersey Register shall be published the last Thursday in each month or more frequently as circumstances may require. Distribution of the Register will be made by mail to subscribers submitting request to any agency or directly to the Division. Distribution of the Register will be made through the facilities of the State House Post Office to any agency submitting request for such distribution in writing to the Division. The Register will be printed through the facilities of the New Jersey Law Journal, a professional newspaper of this State, and will be distributed directly to subscribers of that newspaper.

(b) At least once each year there will be prepared indices by subject matter, by adopting agency, and by Code section affected, of all notices published in the Register during the preceding year.

15:5-2.5 CITATIONS TO THE CODE

(a) The New Jersey Administrative Code may be referred to as: N.J.A.C.

(b) Citation to a particular section in the Code shall include the numerical designations of the title, chapter, subchapter and section referred to, preceded by the initials N.J.A.C. Thus, this section should be cited: N.J.A.C. 15:5-2.5.

15:5-2.6 CITATIONS TO THE REGISTER

(a) The New Jersey Register may be referred to as: N.J.R.

(b) Citation to material appearing in the New Jersey Register shall include the numerical designation of the volume, page number and item letter, the volume and page number being separated by the initials "N.J.R." Thus, the third item on page 27 of the first volume of the New Jersey Register would be cited: 1 N.J.R. 27(c).

SUBCHAPTER 3
EFFECT OF PUBLICATION

15:5-3.1 PUBLICATION REQUIRED

Notice of every rule adopted after September 1, 1969, shall be published in the New Jersey Register. Notice of the adoption of any rule shall be published in the Register only after a certified copy of the text of such rule has been accepted for filing, has been entered in the registry and has been filed by the Division.

15:5-3.2 PRESUMPTIONS UPON FILING

The filing of any rule shall be deemed to establish the rebuttable presumptions that:

- it was duly adopted;
- it was made available for public inspection at the hour and date endorsed upon it;
- all requirements of the Act and of the Rules of Administrative Procedure have been complied with; and
- its text is the text of the rule as adopted.

[Cross Reference Note: Presumptions; see N.J.S.A. 52:14B-5(d).]

15:5-3.3 PRESUMPTIONS UPON PUBLICATION

The publication of a rule in the Code or Register shall be deemed to establish the rebuttable presumptions that the rule was duly filed and that the text of the rule as so published is the text of the rule adopted. No substantive change in the text of any rule shall be enforceable by any agency except after formal adoption, filing and publication of such change.

15:5-3.4 EFFECTIVE DATE OF RULE

No rule, except an exempt rule, shall be effective earlier than 20 days after publication in the New Jersey Register of a Notice of Intention to Adopt such rule. Publication of the New Jersey Register shall be deemed to occur at the time of deposit of the Register containing the notice in the United States mail for distribution; the issue date of the Register and of the notice effecting publication of the document, is the day of such deposit.

15:5-3.5 CONSTRUCTIVE NOTICE

Publication in the New Jersey Register of a Notice regarding a rule or publication of a codified rule in the New Jersey Administrative Code shall be sufficient to provide notice of the contents of such document to any person subject thereto or affected thereby.

15:5-3.6 NOTICE OF HEARING

For the purpose of any act heretofore or hereinafter enacted by the Legislature requiring of any administrative agency the publication of notice of hearing or of opportunity to be heard, wherein the form of such notice or its manner of publication is not specifically prescribed, publication of notice of hearing pursuant to this chapter shall be deemed to provide to all persons residing in this State, and to all persons owning or having any interest in property situate within this State, notice of hearing or opportunity to be heard in satisfaction of such statutory requirement.

Rules of Administrative Procedure—continued

15:5-3.7 JUDICIAL NOTICE

The text of any rule published in the Code or the Register will be judicially noticed by the courts of this State. Any information, document or certificate requested directly or indirectly by any court of this State shall be provided by the Division without charge, except as provided by Section 4.17 of this Chapter.

SUBCHAPTER 4

PROCEDURE FOR ADOPTION OR CHANGE OF RULES

15:5-4.1 ADOPTION AND ENFORCEMENT OF RULES

No rule shall be adopted except upon written order of an authorized adopting officer or agency. No rule, except an exempt rule, shall be adopted until at least 20 days after public notice of the intention to adopt the rule be given pursuant to this chapter; nor shall any rule, except an exempt rule, be enforced by any agency before it has been filed pursuant to this chapter.

15:5-4.2 NOTICE OF INTENTION

Each agency shall, prior to the adoption or change of any rule, request publication of a notice of its intention to so act in the New Jersey Register. Such request shall be prepared and presented by the adopting agency to the Division of Administrative Procedure in the form prescribed at Section 4.4 of this Chapter. The Division shall publish such Notice of Intention in the Register within 35 days of its receipt of request therefor.

15:5-4.3A NOTICE OF INTENTION; SPECIAL DISTRIBUTION

Each agency shall prepare and maintain a record of all persons making timely request of it for advance notice of its rule-making proceedings. Prior to the adoption or change of any rule, each agency shall distribute its Notice of Intention to so act directly to each person who shall have made request for such notice. Request for such notice shall be submitted to the adopting agency and shall be accompanied by payment of a reasonable fee for postage and handling. The notice specially distributed may be in the form of a copy of the issue of the Register in which such notice appears.

15:5-4.3B SUPPLEMENTARY NOTICE

At the election of any agency, notice to the public regarding any rule may be published, in addition to publication in the Register, in any newspaper of general or limited circulation, by other mass media distribution, by direct mail, or by such other means as the agency may deem appropriate. Supplementary notice will not be required, however, except upon finding of the Director that publication in the New Jersey Register is insufficient to assure the dissemination of the subject information to all appropriate persons. Supplementary publication voluntarily undertaken by any agency may be in such form as the agency may elect. Supplementary publication undertaken at the order of the Director shall be in such form as may be provided in such order.

15:5-4.4 CONTENTS OF NOTICE

A Notice of Intention to adopt or change a rule shall be prepared by the adopting agency and shall include:

- (a) The name of the adopting officer and agency;
- (b) A statement of the statutory or other authority pursuant to which the proposed rule is to be adopted;
- (c) A brief description or explanation of the proposed rule including a statement of its subject matter, its principal objective, the proposed Code citation to be assigned the rule (or the Code citation of any rule affected by the proposed rule) and the agency through which it will be implemented;
- (d) Either:
 - (1) The text of the proposed rule including the adopting agency's recommended explanatory documentation;
 - (2) The text of the rule proposed to be changed as previously published, including explanatory documentation, indicating proposed additions and deletions by under-lineation (or italics as appropriate) and brackets respectively; or
 - (3) A synopsis or summary of the text of the rule, reasonably alerting the public to proposed changes in established practice and to any controversial matter which may reasonably be anticipated by the adopting agency, and a statement advising the manner in which and the place and person from which the full text of any synopsized or summarized document may be obtained.
- (e) A notice of the opportunity to be heard regarding the proposed rule which is to be accorded any person, including:
 - (1) The name and address of the person to whom written comments may be directed and the date prior to which such comments must be received in order to assure consideration prior to adoption of the proposed rule;
 - (2) The date and place of any informal proceeding and reference to or brief description of the rules of practice to be followed in the conduct of such informal hearing;
 - (3) The date and place of any formal hearing and a reference to or description of the rules of practice to be followed in the conduct of such formal hearing;
 - (4) The person and place, including telephone number if any, provided by the adopting agency for the receipt of oral presentations, in private or in public.
 - (5) A description of the formal proceeding, if any, to be conducted by the agency for the purpose of adopting the proposed rule including indication of the manner and conditions under which the public may attend, if at all.

15:5-4.5 OPPORTUNITY TO BE HEARD

No rule, except an exempt rule, shall be adopted without first according to the public an opportunity to be heard. The nature and manner of such opportunity shall be at the election of the adopting agency. It must in any case, however, be preceded by Notice in the Register pursuant to Section 4.4 of this Chapter and shall not be concluded before 20 days from the publication date of such notice has elapsed. A failure of opportunity to be heard

may be declared by the Director on finding of insufficient or misleading notice, of inadequate time to prepare for hearing, or of similar circumstances having the effect of denying any interested person the opportunity to have his views considered prior to the adoption of the proposed rule. The fact that any agency limits opportunity to be heard to written submission, or, in addition to written submission by any person, permits oral presentation by only a limited or designated number or type of person, shall not be deemed a failure of opportunity to be heard.

15:5-4.6 RECORD OF OPPORTUNITY TO BE HEARD

Following termination of any proceeding according to the public opportunity to be heard, and prior to adoption of the rule considered in such proceeding, the agency shall prepare a Record of Proceeding. Such record shall include information sufficient to establish the fact of the proceeding, such as:

- (a) A description of the type of proceeding conducted;
- (b) The date, time and place at which, and the officer or agency before whom the proceeding was conducted;
- (c) A description of the public response to such proceeding including, if possible, the number or an estimate of the number, of the persons responding to the Notice of Intention by letter, telephone, personal visit, attendance at any hearing, or oral presentation;
- (d) The name, and if considered appropriate, the estimated membership, of any trade, craft or professional organization or association participating in or represented at the proceeding.
- (e) Written submissions of any person submitted in response to the Notice of Intention, including any written answer of the agency, if feasible; and if not feasible, a statement to the effect that retention of written submissions is impractical and a suggestion of the reason therefor, and either a listing of the names of persons submitting views with some description of the view of each, or a statement estimating the number and sentiment of persons submitting views;
- (f) The certificate of the adopting officer attesting that all submissions were examined and that due consideration was given their merits prior to the adoption of the proposed rule;
- (g) A description of the principal points of controversy revealed during the proceeding;
- (h) If practicable and at the election of the agency, a statement of the reasons for adoption of the public views accepted, or for rejection of the public views rejected.

15:5-4.7 RETENTION OF RECORD OF PROCEEDING

Each agency shall maintain for each rule adopted by it the Record of Proceeding, including any attachments or exhibits thereto, for a period of not less than one year from the effective date of the subject rule. The Record of Proceeding constitutes an official document of the administrative agency and is evidence of its compliance with legislative mandate to provide opportunity to be heard (N.J.S.A. 52:14B-4(a)).

Cross Reference Note: See N.J.S.A. 52:14B-4 (d); Time for Review

15:5-4.8A DUE CONSIDERATION; REPUBLICATION

Following any proceeding according to the public opportunity to be heard, the adopting agency shall consider fully all written and oral submissions respecting the proposed rule. If upon such consideration, the agency shall determine to leave the text of the proposed rule, as previously published, unchanged or to effect inconsequential or non-substantive changes in such text, it shall proceed to adopt the rule. If, however, the agency shall determine to revise the text of a rule previously published, which revision has the effect of enlarging its original purpose or of increasing the burden upon any person, the adopting agency shall request publication of a new Notice of Intention to adopt or change a rule and shall accord to the public further opportunity to be heard. If, however, the substantive change effected by such revisions shall not have the effect as described in this section, it shall not be republished pursuant to this subchapter, but the agency may proceed to adopt the rule as modified.

15:5-4.8 [RESERVED]

15:5-4.9 ORDER OF ADOPTION

A rule is adopted upon execution by an authorized agency of an Order of Adoption pursuant to such formalities as may be prescribed for the adoption of rules by the adopting agency. An Order of Adoption shall be prepared by an adopting agency and shall include:

- (a) The name of the adopting agency;
- (b) A reference to the statutory or other authority delegating to the authorized agency authority to adopt a rule;
- (c) A reference to the Register citation identifying the Notice of Intention; or if no Notice of Intention be given, then a statement establishing the exemption of such rule from the requirement for such notice;
- (d) A reference to or description of the opportunity to be heard accorded the public in connection with the adoption of the proposed rule;
- (e) A statement of the effect of such rule in terms such as the following:
 - "interpreting" [a legislative or executive policy]
 - "implementing" [a legislative or executive program]
 - "incorporating" [a judicial or quasi-judicial decision]
 - "adopting," "repealing," "rescinding," "codifying," "re-designating," "correcting" [a designated portion of the Code];
- (f) Either:
 - (1) The text of the rule being adopted;
 - (2) The text of the rule being changed, indicating effected insertions and deletions by under-lineation (or italics, as appropriate) and brackets respectively; or
 - (3) A statement of repealer, rescission or renumeration.
- (g) The effective date of the rule, if other than the date of filing; and
- (h) The original signature of the adopting officer, and the place and date of adoption, in the following form:

ORDERED, at Trenton, this day of 19.....
 /S/ Signature
 Name and title of adopting officer

A suggested form of order incorporating the above information in standard format is presented at Section 4.5 of this Chapter. This order constitutes an official document of the adopting agency and is evidence of the occurrence of an administrative act. The order should conform to the manner in which the business of an administrative agency is conducted (e.g., its recitation in the minutes of an official meeting of a board or commission would necessarily be in a form different from that suggested here); the information itemized in this section is deemed to be the minimum information sufficient to render the act effective.

15:5-4.10 IDENTIFICATION OF ADOPTING AGENCY

(a) The adopting agency shall be described in the language of the statute submitted as authority for adoption of the rule. Deviation from statutory description, resulting from, for example, a transfer of authority from one to another agency or official change in the name of an agency, shall be noted by parenthetical reference to the statutory title in the following form:

"Division of Administrative Procedure [successor to the Office of Secretary of State, see N.J.S.A. 52:14B-1, et seq.]"

or
 "Division of Administrative Procedure [formerly Division of Administration]."

Similarly, changes in the title of administrative officers nominated ex officio as authorized to adopt rules shall be noted parenthetically in a similar manner.

(b) In the event the adopting agency is different from the operating or executing agency, it is presumed the latter reports and is responsible to the former. The operating agency should be described essentially as follows:

"The Division of Administrative Procedure within the Department of State," where a rule of the Secretary of State is to be executed by the Division.

(c) In the event a rule is prepared and preliminary proceedings conducted by an agency other than the adopting agency, the order of adoption should so indicate.

15:5-4.11 PRESENTATION FOR FILING

Upon execution of an order adopting a rule, the text of such rule shall be presented to the Division in the form of a Document for Filing prepared in the manner prescribed at Section 4.5 of this Chapter.

15:5-4.12 TIME OF FILING

Any document submitted for filing shall be filed by the Division or, in lieu thereof, notice of refusal to file shall be delivered by the Division to the adopting agency, not more than three business days following the receipt of the presented document by the Division.

15:5-4.13 [RESERVED]

15:5-4.14 FILING OF DOCUMENT

Upon acceptance of a document for filing, it shall be endorsed on its face by a statement including:

- (a) the hour and date of acceptance for filing;
 - (b) the word "filed";
 - (c) the facsimile signature of the Secretary.
- In addition, a document number assigned by the Division shall be endorsed on the face of the document and the document number and title shall be entered in a registry maintained by the Division for that purpose.

15:5-4.15 CERTIFICATE OF FILING

Following publication of a Notice of Intention in the Register, the Division shall initiate a Certificate of Filing. Such certificate shall be in the form prescribed at Section 4.5 of this Chapter. Such certificate shall be in three parts: Publication of Notice; Opportunity to be Heard and Formal Adoption; and Acceptance for Filing.

- (a) Publication of Notice
 The Division shall insert the name of the adopting agency or officer, the brief description of the rule, the section or sections of the Code affected by the Rule, the citation of the Notice of Intention as published in the Register, the date after which the rule may be formally adopted and the certificate of an officer of the Division attesting to proper publication and distribution.
- (b) Opportunity to be Heard and Formal Adoption
 The adopting agency or officer shall insert as appropriate upon receipt from the Division of the Certificate of Filing the following information:
 - (1) nature and format of the opportunity to be heard accorded the public;
 - (2) date, time and place of any formal hearing;
 - (3) the fact of the preparation of a Record of Proceeding and report of proceedings and the fact of formal adoption pursuant to law and the rules of the adopting agency.
 The section of the Certificate shall bear the certification of an officer of the adopting agency attesting to the facts set forth.

- (c) Acceptance for Filing
 The Division, upon receipt of the Order of Adoption (as provided in Section 4.5 of this Chapter), the partially completed Certificate of Filing, and the Document for Filing (as provided in Section 4.5 of this Chapter) shall insert the following information in the Certificate of Filing:
 - (1) the time and date of filing;
 - (2) the document number assigned the document;
 - (3) the Code citation assigned the document (if different from the recommendation of the agency);
 - (4) the expected publication date for inclusion in the Code;
 - (5) the Register citation of the Notice of Adoption;
 and
 - (6) the certificate of an officer of the Division attesting to the foregoing facts.
 The Division shall also note the assigned document number on the face of the order and shall return both the order and one copy of the certificate to the adopting agency.

15:5-4.16 ACCESS TO DOCUMENTS

Every document accepted for filing by the Division shall be secured in a file maintained for the purpose in the order of its filing by the Division. Any person shall, upon request, be afforded opportunity to examine any document so maintained.

Rules of Administrative Procedure—continued**15-5-4.17 COPIES OF DOCUMENTS; FEES**

Except as provided at Section 3.7 of this Chapter (Judicial Notice), any person shall be provided, not less than 12 hours after receipt of written request therefor, an electrostatic copy of any filed document at a cost of one dollar per page. Such copy will be certified upon payment of a fee of \$2 per document. Under no circumstances will any filed document be released from the custody of the Division except upon direct court order or at the direction of higher executive authority.

Cross reference note: "Fees and Costs,"
See N.J.S.A. 22A:4-1.

15-5-4.18 UNFILED RULES

Any purported rule not incorporated in a filed document shall, on and after September 1, 1969, be deemed unenforceable and of no legal effect. On and after March 15, 1970, the Division, upon written request therefor, shall issue its certificate attesting to the presence or absence in its file of a document incorporating a purported rule.

15-5-4.19 PRE-FILED RULES

The rules of any agency which were accepted for filing by the Office of the Secretary of State prior to September 1, 1969, shall continue in full force and legal effect until the effective date of an order of the adopting agency providing otherwise. Pre-filed rules shall be permanently maintained in a file separate from documents accepted for filing after September 1, 1969, until such time as the provisions of such rules are codified, except that upon incorporation into the official codification a copy of the rule so codified shall be substituted for the copy of the rule originally filed. The copy of the rule as originally filed shall be initially assigned to an archives file maintained for the purpose and, not less than six months after substitution of the codified rules, shall be transferred to the State Library for inclusion in the official archives.

15-5-4.20 EMERGENCY RULES

In the event an agency finds that an imminent peril to the public health, safety or welfare requires adoption and enforcement of a rule upon fewer than 20 days' notice, it may proceed to adopt the rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable. The Division will accept for filing any document reporting the adoption of an emergency rule, waiving and without regard to the provisions of Sections 4.2 (Notice of Intention), 4.6 (Opportunity to be Heard), 4.7 (Record of Opportunity) and 4.15 (Certificate of Filing) of this Chapter; however, the provisions of Section 4.5 (Order of Adoption) to the extent not inconsistent with this section, will in no event be waived.

15-5-4.21 CERTIFICATE OF EMERGENCY

Any agency adopting an emergency rule pursuant to Section 4.20 of this Chapter shall prepare and present to the Division at the time of presentation of the rule for filing, a Certificate of Emergency which shall include the following information:

- The order adopting or changing the rule;
- A written statement describing the imminent peril necessitating emergent proceeding;
- A certificate of the adopting officer attesting to the facts set forth in the statement.

15-5-4.22 RATIFICATION OF EMERGENCY RULE

Any rule, adopted and filed as an emergency rule, is a permanent rule of the adopting agency without difference or distinction from non-emergent rules. To the extent feasible, however, it is requested that in the event an emergency rule is not designed to be of general applicability and continuing effect or that in the event the emergency condition to which it responds is transient or correctable, that such rule be repealed at the earliest possible moment. In the event, however, the rule is intended to have continuing legal effect, it is urged the adopting agency, as soon as possible after adoption and filing of the rule, proceed to publish its notice of adoption and to afford to the public an opportunity to be heard regarding the emergency rule. Upon completion of such proceedings, the provisions of the waived sections may be complied with and the rule accepted for re-filing with appropriate documentation without in anywise disturbing its effective date.

15-5-4.23 EXEMPT RULES

Any exempt rule, except an emergency rule, may be adopted, filed and enforced at any time without prior public notice or opportunity to be heard.

15-5-4.24 FILING OF EXEMPT RULES

Any agency adopting an exempt rule may submit to the Division for filing an order adopting such rule, prepared to the extent appropriate pursuant to Section 4.5 of this Chapter, accompanied by a brief statement describing the exemption claimed for the rule and the reasons therefor.

SUBCHAPTER 5 CODIFICATION OF DOCUMENTS

15-5-5.1 DOCUMENTS SUBJECT TO CODIFICATION

No document shall be codified by incorporation in the Code except by direction of the Director. No document shall be refused codification except:

- Any document not prepared, processed or filed pursuant to the provisions of this Chapter;
- Any document incorporated by reference pursuant to Section 5.3 of this Chapter;
- Any document the publication of which is prohibited by judicial order or by directive of higher authority;
- Any document the filing of which is contested before a court of this State, and concerning which no final adjudication has been rendered;
- Any document reporting the adoption of an exempt rule, the codification of which is deemed by the Director, in consultation with the adopting agency, to be unnecessary or inappropriate;

(f) Any document the publication of which is deemed by the Division to be unduly cumbersome, expensive or otherwise inexpedient, provided, however, such document is made available by the adopting agency on application thereto, without charge or otherwise, and provided further that there be published in the Code in lieu of such document, a notice stating the general subject matter of the omitted document and stating the manner in which a copy thereof may be obtained.

15-5-5.2 DOCUMENTS REQUIRING CODIFICATION

Every document reporting the adoption of a public rule shall be subject to codification. All such documents shall be drafted as amendments to the Code and shall be prepared in accordance with the provisions of this Chapter before presentation to the Division for filing. Each such document shall contain, in addition to information required pursuant to Section 4.5 of this Chapter, a statement precisely describing the effect of such document upon existing provisions of the Code.

15-5-5.3 INCORPORATION BY REFERENCE

(a) No document shall be incorporated into the Code by reference except by order of the Director. Any agency will be authorized to incorporate by reference, as an official rule adopted pursuant to statute, which rule shall be binding on every person and enforceable without recitation of the text in the Register or the Code, text adopted from any of the following kinds of publications:

- New Jersey Statutes Annotated
- United States Code
- New Jersey Session Laws
- Code of Federal Regulations
- Federal Register
- Any uniform system of accounts published by the National Association of Regulatory Utility Commissioners

(7) Any generally available standard published by any of the standardizing organizations listed in the United States Department of Commerce Miscellaneous Publication 288, issued August 1, 1967, or supplements thereto or reissues thereof, or

(8) Any other generally available publication approved by the Division.

(b) Any document incorporated by reference must be made available for public inspection by the adopting agency and must, in addition, be available in printed or processed form either from the adopting agency or from the original source or both, either without charge or for a reasonable fee.

(c) Any agency requesting the incorporation of any document by reference shall prepare and submit at the time of such request the text of a notice to appear in the Code in lieu of the text of the document pursuant to Subsection 5.1(f) of this chapter (Documents Subject to Codification).

15-5-5.4 ASSISTANCE IN PREPARATION

To assure the most expeditious processing of documents, the Division shall, upon request of any adopting agency, consult with and advise the agency regarding the preparation of documents for filing. It is requested the Division be notified of the necessity or intention to prepare a document at the earliest practicable moment. The Division will maintain no official record of consultation with any agency regarding the preparation of documents nor will it release to any person not specifically authorized by the adopting agency any information regarding the proposed document. Consultation with and advice to any adopting agency pursuant to this section shall be strictly confidential and shall in no way prejudice any determination of the Division in connection with the eventual presentation for filing of the document.

15-5-5.5 STRUCTURE OF THE CODE

The text of all rules shall be published in the Code in sections and chapters, serially numbered, in the manner of their adoption, or in such order as prescribed by the Director in accordance with the provisions of this subchapter. The Director may number or renumber any material published in the Code, may further divide or combine existing material, and he may provide for appropriate digests, indices and other related material. The Director will not change the language of any rule, except that of a title, heading, or explanatory notation.

15-5-5.6 TITLE

The Code is divided into a series of titles consecutively numbered by Arabic numbers. Each of the 16 principal departments [see Department of State, Directory of State Officers, Judges, etc., August 1969, page 2, "Members of Governor's Cabinet"] is assigned a title number. Additional titles are provided as follows:

- Title 1 - Chief Executive
- Title 17 - Treasury -- Taxation
- Title 19 - Miscellaneous
- Appendix - Organization Manual of New Jersey State Government

15-5-5.7 SUBTITLE

Each title is divided into a series of subtitles consecutively lettered by capital letters and each reflecting a principal constituent suborganization of the principal department, empowered by statute or by authority of the Commissioner (in writing and filed with the Division) to issue or to enforce administrative rules. Subtitles will reflect the enforcement or operating agencies of the department rather than its adopting agencies.

15-5-5.8 CHAPTER

Each title (n.b., not subtitle) is divided into a series of chapters consecutively numbered by Arabic number. Each chapter should be identified with and comprehensive of the rules pertaining to a single program or policy project of the State Government.

15-5-5.9 SUBCHAPTER

Chapters may be divided into two or more subchapters consecutively numbered by Arabic numbers. A subchapter should group rules immediately related one to the other.

15-5-5.10 SECTION

Each subchapter will be divided into a series of sections consecutively numbered by Arabic numbers. Each section should constitute a single proscription or admonition binding upon the public or item of information of assistance or information to the public. The provisions of each section may be either substantive or procedural or a combination of both.

15-5-5.11 SUBDIVISION OF SECTIONS

(a) At the discretion of the adopting agency and with the concurrence of the Division, sections may be subdivided into subsections (lower case letter in parentheses), paragraphs (Arabic number followed by period) and subparagraphs (Roman number followed by period).

(b) Where subdivisions of a section constitute part of a single sentence and it is desired the parts be numbered (e.g., list of items), they should appear consecutively numbered by Arabic numbers followed by a period.

(c) In the interest of assuring each section contains an indivisible rule no section should contain an indented paragraph. However, where indents are unavoidable, these should be numbered as subsections.

15-5-5.12 PARTS, DIVISIONS, ARTICLES, GROUPS, ETC.

At the discretion of any adopting agency and with the concurrence of the Division, any title, subtitle, chapter or subchapter may be divided into designated "parts," "articles," "groups" or "divisions" consecutively lettered by capital letters. Such special lettering shall reflect a peculiar organization or program distribution within the adopting agency. Such special segregation is inconsistent with the normal presentation of material in the Code and is discouraged. In any event, such unusual separations of the Code will not interrupt the sequence of chapter, subchapter and section numbers of the units they combine.

15-5-5.13 UNDESIGNATED CENTERED DESCRIPTIVE HEADINGS

Undesignated descriptive headings may be inserted to group related sections as required. Such headings, to the extent they promote greater utility of the Code, are encouraged.

15-5-5.14 SECTION DESIGNATION IN THE CODE

Each section of the Code shall be preceded by the complete section designation, including the title number followed by a colon, the chapter number followed by a dash, the subchapter number followed by a period, and the section number.

15-5-5.15 RESERVATION OF UNITS

In the event an adopting agency, during the process of the codification of its pre-filed rules or during the process of the drafting of new rules, can anticipate the addition in the future of new or transferred program responsibilities, an appropriate number of chapter numbers should be reserved. Similarly, in the event the addition of a series of related rules within a chapter can be anticipated, appropriate subchapter numbers could be reserved. Reserved chapter and subchapter numbers shall be designated in the text of the document as follows:

"Chapter 25. [Reserved]"

or

"Subchapter 6. [Reserved]"

Any adopting agency may request reservation of unit numbers in advance of publication of the affected material. A list of reserved chapter and subchapter numbers should be prepared setting forth the descriptive heading anticipated for each. Concurrence of the Division in the request of the adopting agency may be expected provided only there is demonstrated realistically possible future need.

15-5-5.16 INSERTION OF NEW UNITS BETWEEN EXISTING UNITS

Where the introduction of any new chapter, subchapter or section between existing chapters, subchapters or sections becomes necessary, the newly introduced unit shall be designated by the addition of a capital letter suffix to the preceding unit number. For example, a chapter introduced between chapters 5 and 6 of Title 2 should be designated Chapter "2.5A"; a subchapter introduced between subchapters 10 and 11 should be designated Subchapter "2.5-10A"; and a section introduced between sections 4 and 5 should be designated Section "2.5-10.4A." When a number of such new chapter, subchapter, or section numbers have been introduced, the entire portion of the title, chapter or subchapter shall be recodified.

15-5-5.17 VACATED NUMBERS

Whenever a number is vacated by a repeal or rescission, its text shall be removed from the Code and there shall be substituted an explanatory note in brackets such as the following:

15:5-4.14 Private Hearing [Repealed, R.1973, d.45, effective July 1, 1973.]

SUBCHAPTER 6

EXPLANATORY DOCUMENTATION

15-5-6.1 MATTER OTHER THAN TEXT

In addition to the text of any rule, there shall appear in the Code explanatory documentation as provided in this subchapter. Explanatory documentation should be prepared by the adopting agency, inserted in the text of the rule and incorporated in the document presented for filing. Explanatory documentation is the primary responsibility of the Division; however, no changes in documentation recommended in the filed document will be effected without consultation with the adopting agency. In the event such documentation is not included in a filed document, the Division reserves the authority to prepare and introduce such documentation without consultation with the adopting agency.

15-5-6.2 STRUCTURE

(a) Following the title page of each title, there shall be included a listing of subtitles and chapters by citation and heading. Where appropriate, subtitle designations and headings should be centered and chapter designations and headings should be presented in two columns beneath such subtitle designations.

Rules of Administrative Procedure—continued

(b) Following the designation and heading of each chapter, there shall be included a listing of subchapters and sections by designation and heading. Where appropriate, subchapter designations and headings should be centered and section designations and headings should be presented in two columns beneath such subchapter designations.

15-5-6.3 FORWARD

It may be appropriate to introduce the regulatory system of a chapter with a description of its scope, general purpose or history. Such information shall be designated "Forward" and shall be printed in indented italics preceding the heading of the first subchapter of the chapter.

15-5-6.4 HEADING

(a) Each section of the Code shall be introduced by a brief descriptive heading. The section heading shall follow the section number in the same line and shall precede the text on a separate line.

(b) Each title, part, chapter, subchapter and similar additional division of the Code shall bear a brief descriptive caption which shall appear in full on a separate line or lines preceding the text of the respective unit.

(c) A subtitle heading should be designated simply the official name of the agency responsible for the enforcement of its constituent rules. For example, Subtitle B of Title 15 should bear the caption:

"Subtitle B. Division of Administrative Procedure."

(d) A chapter heading should be designated by the abbreviated or common name of the program its provisions implement. For example, this chapter of the Code is designated:

"Chapter 5. Administrative Procedure."

(e) A subchapter caption should be designated by the subject matter common to the several rules constituting the subchapter. For example, this subchapter is designated:

"Subchapter 6. Explanatory Documentation."

15-5-6.5 AUTHORITY NOTE

Each section shall be followed by an indented authority note designating the statutory provision (by N.J.S.A. citation) pursuant to which the rule comprising the section was adopted. The authority note should specifically cite the section and, if appropriate, the subsection of the statute to which reference is made. Thus, this section, were it not for the exemption established in Section 6.6 of this chapter, would appear as follows:

"Authority: N.J.S.A. 52:14B-7(g)."

15-5-6.6 BLANKET AUTHORITY NOTE

In the event an entire subchapter, chapter or subtitle is adopted pursuant to a single statutory delegation of authority (though not necessarily as a single time or by a single document), the authority note to be appended to each section shall be omitted and there shall appear immediately following the appropriate subtitle, chapter or subchapter heading a Blanket Authority Note including, in addition to the information required in Section 6.5 of this chapter a description of the scope of such note. Thus, the authority note pertaining to this chapter appears as follows:

Authority Note

Unless otherwise expressly noted, all provisions of this Chapter 5 were adopted by the Director, Division of Administrative Procedure, pursuant to authority delegated at N.J.S.A. 52:14B-7(g), the Administrative Procedure Act, and were filed and became effective September 2, 1969, d.1. (Exempt, Interagency Rules).

15-5-6.7 FILING NOTE

Immediately following the text of each section (and as an added sentence in the text) a statement shall be inserted indicating the document number assigned by the Division to the document containing such section, the date upon which the document was filed, and the effective date of the section if other than the date of filing, subject to the following provisions:

(a) Where a rule is in effect on September 1, 1969, no statement will appear;

(b) Where a rule is filed after September 1, 1969, its text will appear in the Code followed by the statement:

R.1970, d.23, eff. February 29, 1970.

which statement indicates the section was adopted by the 23rd document filed with the Division during the calendar year 1970; or

(c) Where a rule is changed after September 1, 1969, the changed version will appear in the Code followed by the statement:

"As amended, R.1971, d.82, eff. March 15, 1971."

or

"R.1970, d.73; As amended, R.1971, d.82, eff. March 15, 1971."

which statement indicates the section was amended by the 82nd document filed with the Division during the calendar year 1971.

15-5-6.8 HISTORICAL NOTE

(a) Where an early version of a rule has had general currency and is widely known by either a common name or its former numerical designation, it may be appropriate to reflect renumberation of the rule resulting from codification and the pattern or development of substantive revision or amendment effected during a reasonably lengthy historical period (generally encompassing not more than a decade). A historical note might appear substantially as follows:

Historical Note

The last sentence extending authority to non-residents was added by the 1971 amendment.

(b) Historical notes might also reflect transfers of program responsibility from one enforcing agency to another, or a change in official agency name.

(c) Historical notes might also reflect the source of the substantive rule. Although administrative history is not

of the same importance as legislative history, it may be helpful to inform the public of the derivative history of the substantive rule. Prior existing rule systems, model or standard rules, rules of other agencies, or institutional or agency sources (interest groups, non-profit agencies, etc.) may well deserve credit for a substantive rule and, in the process, add to the meaning of the rule.

15-5-6.9 NOTE OF DECISION

Following the text of any rule to which such information is pertinent, there should be included whenever possible reference to judicial or quasi-judicial decisions interpreting or affecting the section.

(a) Judicial decisions: Since it is preferable to incorporate the thrust of a judicial decision within the text of an affected rule by amendment of the text itself, reference should be made in a note of decision only to the most significant of judicial decisions.

(b) Administrative adjudication: The decisions rendered by administrative agencies in quasi-judicial proceedings arising out of enforcement of their rules have neither general applicability nor continuing effect. Nevertheless, the reasoning and precedent value of such decision should be preserved and cited whenever possible. In the event a significant quasi-judicial decision is not compiled or available to the public in complete text, a note of decision should advise the manner in which a full text copy of the decision can be obtained.

15-5-6.10 CROSS-REFERENCE NOTES

Because the Code is structured according to governmental organization and because that organization does not necessarily group within a single agency activities of interest to a given class of user, it will be necessary to advise the user that other chapters, subchapters or sections will be of interest to him, that such other units affect the same subject matter as the noted section or that terms or phrases used in the noted section derive from similar usage in another section or are defined elsewhere in the Code.

15-5-6.11 TABLES

(a) Cross-reference tables: Agencies which have previously published codified rules may find it helpful to prepare cross reference tables during the drafting and before filing of new rules systems. These tables should list the old section designation, identifying for each the new designation, and (in a separate table) list the new section designation, identifying for each the comparable old designation.

(b) Other tabular material: In addition to cross-reference tables, it may be of assistance to present additional tabular matter concerning the rules in the Code. All tables will appear following the numbered sections in each chapter under the designation "table" or "tables" and will be cited as follows:

"N.J.A.C. 15-5-table"

15-5-6.12 INTERNAL REFERENCES

All references to codified documents shall be in terms of the specific title, chapter, subchapter and section intended. Non-specific references such as "herein," "above," "below," and the like shall not be used except as provided in this section. All documents referring to material published in the Code shall include the formal Code citation in such reference.

(a) References between titles of the Code: Unless the intended reference is precisely expressed and undue or awkward repetition would result, references between titles, that is, a reference in one title made to material codified within another, shall be set forth as a formal citation. Following such citation, a descriptive reference to the section intended, usually based on the heading of the section referenced, should be inserted parenthetically.

(b) References within titles: Reference made to material codified in the same title but in a different chapter shall identify the unit and its number followed by "of this Title." Immediately following the reference a brief description of the intended material, usually based on its heading, should be inserted parenthetically.

SUBCHAPTER 7

PREPARATION OF DOCUMENTS

15-5-7.1 GENERAL REQUIREMENTS

All documents submitted to the Division for publication or filing shall conform to the requirements of this subchapter. Request for deviation will be honored only upon demonstration of undue expense or delay occasioned by adherence to the requirements.

15-5-7.2 NUMBER OF COPIES

Each agency shall prepare and present to the Division one original and one legible copy (electrostatic or equivalent) of each document submitted for publication in the Register or the Code. Each agency shall prepare and submit to the Division two certified copies of each rule submitted for filing.

15-5-7.3 LETTERS OF TRANSMITTAL

Letters of transmittal are not required in connection with the submission of documents for publication or filing. Such letters will be accepted, however, and should be used whenever special processing is desired. A letter of transmittal does not constitute a document nor shall its contents be considered accepted, approved or filed by the Division merely by reason of its receipt thereof.

15-5-7.4 STANDARD REQUIREMENTS

Each document submitted for filing or publication shall conform to the following requirements:

- (a) Paper — 20 lb. bond or heavier;
- (b) Size — 8 1/2 inches by 13 inches;
- (c) Typewritten — on one side only;
- (d) Margins —
 - (1) Top and bottom — 1 1/2 inches
 - (2) Left side — 2 inches
 - (3) Right side — 1 inch
- (e) Pagination — each page to be numbered consecutively at bottom-center. Indicate total number of pages in parenthesis at bottom left of the first page as follows: "On 12."

(f) Binding — pages must be securely fastened. It is suggested:

- (1) 2 to 10 pages — single staple, upper left hand corner;
- (2) 11 to 25 pages — two staples spaced evenly in left margin;
- (3) 26 to 50 pages — two or three heavy staples, or equivalent, evenly spaced in left margin;
- (4) 50 to 100 pages — Acco fastened (without binder), or equivalent, in left margin;
- (5) More than 100 pages — either multiple volumes of not more than 100 pages each, or suitable permanent binding.

15-5-7.5 PRINTED MATTER

Printed matter submitted to the Division for publication or filing shall be trimmed or mounted to the standard size established for documents at Section 7.4 of this Chapter. If of sufficient brevity, printed matter should be retyped; otherwise, mounted permanently (glue or paste) on appropriate paper.

15-5-7.6 SIGNATURES

Every document submitted to the Division for filing pursuant to this Chapter, must bear the original signature of the authorized adopting officer, or, must be certified according to law as an identical copy of an original document executed by an authorized adopting officer. Every notice, order or report submitted to the Division pursuant to this Chapter, otherwise required to be filed, must bear an original or facsimile signature of the authorized adopting officer or an agent or representative authorized previously and in writing to act for such officer.

15-5-7.7 STYLE; PUNCTUATION; CAPITALIZATION; ORTHOGRAPHY

Agencies should be guided in the preparation of documents in matters relating to style, spelling, punctuation, etc. by the following reference works:

Federal Register, Handbook on Document Drafting
United States Government Printing Office Style Manual
Webster's Third New International Dictionary, Unabridged.

NOTICE OF PROPOSED CHANGES IN STATE AGENCY RULES

The following digests, notices, and texts of rules, regulations and codes filed by Administrative Agencies during the preceding month have been prepared by the Office of the Director of the Division of Administrative Procedure, Department of State, pursuant to Section 4 (a) (1) and Section 7 (b) of Chapter 410 of the Laws of 1968.

NOTICE OF ADOPTION OF AN EMERGENCY RULE OF THE DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Notice is hereby given that pursuant to N.J.S.A. 13:1B-45, the Commissioner of Conservation and Economic Development has adopted the following emergency rule without hearing or prior notice pursuant to Section 4(c) [N.J.S.A. 52:14B-4(c)] of the Administrative Procedure Act:

STATE OF NEW JERSEY
DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT
TRENTON, NEW JERSEY

CONSERVATION ORDER DATED SEPTEMBER 1, 1969

I. CLOSING CERTAIN BEDS
WHEREAS the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have stated that certain of the shellfish beds in the tidal waters of the Delaware River, Delaware Bay and tributaries are in a depleted condition and have recommended that they be closed, and

PURSUANT to the recommendations of the aforementioned, which I have examined and feel to be correct and in the best interests of conservation, and

PURSUANT to the powers vested in me by the statutes in such case made and provided,

IT IS HEREBY ORDERED that the following beds be closed to the taking of shellfish on September 1, 1969 and shall remain closed until further notice:

Maurice River from its source up to a point commonly known as the Summer Line, better described in N.J.S.A. 50:3-14.

II. OPENING CERTAIN BEDS

WHEREAS the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain oyster beds in Delaware Bay below what is commonly known as the Southwest Line (described in 50:3-7 R.S.) that are now closed be opened, and

WHEREAS, the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain oyster beds in the said waters that are now closed be opened, and

WHEREAS, I am satisfied that the recommendations of the aforementioned are accurate and correct and that it would be in the best interests of conservation to open the same, and

PURSUANT to the powers vested in me by the statutes in such case made and provided

IT IS HEREBY ORDERED that all creeks above and below the Southwest Line be opened on September 1, 1969 for the taking of three inch oysters by tonge, except those creeks which have been condemned by the New Jersey

Department of Conservation and Economic Development—continued

State Department of Health (see N.J.A.C. 9:40-284*) and shall remain open until further notice. Each working day shall begin at 7 A.M. and close at 3 P.M. Eastern Daylight Time or Eastern Standard Time, whichever prevails.

Robert A. Roe, Commissioner
Department of Conservation
and Economic Development

DATED: September 1, 1969

*Copies of N.J.A.C. 9:40-284 are available upon request to the Division of Administrative Procedure, 10 North Stockton Street, Trenton, New Jersey 08608. (609) 292-6060.

(a)

NOTICES OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY STATE BOARD OF EDUCATION

Notice is hereby given that the Commissioner of Education, pursuant to the authority delegated him in N.J.S.A. 18A:70-3, proposes to amend his rules relating to the transportation of children cared for in any Child Care Center (N.J.A.C. 8:26-8, Transportation) as follows:

8:26-8 Transportation of Children to and from Child Care Centers (formerly Rules 1611 through 1615, Rules of the Commissioner).

(Pursuant to N.J.S.A. Title 18A:70-3)

(See Also: N.J.A.C. 8:21-1 et seq., Rules and Regulations of State Board of Education, Transportation of Pupils in Small Vehicles)

(a) Qualification of Drivers (formerly Rule 1611, Rules of the Commissioner)

[The person responsible for transportation of children] A driver transporting pupils to and from any child care center shall [make certain that each driver possess an appropriate license.] possess a valid School Bus Driver's License issued by the Division of Motor Vehicles. [is] He shall be a reliable person of good moral character and [is] not less than 21 years of age.

NOTE:

A parent transporting only his own child or children on a for-hire basis will not be required to possess a School Bus Driver's License. If, however, the parent in this case utilizes a vehicle which has a capacity greater than 6, the Division of Motor Vehicles will require the driver to possess a Special Bus Driver's License as required by N.J.S. 39:3-10.1.

(b) Vehicle Specifications (formerly Rule 1612, Rules of the Commissioner)

- (1) No small vehicle, as defined in N.J.A.C. 8:21-90, shall carry more than [11] 16 children; there shall be no standees.
- (2) When [12] 17 or more children are transported, the vehicle shall comply with all the bus specifications prescribed by rules [1401-1489] 8:21-90 - 8:21-106 N.J.A.C.
- (3) The body and equipment of every small vehicle shall conform to the following:
 - (i) Minimum seat width - 12 inches for each child; 15 inches for each adult,
 - (ii) Seats and back rests - securely fastened (no "jump-type" or folding seat will be approved), [front] forward facing, [and] spring or foam rubber upholstered. Exit from any seat in the vehicle must be clear of all obstruction. No vehicle will be approved where exit requires the folding of any seat ahead.
 - (iii) Heater capacity - 50 degrees F minimum,
 - (iv) Windshield wipers - dual,
 - (v) Rear-view mirrors - approved inside and outside. Outside mirror must be mounted on driver's side of vehicle.
 - (vi) Minimum emergency equipment - spare tire, [and] jack and at least three red reflector warning devices.
 - (vii) Chains and snow tires - [Chains or snow tires, unless the] as required by the county superintendent [determines they are not needed in that county.] of schools - must be used for safe operation in areas of snow and/or ice.
 - (viii) Fire Extinguisher - fully charged, with minimum underwriters rating of B-2, C-2, (or ½ B.C.), located at the front and to the right of the driver.
 - (ix) First-aid kit - dust proof metal unit without a lock, with the words First Aid printed on the cover and with contents to be maintained as hereinafter provided:
 - 6 - single units sterile pads 3 x 3 inches
 - 2 - 1 inch x 10 yds. bandage
 - 1 - 1 inch x 2-½ yds. adhesive
 - 12 - bandaid plastic strips
 - 1 - triangular bandage
 - 2 - paper cups
 - 1 - scissors
 - 1 - First Aid guide booklet
 - (x) Sun visor adjustable
 - (xi) Floor covering - must be non-skid material securely attached.

(c) Insurance (formerly Rule 1613, Rules of the Commissioner)

Each [center] contractor shall [keep on file a policy or certificate of] furnish liability insurance [covering children; such policy or certificate shall have been issued by a company authorized to insure in New Jersey which policy shall provide coverage of not less

than] for bodily injury or death in the following minimum amounts: \$300,000 for one person, [and not less than] \$500,000 for one accident.

Such insurance shall be through a company authorized to insure in New Jersey.

In lieu of the policy or certificate of insurance hereinbefore prescribed, self-insuring corporations may file the certificate prescribed in N.J.S. 48:4-12 and 13.

Photostat of the policy or certificate of insurance shall be attached to the Application for Certificate of Approval. The original or certified copy shall be retained on file in the child care center.

(d) Safety Practices (formerly Rule 1614, Rules of the Commissioner)

- (1) When more than six children are transported in one vehicle, there shall be another adult in the vehicle in addition to the driver.
- (2) At no time shall children be unattended in a vehicle.
- (3) All small vehicles shall be inspected semi-annually by the Division of Motor Vehicles, in cooperation with the County Superintendent, who shall notify each center of the schedule of inspections; the responsibility for notifying the county superintendent of vehicles to be inspected shall be that of each center.
- (4) Children shall be loaded and unloaded from the curb side of the vehicle and on the right side of the street, except one-way streets.
- (5) When unloading, the driver shall make certain that a responsible person is present to take care of the child.
- (6) Each vehicle shall be uncluttered and thoroughly clean at all times.
- (7) Doors shall be opened and closed by the driver or by the attendant, and no obstacle shall obstruct clear passage to doors.
- (8) Windows shall not be more than 50 per cent open at any time.
- (9) When a tire is worn smooth or is otherwise in poor condition, the tire shall be replaced with an approvable tire.

(e) Transportation Records (formerly Rule 1615, Rules of the Commissioner)

- (1) Each center shall keep on file a list of the children transported, the distance each child is transported, the name of each driver, and the year, make and model of each vehicle used.
- (2) These records shall be available to the Commissioner of Education or his representative.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed to Hon. Clyde E. Leib, Office of the Commissioner, New Jersey State Department of Education, 225 West State Street, Trenton, N. J., Telephone (609) 292-4040, on or before 4 p.m. on October 31, 1969.

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

Carl L. Marburger, Commissioner of Education
Secretary, State Board of Education

(b)

NOTICE OF PROPOSED CHANGES IN THE RULES OF DEPARTMENT OF HEALTH

Notice is hereby given that the New Jersey State Department of Health, pursuant to the authority delegated in N.J.S.A. 26:2C-8, proposes to adopt Chapter 13 of the New Jersey Air Pollution Control Code.

The proposed Chapter 13, entitled "Air Quality Standards," establishes a general ambient air quality standard and numerical air quality standards for ambient total suspended particulates and sulfur dioxide. Such standards have been formulated by the State Department of Health in order to comply with the requirements of the Federal Air Quality Act of 1967, P.L.90-148 (81 Stat. 485).

Copies of the proposed Chapter 13 may be obtained by writing to:

Hon. Richard J. Sullivan
Director
Division of Clean Air and Water
Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

At 10 a.m. on September 22, 1969, a duly announced public hearing was held in accordance with the provisions of the New Jersey Air Pollution Control Act (N.J.S.A. 26:2C-1, et seq.).

To further comply with the notice requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1, et seq.), notice is hereby given that any interested person may present or mail statements or arguments in writing relevant to the action proposed to Mr. Richard J. Sullivan at the above address on or before October 15, 1969.

After full consideration of any statement or argument presented, the State Department of Health, upon its own motion or at the instance of any interested party, may thereafter adopt the rule substantially as proposed without further notice.

Roscoe P. Kandle, M.D.
State Commissioner of Health

(c)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY DEPARTMENT OF HIGHER EDUCATION

Notice is hereby given that the New Jersey Board of Higher Education, pursuant to the authority delegated in N.J.S.A. 18A:3-15, proposes:

1. To revise, amend, and repeal certain of its existing regulations governing county community colleges;
2. To adopt certain new regulations governing county community colleges; and
3. To codify all of its regulations governing county community colleges into a single text, thereafter to be cited as N.J.A.C.

The Board of Higher Education proposes to make the aforesaid changes in its regulations governing county community colleges in order to bring these regulations up to date and to provide the public and colleges with a single text containing all the Board's regulations governing county community colleges. The proposed single text contains all such regulations with respect to the following subjects: authorization; establishment; governance; degrees; certificates and diplomas; curriculum; instruction; evaluation; personnel; admissions and student personnel services; finance; physical facilities; library-learning resources; and off-campus facilities.

Interested persons may obtain a copy of the proposed regulations governing county community colleges by writing or calling Mr. Terrence Tollefson, Director, Community Colleges, Department of Higher Education, 225 West State Street - 4th Floor, Trenton, New Jersey 08623, telephone (609) 292-4470. Copy of the proposed regulations is available for public inspection at the offices of the Division of Administrative Procedure, 10 North Stockton St., Trenton, New Jersey 08608.

Notice is also given that persons who wish to present statements or arguments concerning the proposed regulations may present their views in writing, orally in person or by telephone to Mr. Tollefson, at the address or telephone given above, on or before 5:00 p.m., Wednesday, October 15, 1969.

After full consideration of all written and oral submissions respecting the proposed regulations, the New Jersey Board of Higher Education, upon its own motion, may thereafter adopt the regulations substantially as proposed above and without further notice.

Ralph A. Dungan, Chancellor
New Jersey Department of
Higher Education

(d)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY RACING COMMISSION, DEPARTMENT OF THE TREASURY

Notice is hereby given that the New Jersey Racing Commission, pursuant to authority delegated to it by N.J.S.A. 5:5-30, is considering the amendment of Rule 278 of the Rules and Regulations adopted April 18, 1968 of the Division of Racing Commission regarding Jockey Mount Fees, such that upon amendment the rule would provide as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]:

278. Jockeys' riding fees in the absence of a contract shall be as follows:

In each race on the flat, for purses \$2,000.00 [and over] to \$3400.00:

- Rider of winning mount [\$50.00] 10 per cent.
- Rider of second mount [\$40.00] \$45.00
- Rider of third mount [\$30.00] \$35.00
- All losing mounts [\$25.00] \$30.00

For purses \$3400.00 to \$4900.00

- Rider of winning mount 10 per cent
- Rider of second mount \$50.00
- Rider of third mount \$40.00
- All losing mounts \$30.00

For purses \$5000.00 and up

- Rider of winning mount 10 per cent
- Rider of second mount \$55.00
- Rider of third mount \$45.00
- All losing mounts \$35.00

Notice is also given that the New Jersey Racing Commission will conduct a public hearing to receive written and oral statements regarding the amendment under consideration.

Interested persons are invited to attend the hearing at the offices of the Division of Racing Commission at 28 West State Street, Trenton, N.J. 08625 on Tuesday, October 7, 1969 at 1:00 P.M.

Persons desiring to present all statements at this hearing must request such opportunity in writing on or before Friday, October 3, 1969, in order that such statements may be included in an agenda.

Written statements received at any time prior to October 15, 1969 as well as all statements presented at the public hearing will be given full consideration in connection with the above proposal.

After full consideration of all written and oral submissions respecting the proposed amendment, the New Jersey Racing Commission, upon its own motion, may thereafter adopt the amendment substantially as set forth above and without further notice.

John J. Reilly, Secretary,
New Jersey Racing Commission,
for the Commission.

**NOTICE OF CHANGES IN THE PRACTICE
OF RULES OF THE DIVISION OF TAX
APPEALS, DEPARTMENT OF THE
TREASURY**

Notice is hereby given that the Division of Tax Appeals, Department of the Treasury, pursuant to authority delegated it in N.J.S.A. 54:2-14, has amended its Rules of Practice (N.J.A.C. 17:18-13(d)).

This amendment was filed and became effective September 4, 1969, (Exempt, Practice Rules), as R.1969, d.3.

17:18-13 Petitions of Appeal

(a) Signing and Verification; In General

The petition may be signed and verified by the petitioner, by an attorney-at-law of New Jersey, or, in certain cases, by the petitioner's authorized agent. A petition of appeal of a corporation or an association shall be executed and verified by an officer thereof or by an attorney-at-law of New Jersey.

(b) Signing and Verification; Appeal by Taxing District

Where the appeal is taken by a taxing district it shall be in the name of said district and the petition shall be executed by an officer duly authorized by the governing body thereof or by the attorney for the taxing district.

(c) Petition of Appeal; Two or More Parcels

Where two or more parcels of real estate are included in one petition, the Division may require a separate petition in the case of each parcel. Where such is the case, the petitioner may file substituted petitions, which shall be deemed to have been filed in time if the original petition was so filed.

(d) Petition of Appeal; Contents

The petition of appeal shall set forth the full name of the petitioner and recite in clear and concise fashion the matter in controversy, and the action, determination or judgment appealed from. It shall likewise contain a description of the subject matter involved, stating the valuation made by the taxing authority, the year for which the assessment was levied, the block, lot number and street number where the property was assessed; also full and complete information as to the land, including the size of the lot, the square foot area of the lot, a description of the buildings and structures thereon, if any, and the use thereof; and in case of income producing property, shall detail the income and expense of operation. No petition shall fix any sum as the value of the property in question but shall contain a general prayer that the assessment be "increased" or "decreased" to the true value thereof. The petition, or its endorsement, shall further set forth the name and address of appellant and of respondent and the name and address of appellant's agent or attorney, where the appeal is instituted through an agent or attorney, for the purpose of service of papers in connection with the appeal. Where appellant appears pro se, his address shall appear in the petition, or its endorsement, for the same purpose.

In any appeal before the Division, pursuant to R.S. 54:1-35.4 (involving the State School Aid Table or pursuant to R.S. 54:2-37 (the County Equalization Table), the party making the appeal shall in its petition of appeal state clearly and fully the nature of its case and the legal issues involved. If the exclusion or inclusion of a specific sale or sales in the table appealed from is sought in the appeal, the party appealing should specifically describe the sale or sales, the classification of the sale or sales, and its reason or reasons as to why the sale or sales should have been excluded or included in the table.

(e) Petition of Appeal; Execution

Any petition may be executed and verified by the taxpayer or an attorney-at-law of New Jersey. In case the taxpayer is unable to sign and verify the petition by reason of illness, incapacity or absence from the State, or for any other reasonable cause, it may be executed and verified by his duly authorized agent, which agent shall attach his affidavit, specifying that he is authorized to take the appeal and giving the reasons for the inability or failure of the taxpayer to sign and verify the petition.

(f) Petition of Appeal; Discrimination

Whenever an appeal shall be based upon discrimination, the Petition of Appeal shall contain, in addition to the information hereinabove set forth, the following:

(1) The ratio (common level) alleged to exist between assessments in the municipality and the true values thereof.

(2) The Petition of Appeal shall further contain a general prayer that the assessment be increased or decreased (as the case may be) to the same level and standard of value used in levying assessments on other properties in the taxing district.

Kenneth D. McPherson, Secretary
Division of Tax Appeals

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THE NEW JERSEY REGISTER

1 N. J. R. 9

NEW JERSEY, THURSDAY, OCTOBER 30, 1969

Vol. 1—No. 2



THE NEW JERSEY REGISTER

A Publication of the State of New Jersey

RICHARD J. HUGHES, Governor
Robert J. Burkhardt, Secretary of State
Leon S. Wilson, Director of Administrative Procedure
Melvin E. Mounts, Rules Analyst
Grace Barnett, Editor

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THURSDAY, OCTOBER 30, 1969

NOTICE OF PROPOSED CHANGES IN STATE AGENCY RULES

The following digests, notices, and texts of rules, regulations and codes filed by Administrative Agencies during the preceding month have been prepared by the Office of the Director of the Division of Administrative Procedure, Department of State, pursuant to Section 4 (a) (1) and Section 7 (b) of Chapter 410 of the Laws of 1968.

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BOARD OF PUBLIC UTILITY COMMISSIONERS

Notice is hereby given that the Board of Public Utility Commissioners, pursuant to the authority delegated in N.J.S.A. 48:2-25, proposes to adopt a regulation for residential electric and telephone underground extensions as follows:

REGULATION FOR RESIDENTIAL ELECTRIC UNDERGROUND EXTENSIONS

Applicability.

1. Extensions of electric distribution lines applied for after the effective date of this regulation, and necessary to furnish permanent electric service to new residential buildings within a subdivision having five or more building lots, or to new multiple-occupancy buildings, shall be made underground. Such extensions of service shall be made by the utility in accordance with the provisions in this regulation.

B. Definitions.

1. The following words and terms, when used in this regulation, shall have the meaning indicated:

Applicant - the developer, builder or other person, partnership, association, corporation or governmental agency applying for the construction of an underground electric distribution system in a subdivision.

Building - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for single-family occupancy.

Board - Department of Public Utilities, Board of Public Utility Commissioners.

Multiple-Occupancy Building - a structure enclosed or within exterior walls or fire walls, built, erected and framed of component structural parts and designed to contain five or more individual dwelling units.

Subdivision - the tract of land which is divided into lots for the construction of new residential buildings, or the land on which is constructed new multiple-occupancy buildings.

Utility - an "electric company" as defined in N.J.S.A. 48:2-13.

C. Rights of Way and Easements.

1. Within the applicant's subdivision the utility shall construct, own, operate, and maintain underground distribution lines only along public streets, roads, and highways which the utility has the legal right to occupy, and on public lands and private property across which rights of way and easements satisfactory to the utility may be obtained without cost or condemnation by the utility.

2. Rights of way and easements suitable to the utility must be furnished by the applicant in reasonable time to meet service requirements and at no cost, must be cleared of trees, tree stumps and other obstructions at no charge to the utility, and must be graded to within six inches of final grade by the applicant before the utility will commence construction. Such clearance and grading must be maintained by the applicant during construction by the utility.

D. Installation of Underground Distribution System Within Subdivision.

1. Upon receipt of a proper application the utility shall install an underground electric distribution system with sufficient capacity and suitable materials which, in its judgment, will assure that the applicant will receive safe, adequate and reasonable electric service for the foreseeable future.

2. For single-family buildings the applicant shall pay the utility, for each building lot being served, the amount determined from the following table:

| Average Building Lot Width | Charge Per Building Lot |
|----------------------------|--|
| 0 - 100 feet, inclusive | \$1 per foot for each foot of building lot width, with a minimum charge of \$25 per lot. |
| 101 feet and over | \$100 plus \$1.50 per foot for each foot of building lot width in excess of 100. |

The average building lot width shall be determined by measuring the total length of front property lines of building lots to be served, such measurement to be made along the streets and roads which adjoin the building lots, except that, for corner building lots, only the shorter of the two dimensions shall be included in determining the total front footage, and then dividing the total length so determined by the number of building lots to be served as shown on the builder's layout plat.

3. The service connection to the building normally will be at the corner of the building nearest the point at which the underground system enters the property to be served. If such service connection point on any building is more than 50 feet, measured at right angles, from the front property line, then the applicant shall pay the utility \$1.00 per foot for the length in excess of 50 feet.

4. For a new multiple-occupancy building the underground distribution system within the subdivision shall be constructed to the building by the utility at no charge to the applicant, provided the utility is free to construct its service extension or extensions in the most economical manner.

5. The charges specified in this regulation may not be waived or refunded unless it is mutually agreed by the applicant and the utility that the applicant will do all of the trenching and backfilling, in which case the applicant shall receive a credit of \$0.50 per trench foot for each foot of trenching and backfilling provided by him, such credit to be no more in amount than the total charges under this regulation. If there is disagreement as to whether the applicant should do the trenching and backfilling, either party may refer the matter to the Board for a ruling.

6. The charges specified in this regulation are based on reasonably full use of the subdivision for building lots or multiple-occupancy buildings. If the subdivision is designed to include large open areas, the utility or the applicant may refer the matter to the Board in accordance with its Rules of Practice and appropriate statutes for a special ruling on the charges.

E. Connection to Supply System.

1. The utility shall construct a connection from the boundary line of the applicant's subdivision to the utility's existing supply facilities, subject to the following provisions: a) the extension adjacent to the boundary line of the subdivision, for a maximum distance of 200 feet, shall be made underground, at the utility's expense; and b) if an extension in excess of 200 feet is required then the extension over 200 feet shall be made underground in accordance with the provisions of N.J.S.A. 48:2-27, Extension of Facilities.

F. Advances by Applicant.

1. Where, due to the manner in which a subdivision is developed, the utility is required to construct an underground electric distribution system through a section or sections of the subdivision where service will not be connected for at least 2 years, then the utility may require a reasonable deposit from the applicant before construction is commenced, in order to guarantee performance.

2. Where the subdivision is developed in a uniform manner, so that the utility may restrict the construction of its underground electric distribution system to the areas in which houses are being constructed, then the utility may not require a deposit greater in amount than the charges calculated in accordance with this regulation, unless the Board permits the utility to require a larger amount.

IN THIS ISSUE

- Department of Health
Chapter 12. Air Pollution Control Code. 1 N.J.R. 15(d)
- NOTICE OF PROPOSED CHANGES IN RULES OF:
 - Department Banking & Insurance 1 N.J.R. 11(a)
 - Department of Conservation and Economic Development 1 N.J.R. 15(b)
 - Department of Conservation and Economic Development Water Policy and Supply Council 1 N.J.R. 14(d)
 - Department of Health
Public Health Council 1 N.J.R. 12
 - Department of Institutions and Agencies
Division of Public Welfare 1 N.J.R. 13(a)
 - Department of Institutions and Agencies
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 - Department of Labor and Industry
Bureau of Engineering & Safety 1 N.J.R. 11(b)
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Bureau of Engineering & Safety 1 N.J.R. 14(b)
 - Department of Law & Public Safety
Police Training Commission 1 N.J.R. 15(a)
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 - Department of Treasury
Division of Pensions 1 N.J.R. 10(a)
 - Department of Treasury
Division of Pensions 1 N.J.R. 10(b)
 - Department of Treasury
Division of Purchase & Property 1 N.J.R. 15(c)

3. If the amount of the deposit is in excess of the charges under this regulation, then the deposit, without interest, shall be returned to the applicant, on a pro-rata basis, as each new customer in the subdivision completes his permanent service connection, except that any amount due the utility under this regulation may be withheld when the deposit is being returned to the applicant.

4. Any portion of a deposit remaining unrefunded 10 years from the date the utility is first ready to render service from the extension will be retained by the utility and credited to an appropriate account.

G. Cooperation by Applicant.

1. The charges specified in this regulation are based on the premise that each applicant will cooperate with the utility in an effort to keep the cost of construction and installation of the underground electric distribution system as low as possible.

H. Construction.

1. To the extent practicable, electric cables, communications cables, and gas pipes shall be installed in the same trench, care being taken to conform to any applicable Codes and utility specifications.

2. If the affected electric, telephone and gas companies, after careful consideration, conclude that it is un-economic or otherwise impracticable for any one or two of them to participate in the joint use of trench on a project, then they shall record the reasons for the decision and shall keep such record for periodic review by the Board.

I. Reports.

1. Each utility shall submit to the Board annually an engineering estimate of the current cost to it of constructing an underground electric distribution system and an overhead electric distribution system in a subdivision submitted to it by the Board. To implement the above, the Board will submit to each utility the same subdivision plat, together with certain uniform assumptions as to trenching and other construction features.

2. Each utility shall also report the amount of trench which it has shared with communication cable and/or gas pipe during the preceding year. The report shall also show the contributions per foot by it and by the collaborating telephone and/or gas companies for joint use of trench.

J. Special Conditions.

1. In unusual circumstances, when the application of this regulation appears impracticable or unjust to either party, or discriminatory to other customers, the utility or applicant shall refer the matter to the Board for special ruling or for the approval of special conditions which may be mutually agreed upon, prior to commencing construction.

K. Prior Regulations.

1. Except as otherwise provided herein, rules, regulations and standards heretofore promulgated with respect to the subject matter encompassed by this regulation are hereby superseded and revoked.

LP
10/30/69

Board of Public Utilities—continued

REGULATION FOR RESIDENTIAL
TELEPHONE UNDERGROUND EXTENSIONS

A. Applicability.

- Extensions of telephone communication lines applied for after the effective date of this regulation, and necessary to furnish permanent telephone service to new residential buildings within a subdivision having five or more building lots, or to new multiple-occupancy buildings, shall be made underground. Such extensions of service shall be made by the utility in accordance with the provisions in this regulation.

B. Definitions.

- The following words and terms, when used in this regulation, shall have the meaning indicated:

Applicant - the developer, builder or other person, partnership, association, corporation or governmental agency applying for the construction of an underground telephone communication system in a subdivision.

Building - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for single-family occupancy.

Board - Department of Public Utilities, Board of Public Utility Commissioners.

Multiple-Occupancy Building - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed to contain five or more individual dwelling units.

Subdivision - the tract of land which is divided into lots for the construction of new residential buildings, or the land on which is constructed new multiple-occupancy buildings.

Utility - a "telephone company" as defined in N.J.S.A. 48:2-13.

C. Rights of Way and Easements.

- Within the applicant's subdivision the utility shall construct, own, operate, and maintain underground communication lines only along public streets, roads, and highways which the utility has the legal right to occupy, and on public lands and private property across which rights of way and easements satisfactory to the utility may be obtained without cost or condemnation by the utility.
- Rights of way and easements suitable to the utility must be furnished by the applicant in reasonable time to meet service requirements and at no cost, must be cleared of trees, tree stumps and other obstructions at no charge to the utility, and must be graded to within six inches of final grade by the applicant before the utility will commence construction. Such clearance and grading must be maintained by the applicant during construction by the utility.

D. Installation of Underground Communication System Within Subdivision.

- Upon receipt of a proper application the utility, at no charge, shall install an underground telephone communication system with suitable materials to assure that the applicant will receive safe, adequate and reasonable telephone service for the foreseeable future.

E. Connection to Existing System.

- The connection from the existing telephone communication system to the underground system installed within the applicant's subdivision shall be made underground in accordance with the provisions of N.J.S.A. 48:2-27, Extension of Facilities, and with the provisions of the tariff of the utility on file with the Board.

F. Advances by Applicant.

- The utility may require a reasonable deposit from the applicant before construction is commenced, in order to guarantee performance. The deposit, without interest, shall be returned to the applicant, on a pro-rata basis, as each new customer makes application for service.
- Any amount due the utility under the above may be withheld when the deposit is being returned to the applicant.
- Any portion of the deposit remaining unrefunded 10 years from the date the utility is first ready to render service from the extension will be retained by the utility and credited to an appropriate account.

G. Cooperation by Applicant.

- Each builder or developer shall cooperate with the utility in an effort to keep the cost of construction and installation of the underground telephone communication system as low as possible.

H. Construction.

- To the extent practicable, communications cables, electric cables, and gas pipes shall be installed in the same trench, care being taken to conform to any applicable Codes and utility specifications.
- If the affected telephone, electric and gas companies, after careful consideration, conclude that it is un-economic or otherwise impracticable for any one or two of them to participate in the joint use of trench on a project, then they shall record the reasons for the decision and shall keep such record for periodic review by the Board.

I. Reports.

- Each utility shall submit to the Board annually an engineering estimate of the current cost to it of constructing an underground telephone communication system in a subdivision submitted to it by the Board. To implement the above, the Board will submit to each utility the same subdivision plat, together with certain uniform assumptions as to trenching and other construction features.
- Each utility shall also report the amount of trench which it has shared with electric cable and/or gas pipe during the preceding year. The report shall also show the contributions per foot by it and by the collaborating electric and/or gas companies for joint use of trench.

J. Special Conditions.

- In unusual circumstances, when the application of this regulation appears impracticable or unjust to either party, or discriminatory to other customers, the utility or applicant shall refer the matter to the Board for special ruling or for approval of special conditions which may be mutually agreed upon, prior to commencing construction.

K. Prior Regulations.

- Except as otherwise provided herein, rules, regulations and standards heretofore promulgated with respect to the subject matter encompassed by this regulation are hereby superseded and revoked.

Notice is also given that written comments, suggestions and recommendations concerning this regulation and any other proposals respecting any additions and modifications to the regulation are to be filed with the Board not later than November 21, 1969.

Public hearings will be held on:

Monday, December 1, 1969, at 10:00 A.M., Room 208, 101 Commerce Street, Newark, N. J. 07102, at which time and place comments, suggestions, recommendations, additions and modifications to the regulation, and evidence with respect thereto will be received for the record. The time and date of any subsequent hearing, if such a determined to be necessary, will be announced at the December 1 hearing. However, no notice of any such subsequent hearing will appear in the New Jersey Register. The regulation, when adopted and made effective, is intended to be applicable in lieu of any contrary provisions contained in existing tariffs on file with the Board or any Board Regulation.

After full consideration of all submissions respecting the proposed regulation, the Board of Public Utility Commissioners, upon its own motion or at the instance of any interested party, may thereafter adopt the regulation substantially as proposed without further notice.

Brendan T. Byrne, President
Board of Public Utility Commissioners

(a)

NOTICE OF PROPOSED CHANGES IN THE
RULES OF THE NEW JERSEY DIVISION OF
PENSIONS, DEPARTMENT OF THE TREASURY

Notice is hereby given that William J. Joseph, Director, Division of Pensions, pursuant to the authority delegated to him in Chapter 169 of the Laws of 1969, proposes to revise, amend and repeal certain rules relating to the Pension Increase Program (N.J.A.C. 17:1-91 through 17:1-95) and to adopt certain new rules governing the Program as follows (additions in bold face type, thus; deletions indicated within brackets [thus]):

17:1-91. [EMPLOYER PAYMENTS:

Checks in payment of invoices rendered by the Division of Pensions to public employers for the amounts required to be appropriated for the increased benefits payable to eligible retirees shall be made payable to "State of New Jersey, Pension Increase Fund.]"

EMPLOYER PAYMENTS; MULTIPLE ENROLEES:

The liability of the several employers in the case of multiple enrollees (a pensioner receiving benefits from a retirement system on the basis of several positions covered by the same system) will be prorated on the basis of the final salaries reported to the system prior to retirement.

17:1-92. EMPLOYER PAYMENTS; DELINQUENCIES:

The employer's failure to pay invoices within 30 days after [being notified of delinquency] the statutory due date will result in the suspension of payments of the [increased] adjusted benefits to [its] his eligible retirees on the first of the month 30 days later. The Division will inform all retirees of the reason for the suspension of payments. Retroactive adjustments will be made once the employer's appropriation has been paid.

17:1-93. [ELIGIBLE RETIRANTS:

Pension increases shall not be paid to retirees who are not currently receiving their regular retirement allowances or pensions.]

AFFIDAVITS; TIMELINESS:

Affidavits prescribed for the payment of a cost-of-living adjustment shall be directed to eligible pensioners at the address to which their regular pension or retirement allowance is forwarded. The pensioner will have 30 days to complete the affidavit and return it to the Division. In the event the affidavit is not completed in full and returned in such timely manner, no cost-of-living adjustment will be paid with the initial check to be disbursed in the following

calendar year. However, the pensioner will have an opportunity to file the affidavit at any time during the course of that calendar year and may be entitled to retroactive adjustments to the first of that year.

In the event that the pensioner files contradictory affidavits during the year, the Director, in his discretion, may suspend the payment of any cost-of-living adjustment until the end of the calendar year and then provide for a disbursement of such adjustment for the retroactive period as he determines may be due to the pensioner or his beneficiary.

The Director, in his discretion, may suspend the payment of any cost-of-living adjustment until the end of the calendar year in the event a pensioner received a cost-of-living adjustment in a prior year to which he was not entitled on the basis of a subsequent affidavit.

17:1-93.1. AFFIDAVITS; PROOF REQUIRED:

In the event an affidavit is received from a pensioner as such is prescribed for the payment of a cost-of-living adjustment, and the affidavit is obviously incorrect, the pensioner may be requested to furnish proof supporting the affidavit, such as a copy of his income tax return or a statement from the Federal Social Security Administration pertaining to his ineligibility for the receipt of Social Security benefits.

17:1-93.2. AFFIDAVITS; DEATH WITHIN THE YEAR:

If a pensioner dies within the year, the determination of his entitlement to a cost-of-living adjustment on the basis of an affidavit previously filed for that year shall be determined at the rate of \$6,000 per annum.

17:1-94. WAIVER:

a.) Application for waiver in whole or part by a retiree who is eligible to receive the increased allowance shall be made at least 30 days prior to the desired effective date on a form prescribed by the Division of Pensions and shall be effective on the first day of a subsequent month.

b.) A waived benefit may be reinstated by application to the Division of Pensions at least 30 days prior to the reinstatement date and shall be effective on the first day of a subsequent month.

17:1-95. ACCRUED INCREASE; LIMITATIONS:

Upon the death of a retiree, [a proportionate share of the pension increase covering the number of days the retiree lived in the month of his demise,] any payments which were due to the deceased pensioner shall be paid to a named beneficiary as established in the records of the State-administered retirement system, or if there is no named beneficiary, to the retiree's estate, provided his regular retirement allowance or pension is likewise payable on a pro rata basis.]

Notice is hereby given that any interested person may present statements or arguments in writing, orally in person or by telephone, etc., relevant to the action proposed at 137 East State Street, Trenton, New Jersey, Telephone: (609) 292-3676, on or before 4 P.M., on November 20, 1969.

The Division of Pensions, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as above set forth without further notice.

William J. Joseph, Director
Division of Pensions

(b)

NOTICE OF PROPOSED CHANGES IN THE
RULES OF THE NEW JERSEY STATE
HEALTH BENEFITS COMMISSION, DIVISION
OF PENSIONS, DEPARTMENT OF
THE TREASURY

Notice is hereby given that William J. Joseph, Secretary of the State Health Benefits Commission, pursuant to the authority delegated in N.J.S.A. 52:14-17.27, proposes to amend Section 20 (N.J.A.C. 17:9-20) of the rules of the State Health Benefits Program, to read as follows (additions indicated in bold face thus):

17:9-20. DEPENDENTS AND CHILDREN DEFINED:

"Dependents" shall mean an employee's spouse and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship.

The term "children" shall include stepchildren, legally adopted children and foster children who are wholly dependent upon the employee for support and maintenance. This includes children in a guardian-ward, legal relationship who are living with the employee.

"Living with" shall be defined so as to include children in the case of divorce who may not actually be living with the covered parent but where such parent is required to provide for the support and maintenance of such children and the parent's application for dependent coverage is documented by a copy of an appropriate court order.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by phone, relevant to the action proposed at 137 East State Street, Trenton, New Jersey, telephone (609) 292-3676, before 4:00 p.m., November 20, 1969.

After full consideration of all written or oral submissions respecting the proposed regulation, the New Jersey State Health Benefits Commission may thereafter adopt the regulation substantially as proposed and without further notice.

William J. Joseph, Secretary
State Health Benefits Commission

(a)

NOTICE OF ADOPTION OF A PROCEDURAL RULE OF THE NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

Notice is hereby given that the Commissioner of Banking and Insurance, pursuant to authority delegated in N.J.S.A. 17:1-8.1 and 8.4, has adopted the following procedural rule of the Department of Banking and Insurance:

In addition to any notice or hearing requirements as are provided for by statute and not inconsistent therewith, the following procedures shall be utilized, effective October 1, 1969, in connection with applications by banks, savings banks, and savings and loan associations for new charters, branch offices, interchange of offices, main office relocations, branch office relocations and any other such application involving the movement or establishment of offices:

1. Public hearings shall be held in every case where an objection is received from a bank, savings bank or savings and loan association, if the objector requests an opportunity to be heard, in writing.

2. Upon the receipt of an objection to an application, the Deputy Commissioner of the appropriate bureau shall acknowledge receipt thereof and, at the same time, the objector shall be advised that, if he has not already so requested, he has a right to a hearing upon a written request therefore. The objectors shall also be advised that such request shall be filed with the Department within 15 days after receipt of our notice of the right to be heard.

3. Upon request, an objector shall be given access to the data filed by the applicant, which is not in the nature of confidential information.

4. Upon the receipt by the Department of an application by a bank or savings bank, in addition to the notice required by statute, the Bureau of Banking shall notify savings and loan associations of the application by sending direct notice to the New Jersey Savings League. The League will then notify the associations having an interest in the application. Such notice to the League shall specify that upon objection by a particular association and a written request for a hearing from said association, a hearing will be scheduled and the concerned association will be given an opportunity to be heard. This notice to the League shall be sufficient in order to notify all associations. No direct notice to an individual association is required.

5. Upon the receipt by the Department of an application by a savings and loan association, in addition to the notice requirements required by statute, the Bureau of Savings and Loan shall notify the New Jersey Bankers Association and the Savings Banks Association. The associations will then notify the banks and savings banks of the application by sending direct notice to such banks and savings banks as might have an interest in the application. Such notice to the associations shall specify that upon objection by a particular bank or savings bank and a written request for a hearing from said bank or savings bank, a hearing will be scheduled and the concerned bank or savings bank will be given an opportunity to be heard. This notice to the associations shall be sufficient in order to notify all banks or savings banks and no direct notice to an individual bank or savings bank is required.

6. Upon receipt of a written request for a hearing, the appropriate bureau shall schedule a public hearing, at which time the objector shall have an opportunity to be heard and to cross-examine witnesses and to present its own witnesses, if it so desires.

7. In the event that no objection or request for a hearing is received by the Department, it shall be the Deputy Commissioner's duty to determine whether a hearing is appropriate in the particular case. This determination should be based upon the sufficiency of the data and material received and on file, relative to the appropriate statutory criteria by which the application must be judged. Thus, in the event that the Deputy shall find an insufficiency of material, he may require a hearing on the application.

8. In any case where a Deputy Commissioner or any other person is authorized by me to sit as a hearing officer for the purpose of taking testimony and receiving exhibits into evidence, regardless of the nature of the proceeding, the Deputy Commissioner or other person shall report his findings and conclusions to me, together with a recommendation as to the disposition of the matter. Such report shall be in writing and shall include, but need not be limited to, the following:

- (1) A statement of the nature of the application and the statutory authority for our approval or disapproval thereof.
- (2) A statement as to what notice was given and to whom.
- (3) A statement listing the objectors to the application and the nature of their objections.
- (4) A general statement as to the evidence submitted in support of and against the application.
- (5) A statement as to any legal requirements and whether they have been met.
- (6) A statement of the statutory criteria pursuant to which we issue an approval or denial of the application.
- (7) A statement of legal contentions and a resolution thereof.
- (8) A discussion of all of the pertinent evidence produced at the hearing, including a discussion of the basic facts which the Deputy Commissioner or other hearing officer accepts for the purpose of making his findings thereon and the reason such facts are accepted. Reasonable contentions made by the applicant or objector shall be discussed and, if rejected, the reasons for such rejection shall be set forth.
- (9) Factual and legal conclusions shall be stated in detail based upon all of the foregoing. A recom-

mendation shall be made as to whether to approve the application and why.

a. The report submitted to me shall simultaneously be submitted to all parties participating in the hearing. The parties shall be given 10 days from the receipt of such report within which to file with me, in writing, any exceptions they have thereto (the date of receipt of such report shall be established by an acknowledgement of receipt thereof to be included with the submission to the party and to be returned to the Department promptly).

b. Upon receipt of the report and the exceptions, if any, I shall then review the matter and issue a final determination affirming, modifying or rejecting the report and recommendation. This will constitute the final determination by the Department of Banking and Insurance on the matter heard.

9. Every such hearing shall be opened to the public unless, upon request by the Deputy Commissioner or other hearer, I shall determine that a private hearing would be in the public interest. Any interested party should, barring unusual circumstances, be allowed a reasonable opportunity to inspect all documentary evidence and to examine and cross-examine witnesses and to present proof in support of his position. Hearing procedures shall be in accord with N.J.S.A. 17:1-1 to 8.11 and the Administrative Procedure Act.

a. The extent of the testimony to be taken in a hearing where no objector is participating must be determined on the basis of the extent of information necessary to clarify whatever materials have been submitted by the applicant. In addition, the hearer should be sure that the record is clear and complete on all phases of the evidence submitted by the applicant in order to have a firm basis upon which to make the requisite statutory findings.

10. If any of the foregoing requirements are determined to be unreasonable or inapplicable in a specific instance, the Deputy Commissioner or other hearing officer shall communicate this fact to me and a decision will be made as to whether to deviate from said procedure.

Horace J. Bryant, Jr., Commissioner
Department of Banking and Insurance

(b)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BUREAU OF ENGINEERING AND SAFETY,**DEPARTMENT OF LABOR AND INDUSTRY**

Notice is hereby given that the Commissioner of Labor and Industry, pursuant to the authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Chapter 111 of Title 12, N.J.A.C., Registration (formerly designated as Proposed Safety Regulation No. 13).

The purpose of this Chapter is to implement the provision of the Worker Health and Safety Act that "The Commissioner shall have the power and authority to require that places of employment be registered with the Department; and that places of employment established subsequent to the effective date of this act be registered with this Department before the commencement of business." The Chapter specifies the places of employment which are required to be registered and those which are not required to be registered and establishes administrative requirements. This Chapter does not make any substantial change in established practice but merely provides formal rules to continue established practice.

A copy of this proposed Chapter may be obtained without charge upon written request addressed to: Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box V, Trenton, New Jersey 08625.

Notice is also given that any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing in Room 1208, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10 a.m. Tuesday, December 2, 1969.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of any organization must present written evidence that he is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a copy of the transcript may make arrangements with the reporter to purchase a copy.

The above Chapter, as so proposed or as changed by the Commissioner after the public hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the Chapter shall provide, unless disapproved by a majority of the Board and if so disapproved such Chapter shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed Chapter and disapproval shall be by a vote of the majority of the members of the Board.

The Commissioner proposes to adopt this Chapter to be effective July 1, 1970.

Raymond F. Male
Commissioner of Labor and Industry

(c)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BUREAU OF ENGINEERING AND SAFETY,**DEPARTMENT OF LABOR AND INDUSTRY**

Notice is hereby given that the Commissioner of Labor and Industry, pursuant to the authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, pro-

poses to repeal Chapter 145 of Title 12, N.J.A.C., Safeguarding of Mechanical Power Transmission Apparatus (formerly designated as Safety Regulation No. 4), and to adopt a new Chapter 145 of Title 12, N.J.A.C., Mechanical Power Transmission Guarding, (formerly designated as Proposed Regulation No. 75).

The purpose of this new Chapter is to establish reasonable requirements to protect the life, health and safety of employees. More specifically the purpose of this new Chapter is to establish reasonable safeguards against injury to employees who use or may come into proximity to mechanical power transmission equipment. This new Chapter is necessary to implement the purposes of the Worker Health and Safety Act. This new Chapter provides for prime mover guards; guards for mechanical power transmission equipment including shafting, pulleys, belt drives, rope drives, chain drives, gears, friction drives, couplings and bearings; requires starting and stopping devices; provides detailed requirements for guards; and establishes operating rules.

A copy of the proposed Chapter may be obtained without charge upon written request addressed to the Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box V, Trenton, New Jersey 08625.

Notice is also given that any interested person may present statements or arguments orally or in writing relative to the proposed action at a public hearing in Room 1208, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey at 10 a.m. Tuesday, December 2, 1969.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that he is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a record of the transcript may make arrangements with the reporter to purchase a copy.

The proposed new Chapter, as so proposed or as changed by the Commissioner after the public hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the new Chapter shall provide, unless disapproved by a majority of the Board and if so disapproved such rule shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed new Chapter and disapproval shall be by vote of the majority of the members of the Board.

The Commissioner proposes to adopt this new Chapter to be effective July 1, 1970.

Raymond F. Male
Commissioner of Labor and Industry

(d)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BUREAU OF ENGINEERING AND SAFETY,**DEPARTMENT OF LABOR AND INDUSTRY**

Notice is hereby given that the Commissioner of Labor and Industry, pursuant to the authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Chapter 116 of Title 12, N.J.A.C., Maintenance, Construction and Demolition (formerly designated as Proposed Safety Regulation No. 32).

The purpose of this Chapter is to establish reasonable requirements to protect the health and safety of employees performing maintenance, construction, demolition or repair work, in places of employment subject to the Worker Health and Safety Act. This Chapter is necessary to implement the purposes of the Worker Health and Safety Act. This Chapter establishes standards of safety in demolition work; excavations and bracing of excavations; structural steel erection; the construction and use of forms, shores and reshores in concrete work; the safe construction and use of ladders and ladderways, scaffolds, rigging, ropes and chains, equipment for handling and hoisting materials, workmen's elevators, heating equipment and fuels, pile drivers, mixing machines, and explosive powder actuated tools.

A copy of the proposed Chapter may be obtained without charge upon written request addressed to the Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box V, Trenton, New Jersey 08625.

Notice is also given that any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing in Room 1208, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10 a.m. Tuesday, December 2, 1969.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that he is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a record of the transcript may make arrangements with the reporter to purchase a copy.

The proposed Chapter, as so proposed or as changed by the Commissioner after the public hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the Chapter shall provide, unless disapproved by a majority of the Board, and if so disapproved such Chapter shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed Chapter and disapproval shall be by vote of the majority of the members of the Board.

The Commissioner proposes to adopt this Chapter to be effective July 1, 1970.

Raymond F. Male
Commissioner of Labor and Industry

**NOTICE OF PROPOSED CHANGES IN THE
RULES OF THE NEW JERSEY
PUBLIC HEALTH COUNCIL,
DEPARTMENT OF HEALTH**

Notice is hereby given that the Public Health Council, pursuant to authority delegated in N.J.S.A. 26:1A-7, proposes to amend Chapter X of the State Sanitary Code concerning collecting, processing, storage and distribution of blood to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]).

SECTION 3 — LICENSURE AND INSPECTION

Regulation 3.1 Initial Licensure

(a) Application for an initial license to conduct a blood bank, as required under the provisions of Chapter 33, P.L. 1963, commonly known as the Blood Bank Licensing Act, shall be made on forms provided for that purpose by the State Department of Health.

In administering the Blood Bank Licensing Act, the State Department of Health will seek the advice and recommendations of the [New Jersey Blood Bank Commission.] New Jersey Blood Bank Association.

Regulation 3.2 Inspection

Blood bank facilities and operations shall be made available for inspection upon request by any authorized representative of the State Department of Health. Reports of inspections of blood banks made by the [National Institutes of Health] U. S. Public Health Service or the American Association of Blood Banks may be accepted by the State Department of Health for purposes of approving and issuing renewal of licenses.

SECTION 4 — MEDICAL DIRECTOR

Regulation 4.1

All phases of collection, processing, storage and distribution of human blood, plasma and serum constituting the practice of medicine or surgery shall be under the supervision of a qualified physician to be known as the medical director. The director shall be a duly licensed physician of this State or otherwise authorized to practice medicine in this State and [having specialized knowledge of blood banking methods.] be of high moral character and subscribe to a good ethical practice.

Regulation 4.2

The medical director shall have specialized knowledge of blood banking methods including the collection, preparation, storage, processing and distribution of whole blood and blood and plasma components. Knowledge of processing must include grouping and typing of all major blood systems, antibody detection and identification, crossmatching procedures and serological testing.

SECTION 5 — PERSONNEL

Regulation 5.1

Blood banks shall have adequate and qualified personnel and administrative staffs to perform [properly] all phases of blood banking in an acceptable fashion. Clinical laboratory personnel, nurses, and technical aides shall be suitably trained and supervised in the performance of their prescribed tasks. All personnel shall be of high moral character.

SECTION 7 — RECORDS

Regulation 7.1

Suitable typewritten or ink records shall be maintained for a period of not less than 10 years which provide all data secured and developed by blood banks concerning donor identification, qualification and registration, as well as the processing, storage, and distribution of blood and plasma as required by the provisions of this Chapter of the State Sanitary Code. A numerical or code system shall be assigned to and identify the unit of blood of a donor in all stages of processing.

Regulation 7.2

The identification system employed should make it possible to trace at any time a unit of any blood or blood component from its source to its final disposition.

Regulation 7.3

Records of all reported and investigated transfusion reactions must be maintained in accordance with current suggested standards of the American Association of Blood Banks.

**SECTION 8 — DONOR IDENTIFICATION,
QUALIFICATION, MEDICAL HISTORY,
PHYSICAL EXAMINATION, BLEEDING LIMITATIONS**

Regulation 8.1 Donor Identification

Blood donors shall be identified by a comparison of their signature at the time of donation with any document issued by a County, State or Federal agency which contains donor's name and signature, or with their signature or photograph on a donor card previously issued by the same blood bank. The source of identification shall be written on the donor registration card referred to in Regulation 7 hereinabove at the time of each blood donation. Additional means of donor identification may be required if the donor identification prescribed above is found to be inadequate to [properly] protect public health.

Regulation 8.3 Medical History

A medical history shall be obtained and recorded of all donors. Blood shall not be drawn from a donor who, by history or other evidence, has:

(d) Undulant fever, malaria or syphilis [(Prospective donors who have had either a clinical attack or suppressive therapy less than 2 years but more than 6 months before may be accepted for donations to be used as plasma or plasma fractions. In the latter case, the bottle and donor

registration card must be marked "For Plasma or Fractionation Only.");] (Blood from donors with a history of malaria within 20 years or exposure in the preceding year (two years if suppressive therapy for malaria had been employed) may be used for plasma fractionation only and the container labels and donor records must so indicate.);

Regulation 8.4 Physical Requirements

Blood banks may accept blood from donors who:
(b) [are between the ages of 18 and 60—date of birth recorded:] are 18 years of age or older but who have not yet had their 66th birthday. Birth date of donors must be recorded;

Regulation 8.6 Autologous Transfusion

Donor qualifications for autologous transfusion may vary from standard donor criteria, but this entire procedure must be arranged by direct consultation between the blood bank medical director and the donor-patient's private physician. The usual blood bank records and labeling must be supplemented by additional pertinent information.

Regulation 8.7 Immunized Donors

The collection, processing, storage and distribution of blood, plasma or serum drawn from immunized donors shall be in accord with regulations of the U.S. Public Health Service and recommendations of the American Association of Blood Banks and meet with the approval of the State Department of Health.

SECTION 9 — COLLECTION OF BLOOD

Regulation 9.5 Blood Containers

Containers for citrated whole blood (human) and packed or resuspended red cells (human) used by licensed establishments, whether glass or plastic, shall be identified by the manufacturer's lot numbers and shall be sterile and pyrogen-free. The containers shall be sufficiently colorless and transparent to permit visual inspection of the blood. They shall be provided with closures which maintain an hermetic seal and prevent contamination of the contents. The container and the closure shall not interact with the contents under customary condition of storage and use. The anticoagulant solution shall be sterile, pyrogen-free and prepared according to accepted [National Institutes of Health] U. S. Public Health Service standards, stated as (Acid-Citrate-Dextrose) Formula A, ACD—Formula B, or Heparin Solution, with the volume of anticoagulant contained in each unit and the amount of blood to be added at the time of collection. No other variations in type or quantity of anticoagulant solutions are permissible unless approved for such use by the [National Institutes of Health.] U. S. Public Health Service.

Regulation 9.8 Plasmapheresis and Serumpheresis

Blood banks wishing to employ these techniques shall file a request in writing with the State Department of Health. Such techniques may be employed upon receipt of written approval from the Department. The procedures used shall be in accord with regulations of the U.S. Public Health Service and the recommendations of the American Association of Blood Banks and meet with the approval of the State Department of Health and shall include as a minimum the following:

(a) Within one week prior to the first plasmapheresis or serumpheresis, the donor shall be examined and certified to be in good health by a licensed physician on the premises.

(b) A qualified physician on the premises shall supervise the performance of these procedures, including the reinfusion of red cells. Records shall be made and maintained of the major pertinent elements of each donor's physical condition.

(c) Before a second plasmapheresis or serumpheresis is performed, laboratory tests shall be done on samples of the donor's plasma or serum to determine that the protein level and ratio of the various protein components, as shown by electrophoresis, fall within normal limits. A donor shall not serve as a source of plasma or serum while there is any significant change in his health, or in the values of these initial determinations. Periodic determinations shall be made as frequently as necessary to monitor these evaluations.

(d) No more than 1200 ml. of plasma or serum may be removed from a donor in a seven day period, and no more than 600 ml. of plasma or serum in a 48 hour period.

Regulation 9.9 Frozen Blood and Blood Components

The collection, processing, storage and distribution of frozen blood and blood components shall be in accord with the regulations of the U. S. Public Health Service and the recommendations of the American Association of Blood Banks and meet the approval of the State Department of Health. Blood Banks providing frozen blood and blood components shall:

(a) supply an information circular with each product explaining its proper indications and usage (thawing, dosage, lability, side reactions, hazards, etc.);

(b) provide accurate expiration dates and hours on the container label for all blood and plasma components;

(c) provide visible means of determining if the container has been thawed and refrozen at any time after its initial preparation, such as a frozen indentation of characteristic appearance;

(d) not accept back for redistribution frozen blood, or frozen or labile plasma components, if the units have been thawed or expired.

SECTION 10 — PROCESSING OF BLOOD

Regulation 10.3 Determination of Blood Group

Each container of blood shall be properly identified and labeled as to its blood group. Each collection, regardless of previous donor records, shall be tested by a direct grouping of donor cells using known Anti-A and Anti-B sera, and by an indirect serum grouping using a known pool of fresh A and a known pool of fresh B cells. The two methods of testing shall be recorded and be in complete agreement before any label or release can be effected for the unit of blood. All Anti-A and Anti-B sera shall meet the [National Institutes of Health Minimum Requirements.] U. S. Public Health Service minimum requirements, and the procedures used shall follow the manufacturer's direction.

Regulation 10.4 Determination of Rh Type

Each container of blood shall be classified as to Rh type. The extent of the typing and the results shall be clearly recorded on the label of each unit of blood. An Rh typing is usually performed first. If positive, the blood shall be labeled as "Rh Positive when tested for Rho (D)." All blood negative for Rho shall be further tested for Du, rh' (C) and rh" (E) with individual or combined CDE anti-sera using appropriate suspensions and Coombs technique, or other equivalent test as may be approved by the State Department of Health. If all tests are clearly negative, the blood shall be labeled as "Rh negative when tested for Rho, rh', rh" and Du (CDE)." If blood is Du positive with or without other factors being present, the label of the blood container shall clearly state this and the blood shall be classified as "Rh positive" for transfusion purposes. Only Rh anti-sera meeting [National Institutes of Health Minimum Requirements] U. S. Public Health Service minimum requirements for these products shall be used, and the technique of typing shall be that recommended by the manufacturer.

Regulation 10.7 Antibody Detection and Identification

Each container of blood shall be tested for irregular antibodies using a broad spectrum screening cell meeting U. S. Public Health Service minimum requirements. The technique employed shall be that recommended by the manufacturer and also include the anti-human-globulin test. Results of these tests shall be clearly indicated on the container. Screening procedures must employ fresh serum not older than 48 hours. All detected antibodies should be identified if possible.

Regulation 10.8 Compatibility Tests

(a) The major crossmatch, which is the test for compatibility of the donor cells and recipient serum, is required and shall be performed before administration of blood, except where delay may result in loss of life. The minor crossmatch, a compatibility test of recipient cell and donor serum, may be omitted provided the donor's serum is adequately tested for irregular antibodies. All recipient sera should be screened for irregular antibodies and, when detected, identified by the same techniques described in Regulation 10.7.

(b) The major crossmatch shall include tests in (1) saline or serum and (2) Coombs systems. The Coombs serum shall meet with U. S. Public Health Service standards and shall be used according to the manufacturer's directions.

(c) In addition, compatibility tests employing albumin or enzyme systems may be employed.

SECTION 11 — STORAGE AND DISTRIBUTION

Regulation 11.4 Sterility Testing

Sterility testing shall be performed at regular intervals and not less than once monthly. Such tests shall not be done on blood intended for transfusion. Each month, at least one container of normal appearing blood shall be tested between the 18th and 24th day after collection. Culture techniques shall be in accordance with the standards of the [National Institutes of Health] U. S. Public Health Service to the extent that at least 10 ml. of blood be placed into ten times this volume of thioglycollate broth media and incubated at 30°—32°C., or at both [1°—4°C.] 18°—22°C. and 35°—37°C. for a period of 7-10 days. Cultures should be examined visually for growth every day, and subcultured in the same type media on the third, fourth or fifth days. Permanent records shall be kept of these tests and the results.

Notice is also given that any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing to be held in the auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey at 10:30 a.m. December 1, 1969.

The Public Health Council, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as above set forth without further notice.

John J. Cane, D.D.S.
Chairman
Public Health Council

(a)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE DIVISION OF PUBLIC WELFARE, DEPARTMENT OF INSTITUTIONS AND AGENCIES

Notice is hereby given that Lloyd W. McCorkle, Commissioner, Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A., Title 44, Chapters 7, 10 and 11, proposes to amend the Bureau of Assistance Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

Section 2253.2 - Amend to read:

2253.2 Eligible Private Institutions

d. Approved Boarding Homes for Sheltered Care

1) Board and Care

a) Eligibility

Applicants and recipients who are purchasing or who plan to purchase shelter in a boarding home offering room, board and personal services to four or more adults unrelated to the operator, are eligible to receive assistance provided the home is an eligible home in that it has been approved by the Department. (Bureau of Community Institutions)

b) Medical Certification Requirement

The operators of approved boarding homes are held responsible by the Bureau of Community Institutions of the Department for having on file for each guest from the time of admission a medical certification. This certification is "A written statement signed by a licensed physician stating that the boarder is free from communicable disease, and is not in need of nursing . . ." The phrase "not in need of nursing" means that the individual is not a "patient," i.e., the individual must "not be bedfast, chairfast, must be able to negotiate stairs unassisted, and must be reasonably well-oriented." The above quotations are from the Manual of Standards of the Bureau of Community Institutions.

In order to comply with this requirement and thereby avoid penalties, the operator must require that any sponsor of the individual being placed in the boarding home produce the medical certification. Therefore, when CWB is the sponsor, it shall extend full cooperation to the operator by assisting the client to secure such certification. Any physician's fee, or other authorized medical service incident to securing the medical certification, is a valid assistance expenditure and shall be paid by CWB when not otherwise available without cost to the client.

c) Eligibility in Other Boarding Facilities

Boarding homes which serve less than four adults unrelated to the operator, or which, while serving four or more adults provide no personal services beyond room and board are not subject to Department approval and do not come within the meaning of an institution. Residents of such homes [are] may be eligible to receive assistance.

d) Maximum Allowable Rates

The appropriate maximum allowable rates for board and care are provided in Budget Manual Appendix II 4. Section 2520, Appendix II 4.

Section 2520 - Amend to read:

2520 Changes in Need While Assistance is Being Received

1. General Policy

When a change in the circumstances of the recipient results in an authorized adjustment upward or downward in the amount of the assistance payment, the effective date of such adjustment shall be as of the first day of the next regular payment following the date the change in circumstances was reported to or identified by the county welfare board.

2. Undue Hardship Cases

Under certain situations which, in the judgment of the county welfare board, would otherwise result in undue hardship to the client, additional payment(s) supplementing the last regular payment may be issued during the current payment period for any of the reasons listed in Budget Manual 607.2 b.

The following appendices in the Manual of Administration are repealed:

Chapter 2200. Appendix III-A—Reciprocal Agreement with New York (Old Age Assistance).

Chapter 2200. Appendix III-B—Reciprocal Agreement with Wisconsin (OAA and AB).

Chapter 2200. Appendix III-C—Reciprocal Agreement with Pennsylvania (Assistance for the Blind).

Chapter 2200. Appendix III-C—Reciprocal Agreement with Pennsylvania (Assistance for Dependent Children).

Chapter 2200. Appendix III-D (2)—Reciprocal Agreement with Delaware (AB).

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before November 20, 1969.

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(b)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE DIVISION OF PUBLIC WELFARE, DEPARTMENT OF INSTITUTIONS AND AGENCIES

Notice is hereby given that Lloyd W. McCorkle, Commissioner, Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A. 30:4B-2, proposes to amend the New Jersey Food Stamp Plan of Operation Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

Section IV — Amend to read:

IV. Eligibility Standards

A. Households Eligibility

Eligibility for the Food Stamp Program shall be determined on the basis of households. Household means a group of related or non-related individuals, who are not residents of an institution or boarding house, but who are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. It shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption. In order to participate in the Food Stamp Program, the household must reside in the project area.

B. Categorical Assistance Household

A categorical assistance household is a household in which all members of the household are recipients of categorical assistance (OAA, ADC, AD, AB). Such households shall be eligible for participation in the program regardless of income, provided they reside in a designated area and that they prepare and cook their own food in their homes. This definition shall also include those households in which the only non-assistance members are foster children. For the purpose of this program, MAA is not considered a federally aided program.

C. See Exhibit E for treatment of households containing recipients of general assistance.

D. Other Low Income Households

1. All "Other Low Income Households" may be eligible for participation in the Food Stamp Program providing they meet the eligibility requirements set forth in Exhibit A of this Plan and providing that they reside in a designated area.

2. In households comprised of categorical assistance recipients and individuals who are not recipients of categorical assistance, eligibility for the Food Stamp Program shall be determined in accordance with the method prescribed in (1) above for "Other Low Income Households."

Section V - Amend to read:

V. Certification and Re-certification

Certification and re-certification for eligibility and participation in the Food Stamp Program will be on a household basis.

A. Consolidation of Households

1. **Categorical Assistance Households**
Categorical assistance recipients' case records, by regulation, identify all persons in the household; individuals receiving public assistance, by program, and individuals not receiving assistance. All case records shall be reviewed to consolidate households into categorical assistance households and "other low income households" for determining eligibility, and for certification and participation in the Food Stamp Program.

2. **Other Low Income Households**
Other applicants shall be consolidated on the basis of information provided at the time of application and from case files when such exist.

B. Application of Households

1. **Categorical Assistance Households**
For purposes of an initial certification caseworkers shall review the records of all cases to classify households and determine eligibility for the Food Stamp Program. Categorical assistance households determined to be eligible for participation in the program shall be automatically certified. Such households shall be notified by letter of their eligibility for participation in this program.

After the initial certification, categorical assistance households shall make application to their caseworker for participation in this program.

2. **Other Low Income Households**
Applicants for other low income households shall be taken by caseworkers assigned the responsibility for taking applications under the Food Stamp Program. Municipal welfare directors shall refer general assistance recipients to such caseworkers to determine eligibility and certification to this program.

Categorical assistance and general assistance applicants who are living in a household classified as an "other low income household" and all applicants who are not receiving public assistance shall be informed by the caseworker as to the procedures for application, certification and participation in the Food Stamp Program.

C. Verification and Documentation of Information

1. **Categorical Assistance Households**
The information to determine eligibility of categorical assistance households for the program will be obtained from the recipients' case records.

2. Other Low Income Households

At the time of application, such households shall be required to furnish all necessary information and documentation to establish eligibility. The applicant will be required to furnish documentary proof of address, household income, and assets. Case files will be reviewed to verify information shown on an application when such files exist. Household composition and cooking facilities will be verified at the time of home visits. All information and documentation will be recorded on Food Stamp Program records at the time of certification, including the name and age of all household members and their relationship to the head of the household. (Applications will be considered pending until all necessary documentation is provided by applicant or until a field visit can be made to obtain the necessary documentation.)

D. Preliminary Certification Pending Verification

A preliminary certification authorizing one month's issuance of coupons may be made pending the completion of any necessary post-interview verifications if in the judgment of the certifying agency:

1. Available information indicates the household will be eligible when necessary verifications are completed.

2. Failure to certify would result in a hardship. Necessary verifications and adjustments in the household's basis of issuance shall be completed before the second month's issuance is made.

E. [D.] Post Application Check

Verification of information obtained at the time of certification or recertification of other low income households will be made by home visits in a representative number of households each month.

F. [E.] Re-certification

1. Categorical Assistance Households

The certification of these households shall be valid as long as such households continue to receive benefits under the assistance program in effect at the time of certification. Whenever reviews of eligibility for assistance for such households are made, a review of eligibility for the Food Stamp Program shall also be made. In addition, such households shall be re-certified, whenever changes in household size, composition, income, or other factors could result in a change in the value of the household's coupon allotment or the cash amount the household shall pay for its coupon allotment.

2. Other Low Income Households

Other low income households' eligibility for participation shall be reviewed every three months, except in those situations which indicate the need for a more frequent review and certification. In those households where the sole source of income is from a pension, Old Age or Survivors Disability Insurance, an annuity, etc., occurring on a regular and predictable basis, subsequent re-certification may be extended for periods up to six months. Households consisting of unemployed persons with very stable income from retirement, disability payments, or similar sources may be certified and re-certified every twelve months.

For the purpose of equalizing the re-certification caseloads, other low income households may be initially certified for a two, three or four month period. Thereafter, re-certification shall be on a three month basis unless more frequent reviews are indicated or the basis for a six month review has been established. Each review shall include a review of all factors essential to eligibility for this program.

G. [F.] Authorized Representatives and Proxies

1. Head of Household

For the purposes of this program, the head of the household shall be the individual in whose name the application is made for participation as a recipient in the Food Stamp Program. In many instances, in categorical assistance households the head of the household will be the same individual to whom the assistance payment is made. Similarly, in other low income households, the designated head of the household will usually be the same individual who is responsible for the financial support of the household.

2. Authorized Representatives and Proxies

The head of the household may designate other members of the household to act as an authorized representative on his behalf for purchasing and using the coupons. For purchase of coupons, the authorized representatives shall be limited to the head of the household, his or her spouse and one other adult member of the household. (An adult member of the household is an individual age 18 or over.)

In situations due to illness or infirmity, and when there is no other adult available to perform this service within the household, the head of the household, may designate as an authorized proxy an individual who is not a member of the household. A proxy may not act in behalf of more than one household.

Division of Public Welfare—continued

H. [G.] Safeguards

All information pertaining to applications for participation in the Food Stamp Program shall be deemed to be confidential and privileged, in accordance with the regulations for confidentiality in the categorical assistance programs.

EXHIBIT A — Add new subheading to read:

H. Eligibility Procedure and Basis of Issuance for other low income households with a foster child (children).

1. The foster child (children) and the income that he (they) brings to the household may be disregarded.
2. Once determined to be eligible, the coupon basis of issuance shall be computed by including the foster child (children) as a member of the household and counting the income the child (children) brings to the household.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before November 20, 1969.

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(a)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE DIVISION OF PUBLIC WELFARE, DEPARTMENT OF INSTITUTIONS AND AGENCIES

Notice is hereby given that Lloyd W. McCorkle, Commissioner, Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A. 30:4B-2, proposes to revise the New Jersey Food Stamp Manual, to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

Section 104 — Amend to read:

104 Household

2 Categorical Assistance Household

a. A household in which all members of the household are recipients of categorical assistance programs other than MAA.

b. A household in which the only non-assistance members are foster children.

9 Certification and Recertification

a. Categorical Assistance Households

Certification of categorical assistance households shall be valid as long as such households continue to be eligible for and receive assistance under the categorical assistance program(s) for which the members were receiving benefits at the time of certification. (Unless c. below is applicable.)

b. Other Low Income Households

[Eligible Other Low Income Households shall be certified for participation in Food Stamp Program for three months and shall be recertified for participation every three months thereafter, except in situations where the household income is from OASDI, pensions, etc., certification and recertification may be made for a six-month period. (Unless c. below is applicable.)]

Other low income households' eligibility for participation shall be reviewed every three months, except in those situations which indicate the need for a more frequent review and certification. In those households where the sole source of income is from a pension, Old Age or Survivors Disability Insurance, an annuity, etc., occurring on a regular and predictable basis, subsequent re-certification may be extended for periods up to six months. Households consisting of unemployable persons with very stable income from retirement, disability payments, or similar sources may be certified and re-certified every twelve months. (Unless c. below is applicable.)

c. Whenever there is a change in income, household size or composition, living arrangements, or any other factor affecting eligibility of either categorical assistance or other low income households for this program, the case shall immediately be reviewed and recertified, if eligible, for the Food Stamp Program.

d. Preliminary Certification Pending Verification

A preliminary certification authorizing one month's issuance of coupons may be made pending the completion of any necessary post-interview verifications if in the judgment of the certifying agency:

1. Available information indicates the household will be eligible when necessary verifications are completed.
2. Failure to certify would result in a hardship. Necessary verifications and adjustments in the household's basis of issuance shall be completed before the second month's issuance is made.

Section 207 — Amend to read:

207. Income From Certain Programs Authorized by or Financed Under The Economic Opportunity Act of 1964 and the Work Incentive Program (WIN).

The following income may be disregarded for purposes of [the Food Stamp Program] establishing eligibility and the basis of coupon issuance.

1. Income earned by a member of the household by reason of his enrollment in the Neighborhood Youth Corps (Title I, Part B of the Economic Opportunity Act).
2. [Any portion of a grant made to a household under the Work Experience Training Program (Title V of the Economic Opportunity Act) which was included as a budgeted need to meet special costs incurred by reason of participation in such training program.]
The amount of incentive payments made to enrollees under the second priority of the Work Incentive Program; i.e., enrollees in institutional or work-experience training.

Section 212 — Amend to read:

212. Eligibility Procedure and Basis of Issuance For Other Low Income Households with Foster Children.

- a. To establish eligibility, the foster child and the income that it brings to the household may be disregarded.
- b. Once determined to be eligible, the coupon basis of issuance shall be computed by including the foster child as a member of the household and counting the income the child brings to the household.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before November 20, 1969.

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(b)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BUREAU OF ENGINEERING AND SAFETY, DEPARTMENT OF LABOR AND INDUSTRY

Notice is hereby given that the Commissioner of Labor and Industry, pursuant to the authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to revise the foreword, and sections 1.2, 1.3, 2, 3.1, 3.12, and 4.6 of Chapter 110 of Title 12, N.J.A.C., Plan Filing (formerly designated as Safety Regulation No. 30).

The general purpose of this revision is to establish reasonable requirements and standards to protect the life, health and safety of employees. More specifically the purpose of this revision is to enlarge the scope of Chapter 110 of Title 12, N.J.A.C. so that it applies not only to manufacturing establishments but to all places of employment subject to the Worker Health and Safety Act. This revision is necessary to implement the purposes of the Worker Health and Safety Act.

Chapter 110 of Title 12, N.J.A.C., Plan Filing (formerly designated as Safety Regulation No. 30), which became effective July 1, 1969, is hereby revised as follows:

FOREWORD: Delete last paragraph.

SECTION 1.2 — Revise to read:

1.2 Scope

1.2.1 This regulation shall apply to plan filing for all places of employment subject to the Worker Health and Safety Act, N.J.S.A. 34:6A except as provided in 1.2.2.

1.2.2 This regulation shall not apply to the exceptions for the various projects listed in Section 3.

SECTION 1.3 — Add new section to read:

1.3 Effective Date

1.3.1 The effective date of this rule shall be July 1, 1970.

SECTION 2 — Definitions — Revise as follows:

- | | |
|------------------------------|----------------------------------|
| BUILDING CODE OF THE BUREAU | — N.J.A.C. 12:115— Building Code |
| MANUFACTURING ESTABLISHMENTS | — Delete |
| MERCANTILE ESTABLISHMENTS | — Delete |
| SERVICE ESTABLISHMENTS | — Delete |
| WAREHOUSE ESTABLISHMENTS | — Delete |

SECTION 3.1 — Revise to read:

3.1 Basic Provisions

3.1.7 The plan filings for the construction or installation projects under this regulation shall conform with the applicable safety regulations of the Bureau.

SECTION 3.12 — Revise to read:

3.12 Flammable or Combustible Liquids

3.12.1 Storage or handling of flammable liquids in excess of 110 gallons inside any one building or 550 gallons outside a building, or combustible liquids in excess of 550 gallons inside any one building or 1100 gallons outside of building except as follows:

1. Modification to storage and handling of flammable or combustible liquids inside existing buildings approved for high hazard occupancy provided the modification is made in accordance with N.J.A.C. 12:133, Flammable and Combustible Liquids.

2. Modifications of existing outside container storage that do not affect the quantity distance requirements of N.J.A.C. 12:133, Flammable and Combustible Liquids.
3. Additions to existing outside tank storage that comprise less than 10 percent of the existing quantities provided they do not exceed 11 gallons, and conform to N.J.A.C. 12:133, Flammable and Combustible Liquids.

SECTION 4.6 — Revise to read:

4.6 Filing Fee

4.6.1 A fee shall be submitted with each filing which an approval is required in accordance with the following schedule. Filing fees shall be payable to the Commissioner of Labor and Industry check or money order. Cash is not acceptable.

Notice is also given that any person interested in present statements or arguments orally or in writing, relevant to the proposed action at a public hearing in Room 1208 of the Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey at 10 a.m., Tuesday, December 2, 1969.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a copy of the transcript may make arrangements with the reporter to purchase a copy.

The above revision, as so proposed or as changed by the Commissioner after the public hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board to be effective on such date as the revision shall provide unless disapproved by majority of the Board and if so disapproved such revision shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed revision and disapproval shall be by a vote of the majority of the members of the Board. The Commissioner proposes to adopt this revision to be effective July 1, 1970.

Raymond F. Male
Commissioner of Labor and Industry

(c)

A NOTICE OF PROPOSED CHANGE IN THE RULES OF THE DIVISION OF PUBLIC WELFARE, DEPARTMENT OF INSTITUTIONS AND AGENCIES

Notice is hereby given that Lloyd W. McCorkle, Commissioner, Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A. Title 44, Chapter 11, proposes to amend Section 5.4, Appendix Section II, of the Categorical Assistance Budget Manual, to read as follows (additions indicated in bold face thus; deletions indicated within bracket [thus]):

5. Room and Board in ADC Program

5.4 The allowance for room and board for children shall be the contract amount agreed upon between the parent or parent-person and the proprietor, or the agency and the proprietor, and shall not exceed \$88 \$100 per person per month.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before November 20, 1969.

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

NOTICE OF ADOPTION OF REVISED RULES OF PROCEDURE OF THE NEW JERSEY WATER POLICY AND SUPPLY COUNCIL, DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Notice is hereby given that the New Jersey Water Policy and Supply Council, pursuant to authority delegated in N.J.S.A. 13:1B-51, has adopted revised rules of procedure for the following types of hearings (statutory references concerning the respective hearings are indicated in each case):

1. Public hearings regarding public water supply (N.J.S.A. 58:1-20). Adopted August 18, 1969.
2. Hearings regarding private sub-surface water supply (N.J.S.A. 58:4A-1 et seq.). Adopted August 18, 1969.
3. Public hearings regarding private surface water supply (N.J.S.A. 58:1-39). Adopted August 18, 1969.
4. Public hearings regarding stream encroachment (N.J.S.A. 58:1-26). Adopted August 18, 1969.
5. Public hearings regarding water supply (for water purchased from state-owned facilities) (N.J.S.A. 58:22-9). Adopted August 18, 1969.
6. Public hearings regarding stream encroachment violations (N.J.S.A. 58:1-26 and 27). Adopted August 18, 1969.
7. Public hearings regarding flood plain delineation (N.J.S.A. 58:16A-1 et seq.). Adopted September 13, 1969.

Copies of the above rules of procedure may be obtained in Room 1110, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey. Mail requests may be addressed to: New Jersey Water Policy and Supply Council, Post Office Box 1390, Trenton, New Jersey 08625.

Mrs. Martha H. Brenna, Secretary
Water Policy and Supply Council

(a)

NOTICES OF PROPOSED ADOPTION OF THE RULES OF THE POLICE TRAINING COMMISSION, DEPARTMENT OF LAW AND PUBLIC SAFETY

Notice is hereby given that the Police Training Commission, pursuant to the authority delegated in N.J.S.A. 52:17B-7(h) and 17B-7.7, proposes to adopt as Chapter 1 of Title 13 of the New Jersey Administrative Code, rules pertaining to police academy and instructor certification, basic training, in-service training, school directors and police scholarships.

Copies of the text of the proposed rules may be obtained from the Executive Secretary, Police Training Commission, 1100 Raymond Boulevard, Newark, New Jersey. Telephone: (201) 648-3978.

Notice is also given that any interested person may present statements or arguments in writing relevant to the action proposed at the Office of the Commission before 4:00 p.m., November 21, 1969.

After full consideration of all statements and arguments presented, the Police Training Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the rules substantially as proposed without further notice.

Leo A. Culloo, Executive Secretary
Police Training Commission

(b)

NOTICE OF ADOPTION OF AN EMERGENCY RULE OF THE NEW JERSEY DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Notice is hereby given that pursuant to N.J.S.A. 13:1B-45, Joseph T. Barber, Acting Commissioner of Conservation and Economic Development, has adopted the following emergency rule without hearing or prior notice pursuant to Section 4(c), N.J.S.A. 52:14B-4(c), of the Administrative Procedure Act:

CONSERVATION ORDER DATED OCTOBER 2, 1969 OPENING CERTAIN BEDS

WHEREAS, there exists a depleted condition in the oyster beds in the tidal waters of the Mullica River and its tributaries, and the Great Egg Harbor River and its tributaries, and

WHEREAS, the Atlantic Coast Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain of the oyster beds in said waters that are now closed be opened, and

WHEREAS, I am satisfied that the recommendations of the aforementioned are accurate and correct and that these beds can be opened to the taking of shellfish without harmful effects on conservation, and

PURSUANT to the powers vested in me by the statutes in such case made and provided,

IT IS HEREBY ORDERED that the following beds in the Atlantic Coast Section be opened for the taking of shellfish, beginning October 13, 1969 at 7 o'clock A.M. and remain open until further notice, not to exceed November 30, 1969:

Fitney Bit Bed
Reef Bed
Oyster Bed Point Bed

IT IS FURTHER ORDERED — these beds shall be opened daily from 7 o'clock A.M. until 3 o'clock P.M., Eastern Standard Time or Eastern Daylight time, whichever prevails, except any time on Sunday.

Nothing in this order shall be construed to affect any existing Acts of the New Jersey Department of Health.

THIS ORDER shall take effect October 13, 1969 at 7 o'clock A.M.

Joseph T. Barber, Acting Commissioner
Department of Conservation and
Economic Development

(c)

NOTICE OF ADOPTION OF THE RULES OF THE NEW JERSEY CENTRAL MOTOR POOL, DIVISION OF PURCHASE AND PROPERTY, DEPARTMENT OF THE TREASURY

Notice is hereby given that Charles F. Sullivan, Director, Division of Purchase and Property, pursuant to authority delegated in Executive Order No. 2 signed by Governor Richard J. Hughes on July 26, 1962, has adopted rules with the approval of the Governor and the State Treasurer for the operation of the Central Motor Pool.

These rules pertain to those vehicles under the control and registered in the name of the Department of the Treasury, Central Motor Pool.

The rules cover facilities, State travel regulations pertaining to the use of State-owned vehicles, the procedure for requesting vehicles, rental rates, types of vehicles provided, assignment of vehicles to State personnel, storage of vehicles, servicing of vehicles, use of credit cards, accident reports and insurance coverage.

A limited number of printed copies of these rules is available from:

Fred G. Poinsett
Chief Transport Coordinator, Motor Vehicles
605 South Broad Street
Trenton, New Jersey 08611
Telephone: (609) 292-4894

Charles F. Sullivan, Director
Division of Purchase and Property

(d)

CHAPTER 12, PREVENTION AND CONTROL OF AIR POLLUTION EMERGENCIES, EFFECTIVE OCTOBER 24

Chapter 12 of the New Jersey Air Pollution Control Code (N.J.A.C. 9:) concerning prevention and control of air pollution emergencies, became effective October 24. The State Commissioner of Health, Roscoe P. Kandle, announced the promulgation of the regulation August 25, 1969.

The provisions of Chapter 12 are:

**CHAPTER 12
NEW JERSEY AIR POLLUTION CONTROL CODE
PREVENTION AND CONTROL OF AIR POLLUTION
EMERGENCIES**

SECTION 1 — DEFINITIONS

The following terms as used in this Chapter shall mean and include:

1.1 AIR CONTAMINANTS: Coarse and fine solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

1.2 PARTICLES: Any material, except uncombined water, which exists in a finely divided form as liquid particles or solid particles at standard conditions.

1.3 HIGH AIR POLLUTION POTENTIAL WEATHER ADVISORY: An official forecast issued by the U.S. Weather Bureau advising that, for a stated continuous period of time, weather conditions will have the potential of poor dispersion and diffusion of air contaminants.

1.4 DOSE: A measure of exposure of a person to contaminated air computed from the area under the curve of air contamination level vs. time.

1.5 SOILING INDEX: A measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as RUD/1000 Lin. Ft.

1.6 RUD: The negative logarithm of the percent of light reflected from a soiled area of Whatman No. 4 filter paper divided by the number of thousands of linear feet of air passed through the filter paper, times 100.

1.7 RUD HOURS: The soiling index dose.

1.8 PPM: Parts per million by volume of a gaseous contaminant in air.

1.9 PPM-HOUR: The parts per million dose.

1.10 PRIMARY METALS INDUSTRIES: Establishments engaged in the smelting, refining, sintering and alloying of ferrous and non-ferrous metals from ore, pig or scrap; and the manufacture of castings, forgings, powdered metals and other basic products of ferrous or non-ferrous metals, including the production of coke.

1.11 PETROLEUM REFINING AND RELATED INDUSTRIES: Establishments engaged in petroleum refining, the manufacture of paving and roofing materials from petroleum products and compounding paving and building materials from petroleum products.

1.12 CHEMICAL AND ALLIED PRODUCTS INDUSTRIES: Establishments engaged in the manufacture of (1) basic chemicals such as acids, alkalies, salts, industrial gases and organic chemicals, (2) chemical products to be used in further manufacturing such as synthetic fibers, plastics, dry colors and pigments, (3) finished chemical products to be used for ultimate consumption such as drugs, cosmetics, soap, paints, fertilizers and explosives.

1.13 PAPER AND ALLIED PRODUCTS INDUSTRIES: Establishments engaged in manufacturing wood pulp from wood or other materials and the manufacture of paper, paperboard and building papers.

1.14 GLASS, CLAY AND CONCRETE PRODUCTS INDUSTRIES: Establishments engaged in the manufacture of glass, glassware, textile fibers, glass insulation wool, structural clay products, concrete products, gypsum and plaster products, lime, abrasives and asbestos.

SECTION 2 — EMERGENCY CRITERIA

A condition justifying the proclamation of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, or AIR POLLUTION EMERGENCY shall be deemed to exist whenever the Commissioner determines that the accumulation of air contaminants in any place, locality, county or other area in the State is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a threat to the health of the public. In making this determination the Commissioner will be guided by the following criteria:

2.1 Status "AIR POLLUTION FORECAST" — An internal watch by the State Department of Health shall be actuated by a United States Weather Bureau advisory that a high air pollution potential will exist for the next thirty-six hours.

2.2 Status "AIR POLLUTION ALERT" — At the initiation of, and periodically during, an "Air Pollution Forecast" period, air quality information for the immediately preceding twenty-four hour period shall be reviewed.

If for any consecutive six-hour period during the last twelve hours, the sulfur dioxide dosage is equal to or exceeds 2.0 parts per million-hours, and soiling index is equal to or exceeds 25 RUD-hours/1000 lin. ft.,

OR

if for any consecutive six hours in the immediately preceding twelve hours, the carbon monoxide dosage is equal to or exceeds 180 parts per million-hours,

OR

if the sulfur dioxide dosage for the immediately preceding twenty-four-hour period is equal to or exceeds 6.0 parts per million-hours, and the dosage is increasing and the soiling index is equal to or exceeds 100 RUD-hours/1000 lin. ft.,

AND

continued adverse meteorologic conditions are predicted by the U.S. Weather Bureau for at least an additional twelve hours:

"AIR POLLUTION ALERT" status has been defined.

2.3 Status "AIR POLLUTION WARNING" — If during an "Air Pollution Alert" period, for any consecutive six-hour period during the immediately preceding twelve hours, the sulfur dioxide dosage is equal to or exceeds 3.0 parts per million-hours, and the soiling index is equal to or exceeds 25 RUD-hours/1000 lin. ft.,

OR

if for any consecutive six hours in the immediately preceding twelve hours, the carbon monoxide dosage is equal to or exceeds 300 parts per million-hours,

OR

if the sulfur dioxide dosage for the immediately preceding twenty-four hour period is equal to or exceeds 9.0 parts per million-hours, and the dosage is increasing and the soiling index is equal to or exceeds 100 RUD-hours/1000 lin. ft.,

AND

continued adverse meteorologic conditions are predicted by the U.S. Weather Bureau for at least an additional twelve hours:

"AIR POLLUTION WARNING" status has been defined.

2.4 Status "AIR POLLUTION EMERGENCY" — If during an "Air Pollution Warning" period, in any consecutive twenty-four hour period the sulfur dioxide dosage is equal to or exceeds fifteen parts per million-hours, and the soiling index is equal to or exceeds 200 RUD-hours/1000 lin. ft.,

AND

continued adverse meteorologic conditions are predicted by the U.S. Weather Bureau for at least an additional twelve hours:

"AIR POLLUTION EMERGENCY" status has been defined.

SECTION 3 — CRITERION FOR EMERGENCY TERMINATION

In making a determination that the threat resulting from the accumulation of air contaminants no longer exists the Commissioner shall be guided by a United States Weather Bureau advisory that the high air pollution potential is terminated.

The material that follows Section 4.5 has been taken out of table form and placed in column form because of space limitations.

SECTION 4 — STANDBY PLANS

4.1 Any person responsible for the operation of a source of air contamination as set forth in Table I of this Section shall prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables I-III which are made a part of this Section.

4.2 Any person responsible for the operation of a source of air contamination not set forth under Section 4.1 shall, when requested by the Department in writing, prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables I-III.

4.3 Standby plans as required under Section 4.1 and 4.2 shall be in writing and show the source of air contamination, the approximate amount of reduction of contaminants and a brief description of the manner in which the reduction will be achieved during an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and an AIR POLLUTION EMERGENCY.

4.4 During a condition of AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY standby plans as required by this Section shall be made available on the premises to any person authorized to enforce the provisions of the Air Pollution Emergency Control Act.

4.5 Standby plans as required by this Section shall be submitted to the Department upon request within thirty days of the receipt of such request; such standby plans shall be subject to review and approval by the Department. If, in the opinion of the Department, such standby plans do not effectively carry out the objectives as set forth in Tables I-III the Department may disapprove said standby plans, state its reason for disapproval and order the preparation of amended standby plans within the time period specified in the order. Any person aggrieved by the order requiring the preparation of a revised plan is entitled to a hearing in accordance with C.26:2C-14.1 of the Air Pollution Control Act. If the person responsible fails within the time period specified in the order to submit an amended standby plan which in the opinion of the Department meets the said objectives, the Department may revise the standby plan to cause it to meet these objectives. Such revised plan will thereafter be the standby plan which the person responsible will put into effect upon the issuance of an appropriate order by the Governor.

Air Pollution Control Code—continued

EMISSION REDUCTION OBJECTIVES

Source of Air Contamination:

1. Coal or oil-fired electric power generating facilities.

Air Pollution Alert

a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content.

b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.

Air Pollution Warning

a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content.

b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.

Air Pollution Emergency

a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content.

b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.

Source of Air Contamination:

2. Coal or oil-fired process steam generating facilities having a capacity to burn in excess of four tons of coal per hour or 600 gallons of fuel oil per hour.

Air Pollution Alert

a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content.

b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

c. Reduction of steam load demands consistent with continuing plant operations.

Air Pollution Warning

a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.

b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

c. Reduction of steam load demands consistent with continuing plant operations.

d. Making ready for use a plan of action to be taken if an emergency develops.

Air Pollution Emergency

a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.

b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

c. Taking the action called for in the emergency plan.

Source of Air Contamination:

3. A — Manufacturing industries of the following classifications which employ more than twenty (20) employees at any one location:

- Primary Metals Industries
- Petroleum Refining and Related Industries
- Chemical and Allied Products Industries
- Paper and Allied Products Industries
- Glass, Clay and Concrete Products Industries

AND

B — Other persons required by the Department to prepare standby plans.

Air Pollution Alert

a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.

b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.

c. Reduction of heat load demands for processing consistent with continuing plant operations.

d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Air Pollution Warning

a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.

b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.

c. Reduction of heat load demands for processing consistent with continuing plant operations.

d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Air Pollution Emergency

a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances.

c. Maximum reduction of heat load demands for processing.

d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Source of Air Contamination:

4. Municipal and commercial refuse disposal operations.

Air Pollution Alert

a. Maximum reduction by prevention of open burning on all refuse disposal areas.

b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.

Air Pollution Warning

a. Maximum reduction by prevention of open burning on all refuse disposal areas.

b. Complete elimination of the use of incinerators.

Air Pollution Emergency

a. Maximum reduction by prevention of open burning on all refuse disposal areas.

b. Complete elimination of the use of incinerators.

SECTION 5 — STANDBY ORDERS

Following are standby orders which might be appropriate for use by the Governor upon his declaration that an Air Pollution Emergency exists:

5.1 Air Pollution Alert

a. Any person responsible for the operation of a source of air contamination as set forth in Table I of Section 4 shall take all AIR POLLUTION ALERT actions as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION ALERT.

b. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

c. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 Noon and 4:00 p.m.

d. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 p.m.

5.2 Air Pollution Warning

a. Any person responsible for the operation of a source of air contamination as set forth in Table II of Section 4 shall take all AIR POLLUTION WARNING actions as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION WARNING.

b. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

c. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

d. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 p.m.

5.3 Air Pollution Emergency

a. Any person responsible for the operation of a source of air contamination as described in Table III of Section 4 shall take all AIR POLLUTION EMERGENCY actions as listed as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION EMERGENCY.

b. All manufacturing establishments except those included in Section 5.3a. will institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment.

c. All places of employment described below shall immediately cease operations:

(1) Mining and quarrying of non-metallic minerals.

(2) All contract construction work except that which must proceed to avoid physical harm.

(3) Wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.

(4) All offices of local, county, and state government including authorities, joint meetings, and any other public body; except to the extent that such offices must continue to operate in order to enforce the requirements of this order pursuant to statute.

(5) All retail trade establishments except pharmacies and stores primarily engaged in the sale of food.

(6) Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers; real estate offices.

(7) Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops; shoe repair shops.

(8) Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blue-printing; photocopying, mailing, mailing list and stenographic services; equipment rental services; commercial testing laboratories.

(9) Automobile repair, automobile services, garages.

(10) Establishments rendering amusement and recreation services including motion picture theatres.

(11) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

d. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

e. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

f. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

WORTH NOTING IN NOVEMBER

November 1 Stamp Act of 1765 went into effect. Continental Congress convened in Trenton in 1784. Stephen Crane born in Newark in 1871.

November 4 Election Day - polls open 7 a.m. to 8 p.m. One hundred ninety-sixth wedding anniversary of Mr. and Mrs. John Ross. Mrs. (Betsy) Ross was the former Betsy Griscom of Gloucester County, known for her skill in stitching flags.

November 5 Woodrow Wilson elected President of the United States in 1912. First 53 miles of the New Jersey Turnpike opened in 1951.

November 6 Convention—New Jersey League for Nursing, Governor Morris Inn, Morristown. Convention—New Jersey Education Association—Convention Hall, Atlantic City. Marketing Institute, New Jersey—Nassau Inn, Princeton.

November 8 Small game hunting season opens. First day hours: 9 a.m. to half an hour after sunset. Following days hours: sunrise to half an hour after sunset. Hunting season Upland game season extends to December 6. Hunters of waterfowl and migratory birds, except woodcock may hunt from half an hour before sunrise to sunset.

November 9 First commencement of Princeton University, then known as College of New Jersey. In Newark, 1748.

November 10 Queens College, now known as Rutgers, the State University, chartered by King George III in 1768.

November 11 Veterans Day, All State offices closed, World War I Armistice signed, 1918. Changed to Veterans Day in 1954.

November 13 Holland Tunnel opened to public traffic 1927. Seven years in construction.

November 14 Civil motions in Law Division of the Superior Court and in the county courts will be heard.

November 17 Cooperative Marketing Association — Old Yorke Inn, Hightstown. N.J. League of Municipalities, New Jersey Health Officers, Atlantic City.

November 19 Conference — N.J. Bankers Association, Cherry Hill Inn, Cherry Hill.

November 20 Hearings on rules published in Oct. 30 N.J.R. General Cornwallis captured Fort Lee, 1776. American General Greene evacuated the fort before capture. Warren County formed from part of Sussex County, 1824.

November 20-23—Mid-Year Meeting of New Jersey State Bar Association, Atlantic City.

November 21 First West Jersey Assembly met in Burlington, 1681. Newark and Elizabethtown evacuated in fear of the advancing British Army, 1776. General George Washington began retreat across New Jersey, 1776.

November 25 Trenton adopted as the capital of N. J., 1790.

November 26 Same as on November 14.

November 27 Thanksgiving Day, all State offices closed. Train service through tunnels under the Hudson River to New York City started 1910.

November 27 & 28—Court recess.

November 30 First book printed in New Jersey, "Acts of the General Assembly," printed by William Bradford in Perth Amboy, 1723.

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THE NEW JERSEY REGISTER

1 N. J. R. 17

NEW JERSEY, THURSDAY, NOVEMBER 27, 1969

Vol. 1—No. 3



THE NEW JERSEY REGISTER

A Publication of the State of New Jersey

RICHARD J. HUGHES, Governor
Robert J. Burkhardt, Secretary of State
Leon S. Wilson, Director of Administrative Procedure
Melvin E. Mounts, Rules Analyst
Grace Bartnett, Editor

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THURSDAY, NOVEMBER 27, 1969

NOTICE OF RULE MAKING ACTIVITIES OF STATE AGENCIES

The following digests, notices, and texts of rules, regulations and codes filed by Administrative Agencies during the preceding month have been prepared by the Office of the Director of the Division of Administrative Procedure, Department of State, pursuant to Section 4 (a) (1) and Section 7 (b) of Chapter 410 of the Laws of 1968.

(a)

THE GOVERNOR

EXECUTIVE ORDER NUMBER 59

Concerning An Extra Holiday

I, Richard J. Hughes, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State do hereby order and direct that:

1. Friday, November 28, 1969 (the day following Thanksgiving Day) be declared an extra holiday for State employees.

GIVEN, under my hand and seal this 7th day of November, in the year of our Lord, one thousand nine hundred and sixty-nine and of the Independence of the United States, the one hundred and ninety-fourth.
Richard J. Hughes
Governor

(b)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

FIRST STAGE OF MASTER PLAN

Public Hearing

Notice is hereby given that the Hackensack Meadows Development Commission, pursuant to the authority delegated in N.J.S.A. 13:17-1 et seq. (P.L. 1968, c. 404), proposes to adopt the First Stage of the Master Plan for the comprehensive development of the Hackensack Meadows District, said First Stage consisting of the following:

1. Resolution 69-18, Resolution Establishing the Objectives, Standards and Principles Embodied in the Various Interlocking and Component Portions of the First Stage of the Master Plan of the Hackensack Meadows District.
2. Resolution 69-19, District Interim Zoning Regulations.

3. Resolution 69-20, District Subdivision Regulations.
4. Resolution 69-21, District Building Code.

Copies of the proposed resolutions may be obtained upon written request to the Secretary of the Commission at either of the two following offices of the Commission:
Room 206, 363 West State Street
Trenton, New Jersey

or
Room 221, 1100 Raymond Boulevard
Newark, New Jersey

Notice is also given that the Hackensack Meadows Development Commission will conduct public hearings to receive written and oral statements regarding these resolutions at 10 a.m. January 6, 1970, in the Bergen County Court House, Hackensack, New Jersey; and at 10 a.m. January 7 in the Hudson County Court House, Jersey City, New Jersey. All interested parties are hereby invited to attend and present their views at these public hearings. Any person wishing to present a statement at either of these hearings must submit a written request to the Secretary of the Commission at either of the addresses specified above on or before December 31, 1969. The date, time and place of any subsequent hearing, if deemed to be necessary, will be announced at said hearings; however, no notice of any such subsequent hearing will appear in the New Jersey Register. Written statements will also be accepted by the Commission on or before the date of the public hearings, will be included in the record and will be given full consideration by the Commission.

After full consideration of all written and oral submissions respecting the proposed resolutions, the Hackensack Meadows Development Commission, upon its own motion, may thereafter adopt, in the manner provided for by N.J.S.A. 13:17-1 et seq. (P.L. 1968, c. 404), the resolutions substantially as proposed without further notice.

Clifford Goldman, Secretary
Hackensack Meadows
Development Commission

(c)

AGRICULTURE

SWEET POTATO COMMISSION

Results of Referendum

Notice is hereby given that Secretary of Agriculture Phillip Alampi has conducted the New Jersey Sweet Potato Commission Referendum on October 15, 1969 pursuant to the authority delegated in N.J.S.A. 54:47E-17.

The referendum presented the following questions to each sweet potato grower of record:

I am growing _____ acres of sweet potatoes for market in 1969.

I am not growing sweet potatoes this year - 1969.

I favor continuation of the Sweet Potato Promotion and Assessment Act.

I oppose continuation of the Sweet Potato Promotion and Assessment Act.

The results of the referendum were as follows:

Continuance of the New Jersey Sweet Potato Industry Commission for another three years was approved by producers of the commodity (pursuant to N.J.S.A. 54:47E-17) by 78 percent of the growers producing 82 percent of the 1969 crop. An affirmative vote of 65 percent of the growers producing 51 percent of the 1969 crop or 51 percent of the growers producing 65 percent of the 1969 crop was required.

The Sweet Potato Commission was established in September 1966 by a State law which provided that a referendum on its continuance must be held every three years. The Commission conducts programs of marketing, grading, promotion, advertising and research for the benefit of the New Jersey sweet potato industry. The programs are supported by a two-cent-per-bushel tax on all sweet potatoes produced in the State, paid by the growers and collected by sweet potato distributors and processors.

Membership of the Commission is composed of 11 growers and two ex officio members, the Secretary of Agriculture and the dean of Rutgers College of Agriculture and Environmental Science. The Commission's manager is a member of the staff of the New Jersey Department of Agriculture.

All parties who were eligible to vote will be notified individually of the results of the referendum and through publication in local newspapers. Likewise, the results of the referendum will also be included in appropriate New Jersey Department of Agriculture publications, news releases and New Jersey Statutes Annotated, as well as its annual report to the Governor and the Legislature required under N.J.S.A. 54:47E-14.

Phillip Alampi, Secretary
New Jersey Department of Agriculture

(d)

COMMUNITY AFFAIRS

DIVISION OF LOCAL FINANCE

Proposed Codification

Notice is hereby given that the Local Finance Board, pursuant to the authority delegated in N.J.S.A. 52:27BB-10

IN THIS ISSUE

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|--|----------------|
| EXECUTIVE | 1 N.J.R. 17(a) |
| HACKENSACK MEADOWLANDS COMMISSION | 1 N.J.R. 17(b) |
| AGRICULTURE — Sweet Potato Commission | 1 N.J.R. 17(c) |
| COMMUNITY AFFAIRS — Division of Local Finance | 1 N.J.R. 17(d) |
| CONSERVATION AND ECONOMIC DEVELOPMENT — Boat Commission 1 N.J.R. 17(e) | |
| HEALTH — Air Pollution Control Code, Chapter 13 | 1 N.J.R. 18(a) |
| HIGHER EDUCATION — Rules for County Community Colleges | 1 N.J.R. 18(b) |
| INSTITUTIONS AND AGENCIES — Division of Correction and Parole | 1 N.J.R. 20(a) |
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| LAW AND PUBLIC SAFETY — Division of Motor Vehicles | 1 N.J.R. 20(c) |
| LAW AND PUBLIC SAFETY — Division of Professional Boards | 1 N.J.R. 22(a) |
| LAW AND PUBLIC SAFETY — Division of State Police | 1 N.J.R. 22(b) |
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| TRANSPORTATION — Highway Safety Program | 1 N.J.R. 23(b) |
| TREASURY — Division of Taxation | 1 N.J.R. 24(a) |
| TREASURY — Division of Investment | 1 N.J.R. 24(b) |

(2), proposes to codify all of its regulations into a single text, to be included in the New Jersey Administrative Code.

The Local Finance Board proposes to make this codification in order to provide the public and local government agencies with a single text containing all the Board's regulations. The proposed single text contains all such regulations with respect to the following subjects: local bond law, annual budgets, capital budgets, emergency appropriations, audits, financial statements, bonds of officials and employees, accounting systems, financial administration systems, supervision by the Municipal Finance Commission, and sinking funds.

Interested persons may obtain a copy of the proposed codification by writing or calling Mrs. Helen Mathews, Secretary, Local Finance Board, Division of Local Finance, 28 West State Street, Trenton, New Jersey 08625. Telephone (609) 292-4806.

Notice is also given that any interested person may present statements or arguments in writing relevant to the action proposed to the Division of Local Finance, 28 West State Street, Trenton, New Jersey 08625, on or before December 22, 1969.

The Local Finance Board upon its own motion or at the instance of any interested party, may thereafter adopt the proposed regulations without further notice.

James A. Alloway, Chairman
Local Finance Board
Department of Community Affairs

(e)

CONSERVATION AND ECONOMIC DEVELOPMENT

DIVISION OF NAVIGATION NEW JERSEY BOAT COMMISSION

Regulation of Waste Disposal on Waterways

Notice is hereby given that the New Jersey Boat Regulation Commission, pursuant to the authority delegated in N.J.S.A. 12:7-34.49 and 12:7-34.50, proposes to adopt a rule concerning water pollution by boats and vessels as follows:
REGULATION NO. 1-38
POLLUTION

Any person who discharges, or suffers or permits the discharge from a boat, vessel or any contrivance designed or used for navigating in or upon water, of any waste, debris, refuse, chemical or any other matter or material by any method, means or manner into or upon any waterway, artificially constructed lagoon or any of the waters of this State, is a disorderly person and, upon conviction shall be punished by a fine of not more than \$100.00 for the first offense or imprisonment for ten days or both. Any person who violates any provision of this regulation for a second time shall be subject to a fine not to exceed \$200.00 or imprisonment for twenty days or both.

a. Any person who operates a vessel, or who is the captain of a vessel, or who is charged with the operation of a vessel in or upon any waterway, artificially constructed lagoon or any of the waters of this State is deemed, for the purposes of this regulation, to have given his consent to the discharge of any waste, debris, refuse, chemical or any other matter or material by any method, means or manner into or upon said waters from said vessel.

N.J. Boat Commission—continued

b. It shall be the duty of the owner or the operator of any boat, vessel or any contrivance designed or used for navigating in or upon water from which is discharged, or suffered or permitted the discharge, or any person who discharges, or suffers or permits the discharge from said vessel, of any waste, debris, refuse, chemical or any other matter or material by any method, means or manner, to take immediate measures to recover such litter or material from upon, in or under said waters of this State.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed to: James K. Rankin, Chief Bureau of Navigation Division of Resource Development Department of Conservation and Economic Development Room 711, Labor and Industry Building Trenton, New Jersey 08625 on or before December 22, 1969.

The New Jersey Boat Regulation Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

Jack Sullivan, Chairman
New Jersey Boat Regulation Commission

(a)

HEALTH

NEW JERSEY AIR POLLUTION CONTROL CODE

Chapter 13 Air Quality Standards

Adoption of Rule

Pursuant to authority of N.J.S.A. 26:2C-8, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, a rule of the State Department of Health is adopted this date and is to become effective December 22, 1969.

ORDERED at Offices of the Commissioner, State Department of Health, this 23rd day of October, 1969.

Roscoe P. Kandle, M.D.
State Commissioner of Health

CHAPTER 13 - AIR QUALITY STANDARDS

SECTION 1 - DEFINITIONS

- 1.1 **Ambient Air Quality Standard:** A limit on the concentration of a contaminant in the general outdoor atmosphere, which cannot be exceeded without causing or tending to cause injury to human health, welfare, animal or plant life or property, or unreasonably interfering with the enjoyment of life and property, excluding all aspects of employer-employee relationship as to health and safety hazards.
- 1.2 **Total Suspended Particulate Matter:** Any matter dispersed in the outdoor atmosphere, whether solid or liquid, in which the individual particles are larger than small molecules but smaller in diameter than 500 microns. For purposes of this chapter this shall be presumed to mean the amount of material collected on a suitable filter when using sampling and analytical procedures adopted and published by the New Jersey State Department of Health.
- 1.3 **Sulfur Dioxide (SO₂):** A colorless gas at standard conditions which has the molecular form of SO₂. For purposes of this chapter this shall be presumed to mean the concentration of SO₂ measured in the outdoor atmosphere using sampling and analytical procedures adopted and published by the New Jersey State Department of Health.

SECTION 2

GENERAL AMBIENT AIR QUALITY STANDARD

- 2.1 Whereas air is vital to life and contamination of it to any degree is a condition to be endured reluctantly; and whereas our knowledge of the long-term harmful effects of low levels of contamination is incomplete and uncertain; therefore, it is the air quality objective of the Department to assure, at all times and throughout the territory of the State, ambient air of the highest purity achievable by the installation and diligent operation and maintenance of pollution source control devices and methods consistent with the lawful application of the most advanced state of the art.
- 2.2 Furthermore, it is the objective of the Department, by prevention and correction, so to enhance the quality of our outdoor air that as a minimum, and throughout the State, air quality will be in accord at least with the numerical air quality standards for specific pollutants set forth in subsequent sections of this chapter.
- 2.3 An implementation plan of action to meet air quality standards will be adopted by the Department and, from time to time, amended as necessary. The plan will incorporate all pertinent air pollution control regulations which limit or prevent the emission into the atmosphere of pollutants for which air quality standards have been adopted. The plan also will include interim air quality objectives whose achievement through rigorous enforcement can then be predicted.

SECTION 3 - NUMERICAL AMBIENT AIR QUALITY STANDARD FOR TOTAL SUSPENDED PARTICULATE MATTER

3.1—Units of Measurement

Numerical ambient air quality for total suspended particulate matter shall be expressed in terms of micrograms of total suspended particulate matter per cubic meter of ambient air as measured gravimetrically after collection of the particulate matter by means of the high volume air sampler. A measured volume of air shall be drawn by a pump through a tared glass fiber filter over a 24-hour period. The filter shall be weighed under controlled conditions and the weight increase determined. This weight increase, when divided by the total volume of air sampled, yields the total suspended particulate matter concentration. Twenty-four hour samples shall be collected periodically during every month.

3.2—Standard

- (a) During any 24-hour period, the total suspended particulate matter concentration in ambient air shall not exceed 195 micrograms per cubic meter
- (b) during any 12 consecutive months, 24-hour average concentrations may attain 195 micrograms per cubic meter no more than once
- (c) during any 12 consecutive months, the geometric mean value of all 24-hour averages shall not exceed 65 micrograms per cubic meter.

SECTION 4 — NUMERICAL AMBIENT AIR QUALITY STANDARD FOR SULFUR DIOXIDE

4.1—Units of Measurement

Numerical ambient air quality for sulfur dioxide shall be expressed in terms of micrograms of sulfur dioxide per cubic meter of ambient air, at 20°C and 760 mm of mercury pressure, or the equivalent in terms of parts of sulfur dioxide per million parts of ambient air as measured continuously by the West-Gaeke method. Concentrations shall be expressed as arithmetic averages measured during one hour and 24-hour sampling periods.

4.2—Standard

- (a) During any one-hour period, the arithmetic average concentration of sulfur dioxide shall not exceed 668 micrograms per cubic meter (0.25 ppm)
- (b) during any 12 consecutive months, one-hour average concentrations may attain 668 micrograms per cubic meter (0.25 ppm) no more than once
- (c) during any 12 consecutive months, one-hour average concentrations may attain or exceed 534 micrograms per cubic meter (0.20 ppm) no more than nine times.

4.3 (a) During any 24-hour period, the arithmetic average concentration of sulfur dioxide shall not exceed 267 micrograms per cubic meter (0.10 ppm)

- (b) during any 12 consecutive months, 24-hour average concentrations may attain 267 micrograms per cubic meter (0.10 ppm) no more than once
- (c) during any 12 consecutive months, 24-hour average concentrations may attain or exceed 214 micrograms per cubic meter (0.08 ppm) no more than four times.

4.4 (a) During any 12 consecutive months, the arithmetic average concentration of sulfur dioxide shall not exceed 53 micrograms per cubic meter (0.02 ppm)

- (b) during any 12 consecutive months, the geometric mean value of all one-hour or 24-hour averages shall not exceed 45 micrograms per cubic meter (0.017 ppm).

(b)

HIGHER EDUCATION

REGULATIONS GOVERNING COUNTY COMMUNITY COLLEGES

Adoption of New Regulations

RESOLUTION

WHEREAS: The Association of County Community College Presidents of New Jersey (ACCCPNJ), The Council of County Colleges and the Department of Higher Education have reviewed all Board of Higher Education regulations affecting county community colleges; and

WHEREAS: The ACCCPNJ and the Council of County Colleges have both recommended that the Board of Higher Education adopt the attached regulations titled REGULATIONS GOVERNING COUNTY COMMUNITY COLLEGES; and

WHEREAS: The procedures for adopting these regulations are in conformity with the provisions of the Administrative Procedure Act of 1968; now therefore be it

RESOLVED: That the Board of Higher Education hereby adopts the attached county community college regulations, effective as of October 22, 1969; and be it further

RESOLVED: That the Board of Higher Education hereby rescinds all previous regulations of the Board insofar as they affect county community colleges, and all other standards insofar as they affect county community colleges, except for the following:

THE FACILITIES STANDARDS AND PLANNING MANUAL—COUNTY COMMUNITY COLLEGES
THE GENERAL ACCOUNTING AND PROCEDURES MANUAL FOR STATE-SUPPORTED COUNTY COLLEGES

THE UNIFORM MANUAL OF ACCOUNTS FOR STATE-SUPPORTED COUNTY COLLEGES
ADMINISTRATIVE BULLETIN No. ONE: STANDARDS FOR APPRAISING NEW JERSEY COLLEGES AND UNIVERSITIES; and be it further
RESOLVED: That in the event of any conflicts, the regulations hereby adopted shall take precedence.

1-100 AUTHORIZATIONS

- 110 **Legislative Authorization** — Establishment and operation of county community colleges in New Jersey is authorized principally by Chapter 64A (titled "County Colleges") of the Education Law of New Jersey as revised January 11, 1968 (N.J.S.A. 18A:64A-1 through 18A:64A-29), Chargeback and other relevant statutes of the Education Law of New Jersey (Title 18A).
- 120 **State Regulations** — The regulations by the State Board of Higher Education shall, in conformance with N.J.S.A. 18A:3-1 through 18A:3-19, establish general policy for the governance of county community colleges, shall coordinate the activities of the individual institutions within the system of higher education of New Jersey and shall maintain general financial oversight of the community colleges.
- 130 **Standards** — The Chancellor of Higher Education may establish such standards and require such reports as may be necessary for the orderly development and operation of a system of county community colleges, subject to the provisions of law and of these regulations.
- 140 **Administrative Rules and Regulations** — The President of a county community college may, subject to policies of the Board of Trustees of the county community college, establish such rules as may be necessary for the operation of the county community college, subject to the provisions of law, of these regulations and of the standards of the Chancellor of Higher Education.

1-200 ESTABLISHMENT

- 210 **Service Boundary Areas** — There shall be seventeen county community college service boundary areas in New Jersey, composed of counties or groups of counties as follows:

| | |
|------------------------|--------------------------|
| 1. Atlantic | 10. Middlesex |
| 2. Bergen | 11. Monmouth (Brookdale) |
| 3. Burlington | 12. Morris |
| 4. Camden | 13. Ocean |
| 5. Cumberland-Cape May | 14. Passaic |
| 6. Essex | 15. Somerset-Hunterdon |
| 7. Gloucester-Salem | 16. Sussex-Warren |
| 8. Hudson | 17. Union |
| 9. Mercer | |
- 220 **County Community Colleges** — There shall be no more than one county community college within each service boundary area provided that, with the approval of the Board of Higher Education, a county community college may establish branch campuses. A proposal to establish a county community college in a two-county service boundary area shall be submitted jointly by the two counties. Joinders in operation may be authorized by the Board of Higher Education between two counties in a service boundary area if one of the counties has a county community college and the other does not.

1-300 GOVERNANCE OF A COUNTY COMMUNITY COLLEGE

- 310 **Name of the County Community College** — The name of the county community college shall be appropriate to its function and scope and shall be approved by the Board of Higher Education. The name approved shall not be changed without prior consent of the Board of Higher Education.
- 320 **President** — The president shall be appointed by the Board of Trustees and shall be the chief executive officer of the college.
- 330 **Board of Trustees** — Governance of a county community college shall be vested in a Board of Trustees, appointed as required by law. The Board shall be broadly representative of the community to be served. The names of the officers and members of each county community college board of trustees shall be filed annually with the Chancellor of Higher Education on the first day of December.
- 331 **Meetings** — The board of trustees shall meet annually on the first Monday in November and may meet, at the call of its chairman, at any other time that the business of the board may require.
- 332 **By-Laws** — The board of trustees shall develop and maintain by-laws which are consistent with the philosophy, purposes and objectives of the college, and which give direction to the policies and practices of the college.
- 333 **Minutes** — A copy of the minutes of every public meeting of a board of trustees shall be filed with the Chancellor of Higher Education within thirty days of the meeting.
- 340 **Purpose and Philosophy** — The board of trustees of each county community college shall file with the Chancellor of Higher Education, and incorporate in the official college catalog, a statement of philosophy outlining the purposes and objectives of the county community college and setting forth programs consistent with the definition and legal functions of the county community college. Among the purposes and objectives shall be the following:
 - 1. To make education accessible to all high school graduates, those holding a GED certificate, or other persons nineteen years of age and older in their service boundary areas, within the limits of available resources.

Higher Education—continued

2. To provide full-time and part-time students with diversified programs of studies leading to appropriately varied educational and occupational goals, including transfer to other institutions and entry at various career levels of employment.

350 Administrative Organization — Each county community college shall file annually with the Chancellor of Higher Education an administrative organization chart, which shall show the lines of authority and the relationship of academic, student personnel, business and administrative services to the county community college.

1-400 ASSOCIATE DEGREES, CERTIFICATES AND DIPLOMAS

410 Authority to Award — Each county community college shall be authorized to award Associate in Arts degrees, Associate in Science degrees, and Associate in Applied Science degrees, certificates, and diplomas to students who shall have completed approved programs.

420 Associate Degree Program — An associate degree program shall be a course of study of at least 60 semester hours or the equivalent, but less than baccalaureate level.

430 Certificate or Diploma Program — A certificate or diploma program shall be a course of study the nature of which by virtue of educational content or duration does not satisfy standards for an associate degree program.

440 Compliance with Standards — An associate degree program or a certificate or diploma program requiring 30 or more semester hours shall comply with standards established by the Chancellor of Higher Education.

450 Licensure — Authorization to open shall constitute licensure for a period of two years. No later than the third semester of operation each county community college shall be visited by the Chancellor or his designated representatives for the purposes of reviewing initial state licensure. Renewal of licensure shall be for a period not to exceed three years. Accreditation by the Middle States Association of Colleges and Secondary Schools and adherence to all pertinent laws, regulations and standards shall fulfill continuing licensure requirements.

1-500 CURRICULUM

510 Philosophy — The curriculum of a county community college shall be consistent with the statement of philosophy adopted by the board of trustees of the county community college and shall be in accordance with these regulations and with standards set by the Chancellor of Higher Education.

520 Curriculum Coordinating Committee — A Curriculum Coordinating Committee shall be appointed by the Council of County Colleges, with the composition of the Committee and the number of members and terms of office of the members to be determined by the Council. The Chancellor of Higher Education shall designate a representative to the Committee, who may participate in all meetings but have no vote.

521 Purpose — The Curriculum Coordinating Committee shall review all new curriculum program proposals as defined in section 440, and with particular regard to those which are deemed by the Chancellor to require regional or statewide review because of unusual circumstances, such as high cost, low enrollment characteristics, or otherwise.

522 Organization — The Curriculum Coordinating Committee shall establish its own by-laws subject to the approval of the Council of County Colleges and appoint its own officers.

523 Staff Support — The Chancellor of Higher Education shall provide regional and statewide staff planning support for the Curriculum Coordinating Committee.

530 Approval to Initiate or Discontinue Programs — The Board of Higher Education shall, when approving new programs or approving discontinuance of existing programs, consider recommendations transmitted through the Chancellor of Higher Education from the Curriculum Coordinating Committee. Proposed program changes shall be submitted under procedures which are in accordance with standards established by the Chancellor of Higher Education.

540 Establishment or Discontinuance of a Program — Each county community college shall file with the Chancellor of Higher Education its policies for the establishment or discontinuance of programs. Reasonable and moderate extensions of existing programs are not required to come under review procedures.

550 Program Standards — Standards for grading, lengths of programs and qualifications for graduation shall be established by each county community college.

1-600 INSTRUCTION

610 Written Plans — Written plans for instruction in the various curricular areas shall be developed in terms of the stated objectives of the various courses and programs. These plans shall also include such elements as curriculum and course outlines, and evaluation standards. Copies of these plans shall be available to the Chancellor of Higher Education or his representative.

620 Quality and Diversity — Instruction shall encompass that broad diversity of learning opportunities necessary for quality education in the program areas offered by the institution.

1-700 EVALUATION

710 Institutional Study — Each county community college shall file with the Chancellor of Higher Education a plan for a continuous evaluation of its program and services to assure their quality and relevance.

720 Accreditation — Each county community college shall seek institutional accreditation by the Middle States Association of Colleges and Secondary Schools.

730 Reports — Each county community college shall file with the Chancellor of Higher Education a copy of the annual report of the President to the Board of Trustees, a copy of the final report submitted to the Middle States Association of Colleges and Secondary Schools for each stage of the accreditation process, and such other reports as the Chancellor of Higher Education may from time to time require.

740 Catalog — An official college catalog shall be printed at intervals not to exceed two calendar years.

1-800 PERSONNEL

810 Employment — Each county community college shall file with the Chancellor of Higher Education its written personnel policies governing professional and non-professional personnel.

820 Academic Freedom — Each county community college shall file with the Chancellor of Higher Education a policy statement regarding academic freedom, tenure, and due process for faculty personnel and shall make such statement available for faculty.

830 Professional Development — Each county community college shall maintain a program for orientation of new faculty and a continuing program of in-service training.

840 Compensation — Each county community college shall file with the Chancellor of Higher Education a compensation policy for professional and non-professional employees. Such compensation policy shall establish salary ranges and shall not exceed those established by the Board of Higher Education for other publicly supported colleges.

850 Alternate Benefit Program

851 Participation — All full-time faculty members of the county community colleges are eligible to participate in the alternate benefit program, except for persons temporarily in the United States under an F or J visa and members of the Teachers' Pension and Annuity Fund or the Public Employees Retirement System who were employed by the community colleges on October 1, 1968, and who did not elect to transfer to the alternate benefit program before March 1, 1969. Full-time faculty members are defined as employees under full-time contract possessing the faculty rank of professor, associate professor, assistant professor, instructor, or assistant instructor.

852 Exclusive Agencies — The Teachers' Insurance and Annuity Association and the College Retirement Equity Fund are the exclusive agencies for providing retirement annuity contracts for the alternate benefit program of the county community colleges.

853 Voluntary Salary Reductions — The county community colleges are authorized to enter into agreement with full-time faculty members who participate in the alternate benefit program for voluntary salary reductions to a maximum of 10% of the employee's base salary, to purchase from the Teachers' Insurance and Annuity Association annuities which are tax deferrable under section 403(b) of the Federal Internal Revenue Code, as amended.

860 Records — Each county community college shall maintain personnel records for both administrative and faculty positions in such form as may be required by the Chancellor of Higher Education. Such records shall include transcripts testifying to academic preparation, and shall be available upon request of the Chancellor of Higher Education. The county community college shall demonstrate upon such request that each member of the faculty has met the necessary requirements as established by the county community college for the position held.

1-900 ADMISSIONS AND STUDENT PERSONNEL

910 Admissions and Attendance — Each county community college shall adopt policies establishing residency requirements and otherwise governing admissions and attendance at the county community colleges.

920 Counseling Services — Each county community college shall provide a guidance and counselling program which shall be available to all students.

1-1000 FINANCE

1010 Budgets — Each county community college shall annually submit to the Chancellor of Higher Education a budget for a fiscal year July 1 to June 30 at such time and in such form as may be required by the Chancellor of Higher Education. The budget of each county community college shall be in accordance with all the provisions of the statutes and meet standards adopted by the Chancellor of Higher Education.

1020 Accounting and Auditing — The Chancellor of Higher Education shall establish detailed accounting and auditing standards and procedures for use by individual county community colleges.

1030 Tuition — Each county community college shall annually in July file with the Chancellor of Higher Education a schedule of tuition to be charged during the following school year, provided that tuition rates at county community colleges shall not exceed tuition charged at state colleges.

1040 Chargeback — The following regulations describe the requirements for implementation of P.L. 1968, c. 179:

1041 Issuance of Chargeback Certificates — The issuance of certificates of residence pursuant to Chapter 179 of the Laws of 1968, by the county chief fiscal officer signifies the county's agreement to pay its share of the operating expenses of the receiving county community or county-assisted colleges, as provided in the aforementioned law, and by criteria and procedures hereinafter specified.

1042 Eligibility

(a) A student residing in a county not sponsoring a county community or county-assisted college shall be eligible to receive a certificate of residence from the chief fiscal officer of the county, upon presentation of evidence of admission from a county or county-assisted college.

(b) A student residing in a county which does sponsor a county community or county-assisted college and who desires to attend an out-of-county college of the aforementioned type pursuant to criteria of the aforesaid law, shall first receive certification of eligibility for chargeback assistance from the aforementioned home-county college. His certification will be executed upon a standard Department of Higher Education form.

1043 Certification of Residence — Upon acceptance by an out-of-county community or county-assisted college, the student shall present evidence of such acceptance with certification of eligibility from the home-county college to the chief fiscal officer of his county of residence and request certification of residence, pursuant to subsection b. of Chapter 179 of the Laws of 1968 and the regulations herein promulgated.

1044 Student Payment of In-County Tuition Rate and Other Fees — The student shall present said certificate of residence to the admitting college, and shall subsequently be required to pay the prevailing in-county tuition rate, and such other fees as may be required of in-county students.

1045 Procedure for Billing Sending Counties — The college accepting such out-of-county students shall then charge the sending counties, pursuant to subsections c. and d. of Chapter 179 of the Laws of 1968, calculating the amount to be charged in the following manner:

(a) The "county appropriation" from schedule one, line five, of "annual budget request" shall be divided by the number of county residents enrolled, taken from the enrollment summary, schedule three of the "annual budget requests."

(b) The resultant figure, rounded to the nearest whole dollar, shall be the chargeable cost, per full-time equivalent student, to be charged by the receiving college for any non-resident student in attendance, qualified for chargeback assistance. Such chargeback cost shall be multiplied by the number of eligible full-time equivalent students from each sending county, to be calculated as prescribed in the GENERAL ACCOUNTING AND PROCEDURES MANUAL FOR STATE-SUPPORTED COUNTY COLLEGES.

(c) The receiving college shall adjust the charge to sending counties when actual enrollment figures become available from the budget audit. The calculation in (a) and (b) above shall be made utilizing the actual enrollment figures (and adjusted county contribution, if applicable). The difference between this adjusted chargeback and the previous year's chargeback amount to each sending county shall be added to or subtracted from the following year's initial chargeback billing to said sending counties, and be so identified upon that bill.

1-1100 PHYSICAL FACILITIES

1110 Long Range Plan — Each county community college shall prepare for approval by the State Board of Higher Education a long range building plan, based on educational specifications incorporating the institution's objectives and philosophy, to include plans for physical plant and site analyses and financial projections with cost estimates for each phase of development planned for a ten-year period. Such plan shall be submitted to the State Board of Higher Education not later than the second year of operation of a county community college and shall be subject to review by the Board every three years.

1120 Site Selection — Each county community college campus site should consist of adequate acreage. The area of the site should be such as to provide adequate space for the county community college's immediate and long-range requirements, as indicated by a master plan. In presenting a site for approval, the Board of Trustees of the county community college shall submit data to the Chancellor to indicate that the site recommended has been selected with due regard for the following criteria:

(a) The environment is appropriate to a comprehensive county community college.

(b) The topography is such as to permit economical construction of buildings and practical utilization of the land.

(c) It is accessible via established routes of travel and convenient to public transportation.

(d) Traveling time one way by automobile from the majority of the students' residences to the site ought not exceed one hour.

(e) Public utilities are near at hand.

(f) It would contribute to the health and safety of students and staff.

1130 Temporary Facilities — A county community college may operate in temporary facilities for two years, but may not operate in such facilities for more than two years unless it has received approval from the State Board of Higher Education for its permanent site and for a plan for developing permanent facilities.

1140 Building Plans — Building plans for all physical facilities at county community colleges financed in whole or in part by state appropriations shall be subject to approval by the Chancellor of Higher Education before bids are solicited for the construction of such facilities.

Higher Education—continued

1150 Building Standards — Physical facilities at all county community colleges shall meet all applicable space, cost, fire, safety, building, sanitation, heating, lighting, ventilation and other such standards of the State of New Jersey and the Chancellor of Higher Education.

1160 Bidding Procedures — Bidding procedures and the awarding of contracts for construction of physical facilities at county community colleges shall be in accordance with State law.

1-1200 LIBRARY—LEARNING RESOURCES

1200 Library — Learning Resources — Each county community college shall provide for an adequate library or learning resources center organized and equipped to complement the educational programs of the college, in accordance with standards established by the Chancellor of Higher Education.

1-1300 OFF-CAMPUS FACILITIES

1310 Approval — Each college shall request and receive prior approval of the Chancellor of Higher Education before establishing extension centers in off-campus facilities.

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF CORRECTION AND PAROLE

Correction of Typographical Error in Regulations

Take notice that the New Jersey State Parole Board has corrected a typographical error in its rules relating to Parole Matters specifically, rule designated N.J.A.C. 11:70-61 (Indeterminate Sentence Cases), which was filed with the Secretary of State August 22, 1969. The corrected rule follows:

11:70-61, INDETERMINATE SENTENCE CASES

Indeterminate sentence cases transferred to the Prison shall be considered by the Board for release on parole in accord with the following procedure:

(1) Upon receipt of the transfer order transferring jurisdiction of an inmate to the Prison, the Chief Executive Officer of the institution of confinement shall notify the Board of the receipt of the inmate in the same manner as if the inmate had been received by direct commitment from the courts;

(2) A Record and Eligibility Card shall be prepared for each indeterminate sentence case in the same manner as if the inmate had been received on direct commitment;

(3) Since an inmate serving an indeterminate sentence on which jurisdiction is transferred to the Prison as above is immediately eligible for parole consideration, such cases shall be included for parole hearing on the list which is under preparation when the transfer information is received;

(4) It shall not be necessary for the Parole Bureau to obtain preparole reports at the time of the first Board hearing following transfer;

(5) An allowance in lieu of commutation, work and minimum security credits as provided in N.J.S.A. 30:4-92 and 30:4-140 shall be granted against the expiration of the maximum sentence of inmates serving indeterminate terms on which jurisdiction has been transferred to the Prison. The allowance is to be computed only on the unexpired portion of the indeterminate sentence as of the date the transfer is effected to the Prison. The maximum as adjusted shall be known as the "adjusted maximum." In accordance with N.J.S.A. 2A:164-10 the aforementioned allowance shall not apply to sex offenders committed pursuant to N.J.S.A. 2A:164-3 et seq.

(6) Determinations with respect to the forfeiture of commutation time previously remitted, or the restoration thereof, shall be the responsibility of the Prison Board of Managers in accordance with their Rules governing such matters.

Unless otherwise indicated by the Board, the expiration of maximum sentence at the time of release shall be the "adjusted maximum." When any such prisoner is released on parole, the period of his supervision under parole shall be measured by the adjusted maximum or an established maximum in the event the Board has set a maximum date in advance of the adjusted maximum. With respect to any prisoner committed for an indeterminate term and parole has been revoked because of a violation of a condition of parole or commission of an offense which subsequently results in conviction of a crime while on parole, even though such conviction be subsequent to the date of revocation of parole, such inmate shall be required, unless said revocation is rescinded, or unless sooner re-paroled by the Board, to serve the balance of time due on his sentence to be computed from the date of his original release on parole to the date of his adjusted maximum. If parole is revoked for reasons other than subsequent conviction for crime while on parole then the parolee, unless said revocation is rescinded, or unless sooner re-paroled by the Board, shall be required to serve the balance of time due on his sentence to be computed from the date that he was declared delinquent on parole to the date of his adjusted maximum.

Harold J. Ashby, Chairman
State Parole Board
Department of Institutions and Agencies

(b)

LABOR AND INDUSTRY

DIVISION OF WORKMEN'S COMPENSATION

Amendment to Rules of Second Injury Fund

At its meeting of October 18, 1969, the Workmen's Compensation Board proposed the following amendment to the rules governing the Joinder of the Second Injury Fund which was adopted by the Board on October 4, 1963:

In any workmen's compensation case where it appears that the One Per Cent Fund may be answerable for a portion of the compensation payable to the petitioner by virtue of his alleged or indicated permanent total disability, either party may make application for an order to join the Commissioner of Labor and Industry as a party to the proceeding as custodian of the One Per Cent Fund. Such application shall be by ten days' written notice served upon the adverse party and the Attorney General. Said notice shall recite the facts and be accompanied by copies of the medical reports upon which the application is based. In an appropriate case, the judge of compensation or referee may, on his own motion, join the Commissioner as a party to the proceeding.

If the motion is granted, an application for One Per Cent Fund benefits shall be filed in accordance with the provisions of R.S. 34:15-95.1, and the hearing official shall proceed to hear the compensation and the One Per Cent Fund cases as a consolidated matter. The hearing official shall make a determination as to the compensation petition and render an advisory report as to the eligibility for One Per Cent Fund benefits. Prior to the commencement of payments from the One Per Cent Fund and thereafter, the petitioner shall submit himself to such further examinations and interviews as may be required to establish his continued total disability.

Motions to join the fund shall not be entertained unless the moving party submits medical reports upon which it intends to rely that petitioner is totally disabled and a proper candidate for the fund.

Comments of interested parties with respect to the proposed rule are invited and should be submitted to the office of the Director, Division of Workmen's Compensation, Post Office Box W, Trenton, New Jersey 08625, not later than December 15, 1969.

Herbert Koransky, Director

N.J. Division of Workmen's Compensation
October 30, 1969

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rules Governing Driving Tests, Visual Acuity, Law Knowledge Tests, Applications for Licenses, Validation of Permits, Student Permits, Bus Driver Licenses.

DRIVING TEST

Notice is hereby given that the Director of the Division of Motor Vehicles, pursuant to the authority delegated in N.J.S.A. 39:3-10, 39:3-13 and 39:3-13.1 proposes to adopt regulations pertaining to the driving test for a New Jersey motor vehicle drivers' license as follows:

1. DEFINITION:

A. The driving test shall mean that portion of the Driver License Examination in which the applicant for a New Jersey automobile or motorcycle license demonstrates his ability to exercise safe and reasonable control in the operation of a motor vehicle of the type or general class of vehicles for which the license he has applied for would be valid.

2. DRIVING TEST:

A. The driving test may include but is not limited to the following maneuvers:

- | | |
|--------------|----------------------|
| (1) Starting | (5) Backing |
| (2) Stopping | (6) Turn around |
| (3) Steering | (7) Parallel Parking |
| (4) Turning | (8) Signaling |

B. The vehicle to be used for the driving demonstration.

(1) The vehicle used for the driving demonstration will be provided by the applicant who must have a current validated driver examination permit in his possession.

(2) The vehicle must comply with all provisions of Title 39 of the Revised Statutes concerning registration and equipment.

A vehicle registered in a state other than New Jersey may be used for the driving test if it is properly registered in the home state of the registered owner and is properly equipped in accordance with the laws of this State.

(3) The vehicle must be equipped with a fixed seat (with back) so situated that the examining Motor Vehicle Officer may be able to operate the controls in case of an emergency.

(4) The driving test cannot be administered in a vehicle in which there is a center console type construction, or other obstruction which will prevent the Officer from having access to the foot brake, unless the parking brake is mounted to the right of the driver in a position accessible to the Officer.

(5) The vehicle may be required to be equipped with snow tires or tire chains when, in the opinion of the Officer-in-charge, such equipment is necessary to insure maximum safety.

(6) In the case of a motorcycle test, (3) (4) and (5) above may not be applicable.

3. ACCOMPANYING DRIVER:

A. The applicant must be accompanied to the testing area by a New Jersey licensed driver who will be required to exhibit his credentials, and whose license does not restrict him from operating the vehicle used in the test. This rule does not prohibit a person holding a valid out-of-state license from driving the vehicle to the road test starting point, providing such license does not restrict him from operating the vehicle used in the test.

(1) No unauthorized person may accompany the applicant and the Motor Vehicle Officer in the vehicle during the test.

4. FAILURE TO PASS DRIVING TEST:

A. An applicant who fails this test may not be re-tested until a period of at least two weeks has elapsed.

B. An applicant who, after several attempts, is unable to pass a driving test, and has failed to demonstrate any material improvement in his performance, will be referred to the Sergeant or Officer-in-charge of the Driver Qualification Center, who may recommend to the Director that the applicant be prohibited from again submitting to the driving test for a period of six months.

5. WAIVERS AND EXEMPTIONS:

A. The driving test may be waived by the Sergeant or Officer-in-charge of the Driver Qualification Center if the applicant:

(1) Holds a license issued by another State or Country having free reciprocity with this State, that is valid or has expired within a time period designated by the Director.

(2) Is in the U.S. Armed Forces and holds a government issue license for the type or general class of vehicles he desires to drive.

(3) Has returned from foreign service and holds a license issued by the U.S. Military Government. Application must be made within 60 days of re-entry to this country.

(4) Holds a valid license issued by his native country, subject to reciprocal agreement and any translation as may be necessary.

Notice is hereby given that interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the rules proposed, to Lt. Albert R. Hodgson, Enforcement Bureau Office, New Jersey Division of Motor Vehicles, 25 South Montgomery Street, Trenton, New Jersey, on or before December 19, 1969. Telephone (609) 292-4566.

After full consideration of statements or arguments presented, the New Jersey Division of Motor Vehicles upon its own motion or at the instance of any interested party may thereafter adopt the above rules substantially as set forth without further notice.

June Strelecki, Director
Division of Motor Vehicles
Department of Law and Public Safety

VISUAL ACUITY

Notice is hereby given that the Director of the Division of Motor Vehicles, pursuant to the authority delegated in N.J.S.A. 39:3-10 proposes to adopt regulations pertaining to the visual acuity standards for persons holding or applying for New Jersey Drivers' License or Motorcycle Drivers' License.

1. VISUAL ACUITY:

A. Vision will be considered as passing when a minimum of 20/50 is attained in each eye, with or without corrective lenses. This rating will be determined as measured by the Snellen Chart.

B. When the vision in either eye is less than 20/50 and cannot be improved by means of corrective lenses, a certificate adequately explaining the deficiency and signed by a New Jersey registered physician, ophthalmologist or optometrist, must be presented.

C. When the vision in either eye is less than 20/50 and corrective lenses will improve the vision, then corrective lenses will be required to be worn while driving.

(1) Except where corrective lenses show an improvement, but wearing lenses would be detrimental to the applicant's visual well being, a statement to this effect, signed by a New Jersey registered physician, ophthalmologist or optometrist, must be presented.

D. When there is no vision in one eye, the good eye must meet the minimum standard of 20/50 with or without corrective lenses.

E. In the event any special device or equipment is used or needed to meet the minimum requirements outlined here, the matter may be referred to the Office of the Chief of the Enforcement Bureau for final determination.

2. COLOR PERCEPTION CHECK:

A. The color perception check will measure the applicant's ability to distinguish red, amber and green as used on official Traffic Control Devices.

B. An applicant may not be denied a driver's license solely upon the basis of a color deficiency.

Notice is hereby given that any interested party may present statements or arguments in writing, orally in person, or by telephone, relevant to the rules proposed to Lt. Albert R. Hodgson, Enforcement Bureau Office, New Jersey Division of Motor Vehicles, 25 South Montgomery Street, Trenton, New Jersey, on or before December 19, 1969. Telephone (609) 292-4566.

After full consideration of statements or arguments presented, the New Jersey Division of Motor Vehicles upon its own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as set forth without further notice.

June Strelecki, Director
Division of Motor Vehicles
Department of Law and Public Safety

Law and Public Safety—continued

LAW KNOWLEDGE TESTS

Notice is hereby given that the Director of the Division of Motor Vehicles, pursuant to the authority delegated in N.J.S.A. 39:3-10 proposes to adopt regulations pertaining to the law-knowledge test(s) for applicants for the New Jersey automobile or motorcycle Drivers' License.

1. WRITTEN TEST:

- A. The written test shall consist of a series of questionnaires concerning the safe operation of a motor vehicle and/or motorcycle, the New Jersey Motor Vehicle Laws and Traffic Regulations, information regarding which is contained in the Driver Manual and any supplement thereto.
- B. The written test questionnaire shall contain 20 questions.
- C. The percentage value of each question will be 5%.
- D. A passing grade of 80% must be attained by the applicant.
- E. An applicant who fails the written test may not be retested until a period of at least one week has elapsed.
- F. When an applicant fails the written test three times after having shown no improvement, the Sergeant or Officer-in-charge may request that the applicant be given an oral test.

2. ORAL TEST:

- A. The oral test is a test given to applicants for a New Jersey driver's license who are unable to read English or experience difficulty in understanding the English language so that they are unable to complete the written test. This test shall consist of two parts as follows:
 - (1) Slides or transparencies which can be used to show the image of official Traffic Control Devices.
 - a. The number of slides and/or transparencies will be 20.
 - b. Applicants will be required to read and explain the meaning of each slide and/or transparency.
 - c. The percentage value of each slide and/or transparency will be 5%.
 - d. A passing grade of 80% must be attained by the applicant.
 - (2) Questionnaires concerning the safe operation of a motor vehicle or motorcycle, the New Jersey Motor Vehicle Laws and Traffic Regulations, as may be contained in the driver's manual or supplement thereto. The questions on these questionnaires will be asked orally of the applicants.
 - a. The number of questions will be ten.
 - b. The questions will be read to the applicant who will be required to answer verbally.
 - c. The percentage value of each question will be 10%.
 - d. A passing grade of 80% must be attained by the applicant.
- B. An applicant who fails the oral test may not be retested until a period of at least two weeks has elapsed. Any such re-test shall consist of both parts of the examination.

3. PENALTY:

- A. When an applicant is unable to complete the law-knowledge (written and/or oral) test(s) because of language difficulty or by reasons of educational limitations, he will be referred to the Sergeant or Officer-in-charge, who may recommend to the Division of Motor Vehicles, that applicant be prohibited from securing a driver's license for a period of six months.

Notice is hereby given that any interested party may present statements or arguments in writing, orally in person, or by telephone, relevant to the rules proposed to Lt. Albert R. Hodgson, Enforcement Bureau Office, New Jersey Division of Motor Vehicles, 25 South Montgomery Street, Trenton, New Jersey, on or before December 19, 1969. Telephone (609) 292-4566.

After full consideration of statements or arguments presented, the New Jersey Division of Motor Vehicles upon its own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as set forth without further notice.

June Strelecki, Director
Division of Motor Vehicles
Department of Law and Public Safety

APPLICATION FOR LICENSE

Notice is hereby given that the Director of the Division of Motor Vehicles, pursuant to the authority delegated in N.J.S.A. 39:3-10, 39:3-11.1, 39:3-13 and 39:3-13.1 et seq., proposes to adopt regulations establishing procedures to be followed by applicants for an initial New Jersey Driver's License as follows:

DEFINITIONS:

- A. Applicant - Shall mean every person who has made application for a license as provided in Title 39:3-10 of the Revised Statutes or who has complied with the provisions of Title 39:3-11.1 or 39:3-13 (R.S. Cum. Supp. 39:3-13.1 et seq.).
 - B. Examination - Shall mean a test or series of tests designed to check the applicant's visual acuity, color perception, knowledge of laws and safe operation of motor vehicles. The tests are administered by Motor Vehicle Officers of the Enforcement Bureau of the Division of Motor Vehicles.
 - C. Requirements - Shall mean prerequisites applicants must meet before examinations will be administered or applications will be approved.
 - D. Permit - Shall mean learner's permit, driver examination permit, or any written instrument issued under the provisions of 39:3-13 or 39:3-13.1 of the Revised Statutes.
- 2. REQUIREMENTS:**
- A. Age

- (1) All applicants must have reached the age of 17 years, except applicants making application under the provisions of 39:3-11.1 and 39:3-13.1 of the Revised Statutes.

- (2) All applicants will be required to furnish proof of identity and date of birth.

B. Permits

- (1) The following applicants must produce a valid permit when appearing for examination.

- a. Initial applicants
- b. Applicants appearing for re-testing.
- c. Applicants holding an out-of-state driver's license.

C. Physical and Mental Qualifications

- (1) A person may be prohibited from obtaining or holding a New Jersey driver's license if he:
 - a. Has any physical disability, which cannot be compensated for by use of a prosthetic device or devices or special vehicle equipment, which would render him incapable of operating a motor vehicle in a safe manner as determined by an actual driving demonstration.
 - b. Through any mental or physical defect is incapable of operating a motor vehicle in a safe manner.

D. Driving Privilege Status

- (1) Any person who has had his driving privilege revoked in New Jersey may be required to present written evidence supplied by the Director of Motor Vehicles that his privilege has been restored.
- (2) Any person who has had his driving privilege revoked or suspended in another State within the three years prior to making application for a New Jersey driver's license may be required to present written evidence supplied by the licensing authority of that state that his privilege has been restored. A current driver's license issued by such state may be considered sufficient evidence of restoration, provided applicant is not subject to the provisions of (3) below.

- (3) Before making application for a driver's license, persons in the following categories may be required to obtain written release from the Security-Responsibility Section in Trenton:
 - a. Any person whose driver's license has been suspended because of a conviction of:
 - Driving while intoxicated.
 - Leaving scene of accident.
 - Fleeing or attempting to elude a Police Officer.
 - Reckless driving.
 - Racing on the highways.
 - Homicide with a motor vehicle.
 - Assault with a motor vehicle.
 - Fatal accident.
 - Point system (habitual violator)

- 1 Providing the violation was within the immediate preceding three years from date of application for New Jersey driver license.
- b. Any person who, while a resident of another state, had his driving privilege suspended for failing to satisfy a judgment arising out of a motor vehicle accident.

E. Law-Knowledge Tests

- (1) The law-knowledge test for applicants who have a limited knowledge of English may be given as an oral test. This test will include a demonstration of an ability to read and understand road signs in common use.

F. Visual Acuity and Color Perception Check

- (1) All applicants will be required to meet the minimum vision standards as set by the Division of Motor Vehicles.
- (2) Color perception test will consist of applicant's ability to distinguish between red, amber and green as used on official Traffic Control Devices.

G. Driving Test

- (1) Every applicant for a New Jersey driver's license must satisfactorily complete a practical demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or general class of vehicles he desires a license to drive.
- (2) The applicant will provide the vehicle which he will use for the driving demonstration.
 - a. The vehicle must comply with all provisions of Title 39 of the Revised Statutes concerning registration and equipment.
- (3) The requirements for a Driving Test may be waived by the Sergeant or Officer-in-charge if the applicant:
 - a. Holds a license, issued by another state or country having free reciprocity with this State, that is valid or has expired within a time period designated by the Director.
 - b. Is in the U.S. Armed Forces and holds a valid license issued by such Forces of the type or general class of vehicles he desires to drive.
 - c. Has returned from foreign service and holds a license issued by the U.S. Military Government. Application in such cases must be made within 60 days of re-entry to this country.
 - d. Holds a valid license issued by his native country, subject to reciprocal agreement and any translation as may be necessary.

Notice is hereby given that any interested party may present statements or arguments in writing, orally in person, or by telephone, relevant to the rules proposed to Lt. Albert R. Hodgson, Enforcement Bureau Office, New Jersey Division of Motor Vehicles, 25 South Montgomery Street, Trenton, New Jersey, on or before December 19, 1969. Telephone (609) 292-4566.

After full consideration of any statement or argument presented, the New Jersey Division of Motor Vehicles upon its own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as set forth without further notice.

June Strelecki, Director
Division of Motor Vehicles
Department of Law and Public Safety

VALIDATION OF PERMITS

Notice is hereby given that the Director of the Division of Motor Vehicles, pursuant to the authority delegated in N.J.S.A. 39:3-10, 39:3-13 and 39:3-13.4, proposes to adopt regulations pertaining to the validation of the New Jersey driver examination permit for practice driving.

1. DEFINITIONS:

- A. Driver Examination Permit - The learner's permit issued by the Director of the Division of Motor Vehicles to a person over seventeen years of age, in accordance with provisions of N.J.S.A. 39:3-13 or 39:3-13.1 for the purpose of fitting himself to become an automobile driver or motorcycle operator.

2. PREREQUISITES:

- A. No driver examination permit shall be validated for practice driving until the following prerequisites have been complied with by the holder:
 - (1) Successful completion of a law-knowledge test.
 - (2) Minimum standard in visual acuity is attained.

3. PROVISIONAL REQUIREMENTS:

- A. Proof of identity and date of birth as may be required.
- B. In the case of a mental or physical disability a medical certificate, completed by a New Jersey registered physician may be required.
- C. Any unusual circumstances will be referred to the Officer-in-charge of the Driver Qualification Center for final determination.

Notice is hereby given that any interested party may present statements or arguments in writing, orally in person, or by telephone, relevant to the regulations proposed, to Lt. Albert R. Hodgson, Enforcement Bureau Office, New Jersey Division of Motor Vehicles, 25 South Montgomery Street, Trenton, New Jersey, on or before December 19, 1969. Telephone (609) 292-4566.

After full consideration of statements or arguments presented, the New Jersey Division of Motor Vehicles upon its own motion or at the instance of any interested party, may thereafter adopt the regulations substantially as set forth without further notice.

June Strelecki, Director
Division of Motor Vehicles
Department of Law and Public Safety

STUDENT PERMITS

Notice is hereby given that the Director of the Division of Motor Vehicles pursuant to the authority delegated in N.J.S.A. 39:3-11.3 and 39:3-13.1 proposes to adopt regulations pertaining to the granting of, recording of, and validation of driver examination student permits.

1. DEFINITION:

- A. Student Permit - A permit issued in accordance with N.J.S.A. 39:3-13.1 to students enrolled in a course of behind-the-wheel automobile driving education approved by the New Jersey State Department of Education.

2. REQUIREMENTS:

- A. Appointments
 - (1) Driving test appointments may be granted and recorded on the driver examination student permits prior to the 17th birthday of the applicant providing:
 - a. The student will be at least 17 years of age on the date of appointment.
 - b. The student will have completed an approved "behind-the-wheel" training course.
 - c. The student will have passed the law-knowledge test administered by a representative of the Division of Motor Vehicles.
 - d. The Snellen eye reading has been recorded on the student permit by the school nurse when it is presented for an appointment.
 - (In the absence of a school nurse, the eye reading may be recorded by a Motor Vehicle Officer)
 - e. The signatures of the Principal, school nurse and student must be on the student permit when the student appears for a driving test.

3. METHOD OF SECURING APPOINTMENTS:

- A. A student may present his student permit at any Driver Qualification Center for the purpose of securing an appointment for the driving test provided that the permit has been sent by the Driver Education Instructor in a sealed envelope containing also a self-addressed, stamped envelope. The permit will be mailed back to the Driver Education Instructor after the appointment has been recorded.
- B. An Instructor of Driver Education may present one or more student permits at a Driver Qualification Center and obtain appointments.
 - (1) If the permits are sent by mail, then they must be accompanied by a stamped, self-addressed envelope.

4. VALIDATION OF STUDENT DRIVER EXAMINATION PERMITS:

- A. A student driver examination permit may be validated for practice driving when:
 - (1) A student has completed "behind-the-wheel" driver training and is at least 17 years old and has successfully completed the law-knowledge test administered by a representative of the Division of Motor Vehicles, and submits an approved certificate indicating that he has passed.
 - (2) The Snellen eye reading has been recorded on the student permit by the school nurse when it is presented for the driving test.
 - a. In the absence of a school nurse, the eye reading may be recorded by a Motor Vehicle Officer.
 - (3) The signatures of the Principal, school nurse and student must be on the student permit when he appears for a driving test.
- Notice is hereby given that interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the rules proposed to Lt. Albert R. Hodgson, Enforcement Bureau Office, New Jersey

Law and Public Safety—continued

Division of Motor Vehicles, 25 South Montgomery Street, Trenton, New Jersey on or before December 19, 1969. Telephone (609) 292-4566.

After full consideration of statements or arguments presented, the New Jersey Division of Motor Vehicles upon its own motion or at the instance of any interested party may thereafter adopt the above rules substantially as set forth without further notice.

June Strelecki, Director
Division of Motor Vehicles
Department of Law and Public Safety

BUS DRIVER LICENSES

Notice is hereby given that the Director of the Division of Motor Vehicles, pursuant to the authority delegated in N.J.S.A. 39:3-10.1, proposes to adopt regulations pertaining to the examination for and issuance of Special Bus Driver License and Special Bus Driver and School Bus Driver License as follows:

1. DEFINITIONS:

Special Bus Driver License — A special license issued by the Director of Motor Vehicles to drive vehicles, commonly known as buses, with a carrying capacity of more than six passengers, for the transportation of passengers for hire; except taxicabs, hotel buses and omnibuses used for the transportation of passengers in interstate or foreign commerce, or any bus used to transport children to or from school pursuant to sections 18:14-8 to 18:14-12 inclusive, of the Revised Statutes.

Special Bus Driver and School Bus Driver License — A special license, issued by the Director of Motor Vehicles, to drive vehicles, commonly known as buses, with a carrying capacity of more than six passengers, for the transportation of passengers for hire, except taxicabs, hotel buses and omnibuses used for the transportation of passengers in interstate or foreign commerce. This license is also valid for the transportation of children to or from school pursuant to sections 18:14-8 to 18:14-12 inclusive, of the Revised Statutes.

2. REQUIREMENTS:

A. Special Bus Driver License Applicant:

- (1) Shall be at least 21 years of age.
- (2) Shall hold a valid New Jersey driver's license.
- (3) Shall submit approved initial application form.
- (4) Shall submit approved Medical Certificate signed by a New Jersey licensed physician.
- (5) Shall successfully complete the law-knowledge (written) test.
 - a. Law-knowledge (written) test shall consist of 25 questions concerning the safe operation of a motor vehicle, the New Jersey Motor Vehicle Law and Traffic Regulations.
 - b. Law-knowledge (oral) test will not be administered in lieu of the law-knowledge (written) test.
- (6) Attain minimum standard visual acuity as measured by the Snellen Chart standard.
 - a. Minimum standard shall mean at least 20/50 in one eye and at least 20/100 in the other eye, with or without correction.
 - b. Have ability to distinguish between red, amber, and green as used on official Traffic Control Devices.
- (7) Give a satisfactory demonstration of ability to exercise ordinary and reasonable control in the operation of the type of vehicle to be used for the transportation of passengers.
- (8) An applicant for a Special Bus Driver License who fails the law-knowledge (written) test or driving demonstration, after the second try, may be prohibited from continuing with the examination.

B. Special Bus Driver and School Bus Driver License Applicant:

- (1) Shall be at least 21 years of age.
- (2) Shall hold a valid New Jersey driver's license.
- (3) Shall submit an approved initial application form.
- (4) Shall submit an approved Medical Certificate signed by a New Jersey licensed physician.
- (5) Shall successfully complete the law-knowledge (written) test.
 - a. Law-knowledge (written) test shall consist of 50 questions concerning the safe operation of a school bus, the New Jersey Motor Vehicle Law and Traffic Regulations.
 - b. Law-knowledge (oral) test will not be administered in lieu of the law-knowledge (written) test.
- (6) Attain minimum standard visual acuity as measured by the Snellen Chart standard.
 - a. Minimum standard shall mean at least 20/50 in one eye and at least 20/100 in the other eye, with or without correction.
 - b. Have ability to distinguish between red, amber, and green as used on official Traffic Control Devices.
- (7) Give a satisfactory demonstration of ability to exercise ordinary and reasonable control in the operation of the type of vehicle to be used for the transportation of passengers.
- (8) Applicants for Special Bus Driver and School Bus Driver Licenses will be required to submit to fingerprinting.
- (9) Applicants for Special Bus Driver and School Bus Driver Licenses must successfully complete the psychophysical test administered at a Driver Improvement Clinic.
- (10) An applicant for a Special Bus Driver and School Bus Driver License who fails the law-knowledge (written) test or driving demonstration, after the second try, may be prohibited from continuing with the examination.

Notice is hereby given that interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the rules proposed to Lt. Albert R. Hodgson, Enforcement Bureau Office, New Jersey Division of Motor Vehicles, 25 South Montgomery Street, Trenton, New Jersey on or before December 19, 1969. Telephone (609) 292-4566.

After full consideration of statements or arguments presented, the New Jersey Division of Motor Vehicles upon its own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as set forth without further notice.

June Strelecki, Director
Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS
BOARD OF NURSING

RULES OF SCHOOLS AND LICENSES

Adoption of Rules

Notice is hereby given that the New Jersey Board of Nursing, pursuant to the authority delegated in N.J.S.A. 45:11-24 (d) proposes to adopt as Chapter 37 of Title 13 of the New Jersey Administrative Code rules pertaining to schools of professional and practical nursing and the licensing and duties of professional and practical nurses.

Copies of the text of the proposed rules may be obtained from the Executive Secretary, New Jersey Board of Nursing, 1100 Raymond Boulevard, Newark, New Jersey 07102. Telephone (201) 648-2490.

Notice is also given that any person interested may present statements or arguments in writing relevant to the actions proposed at the offices of the Board before 4 p.m., December 22, 1969.

After full consideration of all statements and arguments presented, the New Jersey Board of Nursing, upon its own motion or at the instance of any interested party, may thereafter adopt the rules substantially as proposed without further notice.

Donald L. Snover, Executive Secretary
New Jersey Board of Nursing
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

Chemical Breath Testing Regulations

Chapter 51 of Title 13 of the New Jersey Administrative Code deals with chemical breath testing. It was promulgated by the Attorney General, pursuant to N.J.S.A. 39:4-50.3, filed and effective prior to September 1, 1969.

The chapter deals with breath testing operators, breath testing coordinator instructors and approved instruments as methods of chemical breath testing.

Because of wide interest in the chapter, the New Jersey Register is printing the text of this chapter as filed with the Division of Administrative Procedure.

CHAPTER 51
CHEMICAL BREATH TESTINGSUBCHAPTER A.
BREATH TESTING OPERATORS

13:51-1 CERTIFICATION OF BREATH TESTING OPERATORS:

This subchapter prescribes the requirements for issuing a certificate to conduct chemical breath analysis, the conditions under which certification can occur and the general rules for holders of certificates.

13:51-2 CERTIFICATION REQUIRED:

No person may conduct a valid analysis for prosecution of an arrested person's breath under the provisions of N.J.S.A. 39:4-50.3 unless he has in his personal possession a current operator certificate asserting that his qualifications and competence to conduct such analysis have been approved by the Attorney General.

13:51-3 PREREQUISITES FOR APPLICATION:

An applicant must be a full time member of an organized police department and have a minimum of two years experience as a police officer.

13:51-4 APPLICATION:

Application shall be made in writing to the Division of State Police by the chief of the police department where the applicant serves.

13:51-5 REQUIREMENTS FOR APPROVAL:

Approval of the qualifications and competence of an applicant shall be certified when the Attorney General finds that the applicant has been recommended for certification by the Superintendent of State Police after the applicant has:

(a) Satisfactorily completed a minimum five days of training prescribed and conducted by the Division of State Police. Such training shall include instructions in the metric system, aerated solutions and human tests for alcohol, alcohol in the human body, mathematical computations as required, law and case law and the instrument in detail. Recommendations will be submitted to the Attorney General if the applicant has demonstrated competence of operation, passed a final examination and attained a passing course average.

(b) When an applicant desires to convert to a different type of breath instrument and he has satisfactorily completed a previous five day course, then he must attend a minimum of two days training prescribed and conducted by the Division of State Police. Such training will include instruction in instrument operation, the instrument in detail and laboratory practice with air passed through alcohol solutions of strength known and unknown to the operator. Recommendations will be submitted to the Attorney General if the applicant has demonstrated competence of operation and passed a written examination.

EXCEPTION:

A graduate chemist or medical doctor need not attend the prescribed course, but must be given competency tests in the operation of the approved instrument by an instructor of the Division of State Police for recommendation of certification.

13:51-6 DURATION OF CERTIFICATE:

On approval by the Attorney General, the operator will be issued a large certificate and replica bearing the date of course completion and will be valid until the end of the next calendar year. Certification will be extended upon completion of an annual one day refresher course and passing a practical test as prescribed and conducted by the Division of State Police. The certificate replica will be validated for extension when signed and dated by a breath testing instructor. The extension will be valid until the end of the next calendar year.

13:51-7 SUSPENSION OF OPERATOR'S CERTIFICATE:

(a) Suspension is automatic when an operator fails to satisfactorily complete the required annual refresher course. Any test conducted beyond the expiration date as explained in Section 13:51-6 will be considered invalid for court presentation.

(h) A certificate shall be suspended when an operator is judged ineffective or incompetent by the chief of police, when the operator is a member of an organized police department, or by the Superintendent, when the operator is a member of the State Police. Where action is taken by the chief of police, a written request for revocation will be made to the Superintendent of State Police listing the suspension date and the reason for the suspension. The request will then be forwarded to the Attorney General. Where such action is taken by the Superintendent of State Police, a request for revocation will be made to the Attorney General listing the date of and reason for suspension.

(c) An instructor of breath testing instruments will have the right to determine whether an operator is incompetent in the operation of the instrument. If he so determines, the instructor will serve a copy of a written notice of suspension to the operator. If the operator is not available for service, the notice will be forwarded to the chief of police. The operator will not be permitted to operate the instrument until such time as the suspension is removed. The instructor will forward the original and a copy of the suspension notice, which will state the reason for such action and the date and time of suspension, to the Superintendent of State Police. The copy will be forwarded to the chief of police for his information.

13:51-8 REINSTATEMENT OF A SUSPENDED CERTIFICATE:

A suspended operator's certificate may be reinstated by the suspending authority provided the cause of such suspension has been removed and provided the revocation proceedings have not been instituted.

13:51-9 APPEAL OF SUSPENSIONS:

Should suspension result from an instructor's opinion of incompetent operation, as provided in Section 13:51-7(c), appeal may be made by the chief of police for the operator suspended or by the operator himself. A written request of appeal will be forwarded within 30 days of the date of suspension. If the appeal is not made within 30 days, the Superintendent will forward a recommendation for revocation to the Attorney General.

13:51-10 HEARING ON SUSPENSION:

If appeal is based on Section 13:51-7(c), the appeal will be heard by the Superintendent of State Police or by a hearing officer designated by him. The hearing officer may, at his discretion, cause the appellant to be given a written or oral examination or a competency operating test or any combination of such tests to arrive at a decision. Such tests may be given by an instructor not associated with the issue under appeal.

On conclusion of the hearing, the Superintendent will recommend to the Attorney General whether a revocation should occur or whether the operator should be reinstated with or without conditions.

13:51-11 REVOCATION OF CERTIFICATE:

The Attorney General may revoke a certificate after consideration of a request for revocation or a recommendation of the Superintendent of State Police.

13:51-12 RESTORATION OF A REVOKED CERTIFICATE:

The Attorney General may restore a revoked certificate when he is satisfied the cause for revocation has been removed.

13:51-13 RETURN OF REPLICA; LOST REPLICAS:

If a certificate is revoked or if the operator resigns, retires or leaves the police department for any reason, it shall be the responsibility of the chief of the police department where the operator serves to retrieve the wallet size certificate replica from the operator and return the same to the State Police with a notation of the reason for the return.

If a replica has been lost, the operator or chief shall notify the State Police of such loss.

13:51-14 ADMINISTRATION:

Administrative files will be maintained by the Division of State Police and will include those operators certified, suspended and revoked.

Law and Public Safety—continued

SUBCHAPTER B

BREATH TESTING COORDINATOR INSTRUCTORS

13:51-15 ELIGIBILITY REQUIREMENTS:

To be eligible as a Breath Testing Coordinator Instructor a person must be a sworn member of the New Jersey State Police and be a holder of: a certificate in police training issued by the New Jersey Police Training Commission, or an instructor certificate issued by the United States Armed Forces, or certification from a duly accredited school of education.

The Attorney General may waive the certification, if he is satisfied such person has equivalent background and experience to instruct breath testing applicants and operators.

The Attorney General's approval will be in the form of a letter to the person approved as a breath testing instructor.

13:51-16 BREATH TESTING COORDINATOR INSTRUCTOR KNOWLEDGE AND FUNCTIONS:

A breath testing instructor will have specialized training as prescribed by the Division of State Police and have the knowledge to properly perform the following functions: Preparation and checking chemicals used for testing. Presentation of the scientific theory of the approved breath instruments.

Inspection and maintenance of approved breath testing instruments.

Instruction in breath testing courses.

Suspension of a certificate held by an incompetent operator.

Initiation of recommendations for certification and revocation.

Validating of certificates held by certified breath testing operators as provided in Section 13:51-6.

SUBCHAPTER C

APPROVED INSTRUMENTS AS METHODS OF CHEMICAL BREATH TESTING

13:51-17 PURPOSE:

The regulations in this subchapter set forth the methods and instruments approved by the Attorney General for chemical analyses of an arrested person's breath.

13:51-18 APPLICATION FOR APPROVAL:

Applications for approval of methods and instruments shall be made to the Superintendent of State Police.

Primarily, evaluation will be dependent upon test results reflecting reliability for satisfactory specificity, precision and accuracy. The instrument and component parts necessary for operation shall be supplied at the expense of the applicant.

Any evaluating reports by the company or independent investigating groups shall be forwarded with the instrument along with operating and servicing manuals, schematic drawings and other detailed information.

13:51-19 TRAINING BREATH TESTING OPERATORS:

Upon approval of an instrument, factory personnel shall train the initial class of breath testing instructors at the expense of the applicant. The course shall be of a two day duration and include a brief history of the instrument, nomenclature of the operator's controls, detailed operating instructions with demonstration, nomenclature of all parts and their functions and class participation in laboratory practice.

13:51-20 PERIODIC INSPECTION OF APPROVED INSTRUMENTS:

Periodic inspection of all approved instruments used in this state for prosecution shall be made by a qualified member of the Division of State Police.

13:51-21 APPROVED METHODS AND INSTRUMENTS:

(a) The Harger Drunkometer as invented by Rollo N. Harger, Ph.D., Professor of Biochemistry and Toxicology, Indiana University, Bloomington, Indiana (retired) and decided to be a reliable instrument when analyses are conducted in a proper manner in State v. Miller, 64 Super. 262 (App. Div. 1960) and in State v. Johnson, 42 N.J. 146 (1964).

Drunkometer method:

- 1) Set up Drunkometer with tubing connection and gasometer with water in top chamber.
- 2) Mix 1 ml. of KMNO4 into ampoule of 10 mls. of sulfuric acid and connect to tubing on panel.
- 3) Attach balloon; breath sample blown to approximately 6 inches in diameter.
- 4) Check for leaks. Block open end of gasometer. If bubbles do not persist in reagent, there are no leaks.
- 5) Remove blockage, adjust flow of air, and observe two things:

Color density where reagent becomes lighter than the pink standard, but darker than the straw colored standard. This is the "end point" (end of test).

Observe gasometer in event all water is displaced for readings below .15%. Stop air flow and invert gasometer and reconnect, continuing to end point, if any. Total complete displacement of breath used.

6) Calculate (proportional problem).

End point = .169 mgs. of alcohol isolated. Gasometer indicates milliliters of breath used in test. 3200 indicates 3200:1 ratio of ordinary breath to blood.

Example: .169 :: X

$$\begin{array}{r} 270 \quad 3200 \\ 270X = 541 \\ X = 541 \end{array}$$

X = 2.0 milligrams of alcohol to one milliliter of blood (or parts per thousands).

(b) The Breathalyzer as invented by Professor Robert Borkenstein, Director of Indiana University Traffic Institute, Bloomington, Indiana.

The proper method of operating the Breathalyzer is in-

dicated by a check off list issued by the manufacturer, Stephenson Corporation, Red Bank, New Jersey, which contains the following information:

Preparation:

- 1) Turn switch to "ON", wait until THERMOMETER shows 50 degrees centigrade, plus or minus 3 degrees.
- 2) Gauge TEST AMPOULE, open, insert BUBBLER and connect to OUTLET.

Purge:

- 3) Turn to TAKE, flush, turn to ANALYZE.

Analysis:

- 4) Set SCALE POINTER on start line.
- 5) Turn to TAKE, take breath sample, turn to ANALYZE.
- 6) When RED appears, wait 1½ minutes, turn on LIGHT, BALANCE.

Note - Record answer, dispose of test ampoule, turn to "OFF".
(c) The Alcometer Model D1 as developed and perfected by Keyes Scientific Corporation, Cambridge, Massachusetts.

The proper operating method is as follows:

Preparation:

- 1) Connect electricity, turn key to ON, gauge reference ampoule and insert into retainer.
- 2) Gauge test ampoule, break ampoule neck, insert into retainer and connect inserted ampoule bubbler.

Purge:

Although purged at completion of previous test, this phase is added as a safety factor and to allow the operator to testify that he purged prior to analysis.

- 3) Press sample button, flush chamber.
- 4) Press start button, wait until pumping (Purge) is completed.

Analyze:

- 5) Set indicator dial on zero (balance).
- 6) Press sample, then have subject blow into attached mouth piece.
- 7) Release sample button, press start button.

Note—After pressing Start button pump will force trapped breath into reagent and continue to pump, then purging system for about 3.7 minutes. At end of pumping, test result is registered automatically on dial.

Record results, dispose of test ampoule, bubbler and attached mouthpiece. Use of recording device is optional. Turn key to record and results will be printed on chart paper automatically.

(a)

STATE

ATHLETIC COMMISSION

Rule on Boxing Programs

Notice is hereby given that Morris Mogelev, Acting State Athletic Commissioner, pursuant to the authority delegated in N.J.S.A. 5:2-5, proposes to adopt a new rule of the State Athletic Commission concerning public information about professional boxing programs as follows:

At any professional boxing program, the licensed promoter shall provide a special room where, in the public interest, members of the working press, radio and television broadcasters, and photographers may have access to the widest range of information about the program in the best spirit of American Journalism. Toward that end, the attending physician and licensees, including the promoter, matchmaker, referee and main bout contestants, shall be present in the designated room immediately following the program.

Violation of this rule by a licensee will result in his suspension.

Notice is also given that any interested person may present statements or arguments in writing, relevant to the proposed rule at the office of the State Athletic Commission, 209 East State Street, Trenton, New Jersey 08608, on or before December 18, 1969.

The State Athletic Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

Morris Mogelev
Acting Commissioner
State Athletic Commission

(b)

TRANSPORTATION

HIGHWAY SAFETY PROGRAM
EMERGENCY MEDICAL SERVICES

Interim Plan

National interest in highway safety culminated in the passage of the Highway Safety Act of 1966. This Act provides for a coordinated national highway safety program through financial assistance to the states for accelerated highway safety programming. Federal funds are made available to state and local governments on a matching basis for highway safety programs under the provisions of this act. The administration of the New Jersey Highway Safety Program is the responsibility of the Governor.

By Executive Order No. 39, of March 15, 1968 the Assistant Commissioner of Transportation for Highways was appointed as Governor's Representative to the National Highway Safety Bureau with the responsibility for the administration of the National Highway Safety Act in the State of New Jersey. As Chairman of the Interdepartmental Highway Safety Program Committee, the Governor's Representative was directed to develop a com-

prehensive New Jersey highway safety program in accordance with the National Highway Safety Act of 1966.

The National Uniform Standard for Emergency Medical Services requires that there be training, certification and related requirements, as appropriate, for a statewide, coordinated Emergency Medical Services Program. To implement the program in accordance with this National Uniform Standard, the State Commissioner of Health, with the advice of the Ad Hoc Advisory Committee on Emergency Medical Services has developed an Interim Statewide Coordinated Plan for Emergency Medical Services.

This voluntary Interim Plan is to serve only as a base on which to build an official State Standard for Emergency Medical Services to carry out the purposes of the National Highway Safety Act.

In the Emergency Medical Services area, the Commissioner of Health has appointed a 15 member Ad Hoc Advisory Committee to develop guidance in the area of Emergency Medical Services. The membership consists of representatives of the medical profession, hospital administration, ambulance squads, and police.

INTERIM STATEWIDE COORDINATED PLAN
FOR EMERGENCY MEDICAL SERVICES

Fourth Revision - June, 1969

I. Establishment of a non-fee Certification System

A. State performance standards and criteria for issuance of Certificate of Approval.

Upon request, a non-fee Certificate of Approval (Compliance) will be issued by New Jersey State Department of Health to those organizations operating or wishing to operate first aid or rescue ambulance services when there is evidence of compliance with the following prescribed criteria:

1. Filing of necessary application form (prepared and distributed by New Jersey State Department of Health) which contains:

- (a) the recommendation of either
 - (1) New Jersey State First Aid Council in the case of the member squads of New Jersey State First Aid Council; or
 - (2) a county First Aid Organization which has been in continuous operation for at least ten years in the case of nonmember volunteer squads (non-members of New Jersey State First Aid Council); or
 - (3) an official State field representative in the case of ambulance services operated by State, county or municipal governments, commercial organizations, or independent volunteer squads which do not belong to either of the voluntary organizations mentioned above; and
- (b) verification from the municipality in which the applicant organization has its headquarters that the squad is in conformity with all applicable Federal, State, and local laws, regulations, and similar requirements.

2. Evidence of:

- (a) compatibility with the criteria specified by Federal Program Standard 4.4.11 (P.L. 89-564); and
- (b) compliance with standards for Ambulance Vehicle and Equipment and for Ambulance Personnel Training as stated in Appendix I.

B. Application processing procedures

The State Department of Health shall:

1. Prepare and distribute the necessary application forms to:

- (a) providers of ambulance services known to the Department.
- (b) providers of ambulance services or applicants requesting such application forms.

2. Issue Certificate of Approval to those organizations approved by Emergency Medical Care Program and Assistant Commissioner, Personal Health Services.

(a) Certificates of Approval for display in each ambulance vehicle are issued to the applicant organization(s) meeting the criteria.

(b) All renewable certificates are issued on receipt of currently completed application forms (Renewal every three years).

(c) Upon request, certificates of approval to operate more than one squad may be granted to an organization providing there is compliance with all prescribed criteria.

(d) Information on rejection of "certificate of approval" is furnished to all applicant organizations found to be deficient in meeting the prescribed criteria. (This information may be transmitted to the applicants through the specific sponsoring agency—A 1a(1) and A 1a(2).)

(e) Current records of certificates of approval that have been issued to organizations operating first aid or rescue ambulance services shall be maintained by the Department.

II. Development of State Communication and Central Dispatch System

A. In the development of a comprehensive plan-approach for the evolution and utilization of a State Emergency Medical Services Communication and Dispatch System, a statewide coordinated two-way radio communication system between hospital emergency departments and ambulance vehicles has top priority for development and for project support by the Highway Safety Liaison Office. The need for ambulance dispatch at present is being met satisfactorily by local police departments. However, this situation is expected to change in the immediate future since the Federal Communications Commission (F.C.C.) is beginning to insist that police frequencies be confined to police business.

B. The proposed State Communication System, subject to Federal Communications Commission approval, provides for:

1. two-way communication equipment in the emergency rooms of hospitals and in the ambulance vehicles servicing them.

Transportation—continued

2. maximum use of an already existent but rarely used hospital based radio network (N.J. Hospital Network) which has two frequencies assigned to it by F.C.C., i.e., 155.34 and 155.280 MHZ.

3. consideration of problems posed by the population and geography of the State—the central corridor of populous areas roughly corresponds to the path of the main State highways, especially New Jersey Turnpike.

4. consideration of the range limitation of radio equipment currently being manufactured for vehicle use, i.e., approximately 20 miles.

5. consideration of the desirability of a communication system whereby ambulances passing through geographic areas of the State other than their normal service areas may be able to communicate with a hospital or ambulance vehicle within the community through which they are traveling.

C. The proposed Communication System is best visualized and described as follows:

1. Circles with a twenty-mile radius were plotted around Newton, Paterson, New Brunswick, Trenton, Camden, Toms River, Vineland, Atlantic City, Phillipsburg and Cape May.

(a) There may be a considerable number of calls within each encircled area by virtue of population and vehicle density and highway mileage.

(b) There may be severe overlap in Paterson encircled area especially in Newark-Jersey City areas.

2. The two high band frequencies (155.280 and 155.340 MHZ) are to be assigned on an alternating basis to each encircled area.

(a) Tentative assignment as follows:

| | MHZ |
|------------------------------------|---------|
| Paterson Encircled Area | 155.340 |
| New Brunswick Encircled Area | 155.280 |
| Newton Encircled Area | 155.280 |
| Phillipsburg Encircled Area | 155.340 |
| Trenton Encircled Area | 155.340 |
| Camden Encircled Area | 155.280 |
| Atlantic City Encircled Area | 155.280 |
| Vineland Encircled Area | 155.340 |
| Toms River Encircled Area | 155.280 |

Most hospital units will operate with 60 watts and vehicles will operate with 100 watt power units.

(b) Certain areas will require special management:

(1) Trenton and Camden areas may need special management and equipment to prevent N. J.-Pennsylvania interference, such as restriction to lowered output and a 10 mile operating range.

(2) Newark and Jersey City areas within the Paterson circle are highly populous and may give rise to overload of calls. These may have to be subdivided into areas of three miles operating range, with alternate frequencies and lowered output.

D. Pilot Projects are being encouraged for support by Highway Safety Liaison Office.

III. Establishment of an Evaluation System

A. A system for evaluating response and performance capability of State Emergency Medical Services is to be developed. Feasibility studies* will be done by the State Department of Health. Such an evaluation system will include:

1. Collection of records of traffic accident victims.

(a) State Department of Health will instruct and furnish forms to appropriate individuals or organizations. At least twice a year, in the beginning, conferences at a convenient location will be held to encourage cooperation, furnish instructions and provide necessary forms.

2. Receiving and processing of all data-reporting forms of traffic accident victims.

(a) Upon receipt of the periodic shipment of data-records, checks are made to insure the timeliness, accuracy, and the completeness of reporting.

(b) Data records are arranged by names of victims of the traffic accident; numbered and coded to permit the correlation and analysis of data to the traffic-accident incident; and to permit the abstraction of data to punch cards for such tabulations necessary to meet the needs of the Emergency Medical Services Program. Certain items of the data may be valuable to other phases of the Highway Safety Program and, without violation of confidence, will be made available to them.

*Data Collection and Analysis System is being pilot tested in one location and is to be started at another location in the immediate future. The system may be tested in three additional areas to get a statewide representative picture. Upon completion of these studies, an evaluation will be done by a consultant from Stanford Research Institute, the Federal Highway Safety Bureau, and by the Ad Hoc Advisory Committee. Appropriate action will be taken to maintain the confidential nature of all such records.

APPENDIX I

Fourth Revision - June, 1969

Prescribed Minimum Criteria

I. TRAINING OF PERSONNEL

(a) current American Red Cross Standard and Advanced First Aid training programs or equivalent

(b) cardiopulmonary resuscitation training given by a physician approved by New Jersey State Heart Association or New Jersey State Department of Health

(c) emergency childbirth management training given by a qualified physician

(d) ambulance driver's Safe Driving Training by State Police or qualified local police to be given to those people who are assigned as ambulance drivers

(e) training in light rescue methods i.e. training in

the proper methods for (1) rescue of victims from hazardous situations, (2) release of victims from entrapment, and (3) the necessary on-site preparation of victims for movement and transport of patient so as not to aggravate the injury or worsen the condition of the victim

(f) refresher training program at least once every three years

II. AMBULANCE VEHICLES AND EQUIPMENT

1. Ambulance Vehicles

- (a) inside height 48 inches
- (b) capable of carrying two patients
- (c) interior lighting sufficient to oversee patient
- (d) availability 24-hours a day—daily
- (e) manned by a trained driver and a trained attendant whenever a patient is being transported. (Both shall meet prescribed Training Criteria)
- (f) all ambulance vehicles shall pass State Division of Motor Vehicle inspection annually
- (g) maintenance in safe driving condition at all times
- (h) safety restraint belts for driver and attendants
- (i) restraining belts for patients
- (j) portable, battery-powered handlight

III. AMBULANCE EQUIPMENT

- (a) litters
- (b) blankets
- (c) Timmins-type splint or equivalent
- (d) two or more padded boards 4 1/4 ft. long and 3 in. wide and two or more similar padded boards 3 ft. long and 3 in. wide, of material comparable to four-ply wood, for coaptation splinting of fracture of the leg or thigh or equivalent
- (e) two or more padded wood or cardboard splints, 15 in. long and 3 in. wide, for fractures of the forearm or equivalent
- (f) short and long backboards with 2 in. webbing straps for extrication of victims with spine injuries or equivalent
- (g) oxygen tanks and masks of assorted sizes
- (h) a hand-operated bag-mask resuscitation unit with adult, child, and infant masks (a unit that can be attached to oxygen supply is preferred)
- (i) simple suction apparatus with catheters (available types listed in the March-April 1965 Bulletin, A. C. S.)
- (j) oropharyngeal airways
- (k) mouth gags made of three tongue blades taped together and padded
- (l) universal packaged dressing, approximately 10 in. wide and 36 in. long, folded to 10 by 9 in.
- (m) sterile gauze pads
- (n) adhesive tape, 1, 2, and 3 in. wide, on cylinder
- (o) soft roller-type bandages 6 in. wide and 5 yards long
- (p) triangular bandages
- (q) safety pins, large
- (r) bandage shears
- (s) several pillows
- (t) communication equipment as recommended in Statewide Emergency Medical Services Communication System
- (u) appropriate report forms for use with traffic accident victims (Printed and distributed by State Department of Health. Such reports are not public records)
- (v) seat belt cutter

Depending on local conditions and local decisions, of course, it might be appropriate to add certain items to this minimum list, such as pneumatic splints for below-elbow or below-knee fractures and the antidotes and equipment for handling acute poisonings.

Prior to the adoption of a Final Statewide Coordinated Plan for Emergency Medical Services, interested persons may present statements in writing relevant to the above Interim Plan to Director, Highway Safety Program Liaison Office, 5 Merchant Street, Trenton, New Jersey 08608.

(a)

TREASURY

DIVISION OF TAXATION

LOCAL PROPERTY TAX LIST

HACKENSACK MEADOWLANDS DISTRICT

Supplemental Regulation

The Director, Division of Taxation of the Department of the Treasury, pursuant to N.J.S.A. 13:17-63 (P.L. 1968, c. 404, section 61) and R.S. 54:4-24, hereby promulgates the following supplemental regulation pertaining to the designations to be included in the 1969 tax list.

N.J.A.C. 18:12-2E.1 HACKENSACK MEADOWLAND DISTRICT DESIGNATION

The assessor or board of assessors for the taxing districts of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack and Teterboro all in Bergen County; and Jersey City, Kearny, North Bergen and Secaucus, all in Hudson County, shall review the 1969 municipal real property tax list and shall indicate for each parcel of property whether or not such parcel is located within the boundaries of the Hackensack Meadowlands District, i.e. the area within the jurisdiction of the Hackensack Meadowlands Development Commission as such area is described in Sec. 4 of the Hackensack Meadowlands Reclamation and Development Act, P.L. 1968, c. 404. In the case of a parcel of property located within the boundaries of the Hackensack Meadowlands District, the assessor or board of assessors shall indicate such fact by adding the letters "HM" to the lot number or to the lot number suffix in the column of the Tax List captioned "Block No. Tax No."

When the boundary of the Hackensack Meadowlands District divides a lot of land, the entire lot shall be included within the district.

Note: (Section 61 of the Hackensack Meadowlands Reclamation and Development Act (N.J.S.A. 13:17-63) provides, as follows:

"(a) In preparing the list of owners of taxable property pursuant to Revised Statutes 54:4-24, the assessor of each constituent municipality shall indicate in the list for each parcel of property whether or not it is located within the district boundaries, in accordance with regulations prescribed by the Director of the Division of Taxation. (b) When the boundary of the district divides a lot of land, the entire lot shall be included within the district."

This Regulation shall take effect immediately.
Sidney Glaser
Acting Director
Division of Taxation
Department of the Treasury

(b)

TREASURY

DIVISION OF INVESTMENT

STATE INVESTMENT COUNCIL

Revise Regulations Concerning Commercial Paper

Notice is hereby given that Mr. Carrol M. Shanks, Chairman of the State Investment Council, pursuant to the authority delegated in N.J.S.A. 52:18A-89 proposes to revise its Regulations, numbered 16:3-13.100, 16:3-13.110, and 16:3-13.140 as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]);

ARTICLE 13. COMMERCIAL PAPER

Reg. 16:3-13.100 Definition.
As used in this article, "commercial paper" shall mean secured or unsecured promissory notes, [issued at a discount from par by any industrial, finance, or public utility company or the secured promissory notes issued by Savings Banks Trust Company.]

Reg. 16:3-13.110 Permissible investments.
[Subject to the maturity limitations contained in this article, the Director may invest and reinvest the moneys of any fund in "prime" rated commercial paper.]

(a) Subject to the maturity limitations contained in this article, the Director may invest and reinvest the moneys of any fund in "prime" rated commercial paper which is not in default as to either principal or interest when acquired and which has been issued by a company incorporated within and transacting business within the United States.

(b) The Director shall submit a list of issuers of commercial paper to the Council for its approval. Such list may be amended or enlarged from time to time subject to the Council's approval and shall be designated the "Approved List of Issuers of Commercial Paper."

Reg. 16:3-13.120 Static group; temporary reserve group; demand group.

The Director may purchase "prime commercial paper" for any static, temporary reserve or demand group fund providing the maturity purchased does not exceed 270 days.

Reg. 16:3-13.130 Pension and annuity group; trust group.
The Director may purchase "prime commercial paper" for any pension and annuity or trust group fund providing the maturity purchased does not exceed 180 days.

Reg. 16:3-13.140 Legal papers.
[Prior to any commitment to purchase commercial paper, the Director shall have obtained:

(a) a certification or other evidence that such commercial paper is rated "prime" by the National Credit Office, Inc.

Subsequent to the purchase, the Director shall obtain:
(b) a certification or other evidence that the paper proposed to be delivered is not subordinated to any other debt of the issuer;

(c) a certification or other evidence that there is no litigation pending or threatened affecting said paper;

(d) a certification or other evidence that the issuer is not in default as to the payment of principal or interest upon any of its outstanding obligations;

(e) a certification or other evidence that the issuer was incorporated within the United States and is transacting business within the United States;

(f) such other documents or opinions which the Attorney General may require; and

(g) a written approving opinion from the Attorney General to the effect that all such documents and opinions received by the Director are satisfactory as to form and substance and that the purchase of such obligations is authorized under the laws of this State.]

Prior to any commitment to purchase commercial paper, the Director shall have obtained a certification or other evidence that such commercial paper is rated "prime" by the National Credit Office, Inc.

Notice is also given that any person interested may present statements or arguments in writing, or ally in person or by telephone, etc., relevant to the action proposed to Richard L. Stoddard, Division of Investment, State House, Trenton, New Jersey. Telephone: (609) 292-5106, on or before December 19, 1969.

The State Investment Council, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as above set forth without further notice.

Carrol M. Shanks, Chairman
State Investment Council

THE NEW JERSEY REGISTER

1 N. J. R. 25

NEW JERSEY, DECEMBER 25, 1969

Vol. 1—No. 4



THE NEW JERSEY REGISTER

A Publication of the State of New Jersey

RICHARD J. HUGHES, Governor
Robert J. Burkhardt, Secretary of State
Leon S. Wilson, Director of Administrative Procedure
Melvin E. Mounts, Rules Analyst
Grace Barnett, Editor

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THURSDAY, DECEMBER 25, 1969

NOTICE OF RULE MAKING ACTIVITIES OF STATE AGENCIES

The following digests, notices, and texts of rules, regulations and codes filed by Administrative Agencies during the preceding month have been prepared by the Office of the Director of the Division of Administrative Procedure, Department of State, pursuant to Section 4 (a) (1) and Section 7 (b) of Chapter 410 of the Laws of 1968.

(a)

THE GOVERNOR

EXECUTIVE ORDER NUMBER 60

Concerning Extra Holidays

EXECUTIVE ORDER No. 60

I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State do hereby ORDER and DIRECT that:

1. State employees will be released at 1 P.M., work permitting, on December 24, 1969 (the day preceding Christmas Day).
2. Friday, December 26, 1969 (the day following Christmas Day) be declared an extra holiday for State employees.
3. Wednesday, December 31, 1969 (the day preceding New Year's Day) shall not be declared a holiday for State employees. The normal working hours shall be strictly observed.
4. Friday, January 2, 1970 (the day following New Year's Day) shall be declared an extra holiday for State employees.

GIVEN, under my hand and seal this ninth day of December, in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States, the one hundred and ninety-fourth.

/s/ RICHARD J. HUGHES
Governor

Attest:
/s/ ALAN J. KARCHER
Acting Secretary to the Governor

NEW JERSEY REGISTER CHANGE OF PUBLICATION DATE

The next issue of the New Jersey Register will be published January 8. The official publication date for following issues will then be the first Thursday after the first Monday of each month.

(b)

THE LEGISLATURE

EXECUTIVE REORGANIZATION ACT OF 1969 SIGNED BY THE GOVERNOR

The Executive Reorganization Act of 1969 was signed by Governor Richard J. Hughes on December 2, 1969, and became Chapter 203 of the Laws of 1969.

The act was introduced February 17, 1969, as Senate 514 by Senators Willard B. Knowlton, Alfred D. Schiaffo, Fairleigh Dickinson, Jr., Garrett W. Hagedorn, Joseph C. Woodcock, Jr., J. Edward Crabel, Sido L. Ridolfi, Norman Tanzman and John A. Lynch.

The act is reprinted here in its entirety.

AN ACT providing for the organization and reorganization of the Executive branch of government by submission of reorganization plans by the Governor subject to disapproval by the Legislature within 60 days, and providing for the publication thereof, supplementing chapter 14 of Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known as the "Executive Reorganization Act of 1969".

2. (a) The Governor shall from time to time examine the organization of all agencies and shall determine what changes therein are necessary to accomplish the following purposes:

- (1) To promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
- (2) To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive;
- (3) To increase the efficiency of the operations of the Executive to the fullest extent practicable;
- (4) To group, co-ordinate, and consolidate agencies and functions of the Executive, as nearly as may be, according to major purposes;
- (5) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Executive; and
- (6) To eliminate overlapping and duplication of effort.

(b) The Legislature declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that the purposes may be accomplished in great measure by proceeding under this act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

3. For the purpose of this act:
(a) "Agency" means—

- (1) Any division, bureau, board, commission, agency, office, authority or institution of the executive branch created by law, whether or not it receives legislative appropriations, or parts thereof;
- (2) Any office or officer in any agency, but does not include the State Auditor;
- (b) "Reorganization" means a transfer, consolidation, merger, co-ordination, authorization, or abolition, referred to in section 4 of this chapter; and
- (c) "Officer" is not limited to persons receiving compensation for their services.

4. (a) When the Governor, after investigation, finds that—

- (1) The transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of another agency; or
- (2) The abolition of all or a part of the functions of an agency; or
- (3) The consolidation, merger, or co-ordination of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof; or
- (4) The consolidation, merger, or co-ordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof; or
- (5) The authorization of an officer to delegate any of his functions; or
- (6) The abolition of the whole or a part of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions;

is necessary to accomplish one or more of the purposes of section 2 of this act, he shall prepare a reorganization plan for the execution of the reorganization as to which he has made findings and which he includes in the plan, and transmit the plan (bearing an identification number) to the Legislature, together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to accomplish one or more of the purposes of section 2 of this act.

(b) The Governor shall deliver to the Senate and General Assembly on the same session day a reorganization plan. In his message transmitting a reorganization plan, the Governor shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function and the reduction of expenditures (itemized so far as practicable) or increase in effectiveness and efficiency that it is probable will be brought about by the taking effect of the reorganization included in the plan.

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(c) A copy of the reorganization plan shall be transmitted to and filed with the Secretary of State for publication in issue of the New Jersey Register next following said filing.

5. A reorganization plan transmitted by the Governor under section 4 of this act—

(a) May change, in such cases as the Governor considers necessary, the name of an agency affected by a reorganization and the title of its heads and shall designate the name of an agency resulting from a reorganization and the title of its head;

(b) May provide for the appointment and compensation of the head and one or more officers of an agency (including an agency resulting from a consolidation or other type of reorganization) if the Governor finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary. The head so provided may be an individual or may be a commission or board with more than one member. In case of such an appointment, the term of office may not be fixed for a period in excess of the term remaining to be served by the then Governor, the pay may not be at a rate in excess of that found by the Governor to be applicable to comparable officers in the Executive branch, and, if the appointment is not to a position in the competitive service, it shall be made by the commissioner or other chief executive officer, board or commission of the executive department affected.

(c) Shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

(d) Shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the Governor considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective. However, the unexpended balances so transferred may be used only for the purposes for which the appropriation was originally made; and

(e) Shall provide for terminating the affairs of an agency abolished.

6. (a) A reorganization plan may not provide for, and a reorganization under this act may not have the effect of—

(1) Creating a new principal department in the Executive branch, abolishing or transferring a principal department or all the functions thereof, or consolidating 2 or more principal departments or all the functions thereof;

(2) Continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

(3) Authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to the Legislature;

(4) Increasing the term of an office beyond that provided by law for the office.

(b) A reorganization plan may take effect as provided in section 7.

Executive Reorganization Act—continued

7. (a) Except as otherwise provided by subsections (b) and (c) of this section, a reorganization plan shall take effect at the end of a period of 60 calendar days after the date on which the plan is transmitted to the Senate and General Assembly on a day on which both thereof shall be meeting in the course of a regular or special session unless, between the date of transmittal and the end of the 60-day period, the Legislature passes a concurrent resolution stating in substance that the Legislature does not favor the reorganization plan.

(b) Under provisions contained in a reorganization plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

(c) A reorganization plan which is not disapproved in the manner provided by subparagraph (a) of this section shall have the force and effect of law and the Secretary of State shall cause the same to be printed and published in the annual edition of the public laws under a heading of "Reorganization Plans."

8. Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or any pension law or retirement system.

9. This act shall not affect any order, rule or regulation made or promulgated prior to the effective date of a reorganization plan by any department, commission, council, board, authority, officer or other agency, the functions, powers and duties of which have been assigned or transferred to any other officer, authority or agency pursuant to a reorganization plan; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

10. This act shall not affect actions or proceedings, civil or criminal, brought by or against any department, commission, council, board, authority, officer or other agency, the functions, powers and duties of which have been transferred or abolished pursuant to this act; nor shall any reorganization affect any order or recommendation made by, or other matters or proceedings before, any department, commission, council, board, officer, authority or agency, the functions, powers and duties of which have been transferred or abolished pursuant to a reorganization plan under this act.

11. All acts and parts of acts inconsistent with any of the provisions of this act and with a reorganization plan adopted hereunder, are, to the extent of such inconsistency, hereby repealed.

12. This act shall take effect on January 13, 1970.

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amendment of Milk Marketing Orders 57-3 and 63-1

Joseph C. Mathis, Acting Director of the New Jersey Division of Dairy Industry, pursuant to the provisions of N.J.S.A. 4:12A-1 et seq. (L. 1941 c. 274) has amended Order No. 57-3 "Regulating the Handling of Milk in New Jersey Milk Marketing Area Number One" and Order No. 63-1 "Regulating the Handling of Milk in New Jersey Milk Marketing Areas Numbers Two and Three" as follows:

ORDER AMENDING ORDER 57-3 AS AMENDED
Sec. 1002.0 Findings and determinations.

In conformance with the Memorandum of Agreement signed with the United States Department of Agriculture, pursuant to the powers vested in P. L. 1941, c. 274, sec. 25, the Director of the New Jersey Office of Milk Industry (now Division of Dairy Industry, New Jersey Department of Agriculture) has participated with the United States Department of Agriculture, in a joint hearing held in Memphis, Tennessee, on February 19-22, April 23-24, and May 21-24, 1968, pursuant to the notice thereof issued on February 7, 1968.

After considering all of the evidence adduced at the hearing and being in agreement with the findings and determinations made by the United States Department of Agriculture, as contained in the order amending Federal Order No. 2, as amended, signed in Washington, D.C., on November 18, 1969, by Richard E. Lyng, Acting Secretary, U.S. Department of Agriculture, the Acting Director of the Division of Dairy Industry concurs with the findings and determinations as they pertain to the New York-New Jersey milk marketing area. Therefore, the Acting Director of the Division of Dairy Industry, in cooperation with the United States Department of Agriculture, hereby finds and determines that:

Official Order No. 57-3, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Statute. It is therefore ordered that on and after the effective date hereof, Division of Dairy Industry (formerly Office of Milk Industry) Order No. 57-3, as amended, shall be further amended as follows:

1. Section 1002.15 is revised to read as follows:
Sec. 1002.15 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat in the form of milk, fluid skim milk, filled milk, cultured or flavored milk drinks (except eggnog and yogurt), concentrated fluid milk disposed of in consumer packages, cream (except storage, plastic or sour), half and half (except sour) and any other mixture of cream, milk or skim milk containing less than 18 percent butterfat (other than frozen desserts, frozen dessert mixes, whipped topping mixtures, evaporated milk, plain or sweetened condensed milk or skim milk, sterilized milk or milk products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil): Provided, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be included within this defini-

tion shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

2. A new Section 1002.17 is added to read as follows:

Sec. 1002.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In Section 1002.28 the introductory text preceding paragraph (a) is revised to read as follows:
Sec. 1002.28 Temporary pool plants.

Except for plants which, pursuant to paragraph (f) of this section, are not eligible for designation, any plant not designated pursuant to Sec. 1002.24 shall automatically be designated a pool plant in accordance with provisions of paragraphs (a) through (e) of this section: Provided, That no plant shall be a pool plant pursuant to this section if, in the absence of this provision, milk received from dairy farmers and units at the plant would be classified and priced under another order with a provision for market-wide equalization, and if the percentage of the milk received from dairy farmers and units at the plant which is classified in Class I-A and disposed of in the marketing area defined in such other order is greater than the percentage of such milk so classified and disposed of in this marketing area: Provided further, That for purposes of the computations of percentages set forth in this section, skim milk and butterfat in filled milk shall be excluded from skim milk and butterfat classified in Class I-A and Class I-B.

4. In Section 1002.44(e)(3) a new subdivision (vi) is added to read as follows:
Sec. 1002.44 Transfers.

(e) * * * * *

(3) * * *

(vi) Any remaining Class I-A route disposition in the marketing area shall be subject to the pricing specified in Sec. 1002.70(d)(2).

5. Section 1002.70(d)(2) is revised to read as follows:
Sec. 1002.70 Net pool obligation of handlers.

* * * * *

(d) * * *

(2) Multiply the difference between the applicable Class I-A and Class II prices, both adjusted by the applicable differential pursuant to Sec. 1002.51, by the pounds of skim milk and butterfat in other source milk subtracted from Class I-A pursuant to Sec. 1002.45(a)(4) and the corresponding step of Sec. 1002.45(b) and by the pounds of skim milk and butterfat specified in Sec. 1002.44(e)(3)(vi).

6. Section 1002.90 is revised to read as follows:
Sec. 1002.90 Payment by handlers.

As his pro rata share of the expense of administration of this part, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding 4 cents per hundredweight on the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers and on the quantity for which payment is made pursuant to Sec. 1002.70(d)(2), the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, or the Director of the Division of Dairy Industry, Department of Agriculture, State of New Jersey, with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

7. In Section 1002.91 paragraphs (a) and (d) are revised to read as follows:

Sec. 1002.91 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on

such payment is claimed, unless such handler, within the applicable periods of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Effective date: January 1, 1970

Signed at Trenton, New Jersey on November 26, 1969.

Joseph C. Mathis, Jr.
Acting Director
Division of Dairy Industry
Department of Agriculture
State of New Jersey

ORDER AMENDING ORDER 63-1 AS AMENDED

Sec. 1004.0 Findings and determinations.

In conformance with the Memorandum of Agreement signed with the United States Department of Agriculture pursuant to the powers vested in P. L. 1941, c. 274, sec. 25, the Director of the New Jersey Office of Milk Industry (now Division of Dairy Industry, New Jersey Department of Agriculture) participated with the United States Department of Agriculture, in a joint hearing held in Memphis, Tennessee, on February 19-22, April 23-24, and May 21-24, 1968, pursuant to the notice thereof issued on February 7, 1968.

After considering all of the evidence adduced at the hearing and being in agreement with the findings and determinations made by the United States Department of Agriculture, as contained in the order amending Federal Order No. 2, as amended, signed in Washington, D.C., on November 18, 1969, by Richard E. Lyng, Acting Secretary, U.S. Department of Agriculture, the Acting Director of the Division of Dairy Industry concurs with the findings and determinations as they pertain to the Delaware Valley milk marketing area. Therefore, the Acting Director of the Division of Dairy Industry, in cooperation with the United States Department of Agriculture, hereby finds and determines that:

Official Order No. 63-1, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Statute.

It is therefore ordered, That on and after the effective date hereof, Division of Dairy Industry (formerly Office of Milk Industry) Order No. 63-1, as amended, shall be further amended, as follows:

1. In Sec. 1004.7, paragraph (a) is revised to read as follows:
Sec. 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received from dairy farmers or processed or packaged. However, a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

* * * * *

1a. In Sec. 1004.8, paragraphs (a) and (b) are revised to read as follows:
Sec. 1004.8 Pool plant.

(a) A distributing plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 45 percent, of the milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to Sec. 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as handler pursuant to Sec. 1004.10 (c), is disposed of as route disposition, except filled milk, and the volume disposed of as route disposition, except filled milk, in the marketing area during the month is not less than 10 percent of such receipts.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to Sec. 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to Sec. 1004.10 (c) is moved during the month to a distributing plant from which a volume of fluid milk products, except filled milk, which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

* * * * *

2. In Sec. 1004.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:
Sec. 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, sterilized products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil): Provided, That when the product is modified by the addition

Agriculture—continued

of nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In Sec. 1004.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

Sec. 1004.30 Reports of receipts and utilization.

(a) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of milk from dairy farmers shall be reported in lieu of producer milk, such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

3a. In Sec. 1004.32, paragraph (b) is revised to read as follows:

Sec. 1004.32 Records and facilities.

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

3b. In Sec. 1004.41, subparagraph (8) of paragraph (b) is revised to read as follows:

Sec. 1004.41 Classes of utilization.

(8) In the skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition.

4. In Sec. 1004.44, subparagraph (5) of paragraph (d) is revised to read as follows:

Sec. 1004.44 Transfers.

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

5. In Sec. 1004.46 subparagraphs (3) through (9) and the introductory text of subparagraph (10) preceding subdivision (i) of paragraph (a) are revised to read as follows:

Sec. 1004.46 Allocation of skim milk and butterfat classified.

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5) (v) of this paragraph as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to Sec. 1004.14(a) and from identified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers for other markets pursuant to Sec. 1004.14(b), that were not subtracted pursuant to subparagraph (5) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to Sec. 1004.14(b), if not assigned pursuant to subparagraphs (3), (5), and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to Sec. 1004.10 (c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order, that were not subtracted pursuant to subparagraph (5)(v); and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated order regulating such plant, and from dairy farmers for other markets pursuant to Sec. 1004.14(b), remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from another order plant that were not subtracted pursuant to subparagraph (5) (v) of this paragraph in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to Sec. 1004.14 (b), that were not subtracted pursuant to subparagraphs (5)(iv), (5)(v), (6)(i), or (6)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (5)(v) or (6)(iii) of this paragraph, pursuant to the following procedure:

6. Sec. 1004.61 is revised to read as follows:

Sec. 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in this section:

(a) Any plant qualified pursuant to Sec. 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Delaware Valley marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to Sec. 1004.8 (a) or (b).

(c) Each handler operating a plant described in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to Sections 1004.30 and 1004.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provision of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing area regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph of Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

7. In Sec. 1004.62 paragraphs (a)(1)(i) and (b) are revised to read as follows:

Sec. 1004.62 Obligations of handler operating a partially regulated distributing plant.

(a) (1)(i)

The obligation that would have computed pursuant to Sec. 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or another order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or another order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in Sec. 1004.70(e) and a credit in the amount specified in Sec. 1004.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less than value of such skim milk at the Class II price.

7a. In Sec. 1004.70, paragraph (d) is revised to read as follows:

Sec. 1004.70 Computation of the net pool obligation of each pool handler.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to Sec. 1004.46(a)(5) and the corresponding step of Sec. 1004.46, except that for receipts of fluid milk products assigned to Class I pursuant to Sec. 1004.46 (a)(5)(iv) and (v) and the corresponding step of Sec. 1004.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

8. In Sec. 1004.88 paragraphs (a) and (d) are revised to read as follows:

Sec. 1004.88 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

Agriculture—continued

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to Section 8c(15)(A) of the Act, a petition claiming such money.

Effective date: January 1, 1970
Signed at Trenton, New Jersey on November 26, 1969.
Joseph C. Mathis, Jr.
Acting Director
Division of Dairy Industry
Department of Agriculture
State of New Jersey

Copies of the complete Order No. 573 and Order No. 63-1 are on file for public inspection at the Office of the Division of Dairy Industry, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625.

Note: Orders adopting these amendments were filed December 4, 1969, as R. 1969 d.24 and R. 1969 d.25, to be effective January 1, 1970.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Changes in the Regulations for the Construction and Maintenance of Hotels and Multiple Dwellings

Notice is hereby given that the Department of Community Affairs, pursuant to the authority delegated in N.J.S.A. 55:13A-6(e), propose to amend the regulations governing the construction and maintenance of hotels and multiple dwellings. A synopsis of the more important proposed revisions is as follows:

ARTICLE 1 - Section 115.7(c) and tables 1-1 and 1-2
Inspection of Materials and Assemblies - this revision will require Controlled Inspection (i.e. - inspections made and witnessed by or under the authority of a professional engineer or registered architect licensed to practice in the State of New Jersey retained by or on behalf of the owner or lessee, who shall be, or shall be acceptable to, the architect or engineer who prepared or supervised the preparation of the plan) of the materials for and proportioning of structural concrete; welding operations and tensioning of high strength bolts in steel construction; connection of fittings to wire cables for suspended structures; placement of structural concrete; welding operations in aluminum construction; assembly of glued-laminated components in wood construction; assembly of pre-fabricated units, and the proportioning and mixing of mortar, placement and bedding of units, size of members and columns, size and position of reinforcement in reinforced and unreinforced masonry construction; and the installation of all piling.

ARTICLE 5 - Note to Table 5-1
In every new building the ceiling of the cellar or, if there is no cellar, of the basement or other lowest story, shall have a fire resistive rating of one hour.

ARTICLE 9 - Title changed to "Light, Heat, Ventilation Control and Glazing" Section.

No building or any part thereof shall be installed, altered or rearranged so as to reduce the standards for safe glazing to less than the requirements set out in Table 9-1 for glazing in specific locations and with specific materials.

TABLE 9-1 - GLAZING FOR A HUMAN IMPACT LOADS

1. Glazing in the following Specific Hazardous Locations shall meet the following requirements:

Specific Hazardous Locations—Glazing in exit doors
Size of Individual Glazed Area—Over 6 sq. ft.
Requirements—Glazing shall pass the test requirements of USAS 297.1-1966 if not protected by a protective grille or pushbar (1) firmly attached to stiles on each exposed side. (2)

Specific Hazardous Locations—Glazing in fixed glazed panels which may be mistaken for means of egress or ingress
Size of Individual Glazed Area—Over 6 sq. ft.
Requirements—Glazing shall pass the test requirements of USAS 297.1-1966 if not protected by a protective grille (1) firmly attached to stiles on each exposed side. (2)

Specific Hazardous Locations—Glazing in patio type sliding door (both fixed and sliding panels)
Size of Individual Glazed Area—Over 6 sq. ft.
Requirements—Glazing shall pass the test requirements of USAS 297.1-1966.

Specific Hazardous Locations—Glazing in storm doors
Size of Individual Glazed Area—Over 2 sq. ft.
Requirements—Glazing shall pass the test requirements of USAS 297.1-1966 if not protected by a protective grille firmly attached to stiles on each exposed side. (2)

Specific Hazardous Locations—Glass in all unframed doors (Swinging)
Size of Individual Glazed Area—All sizes
Requirements—Shall be fully-tempered glass and pass the test requirements of USAS 297.1-1966.

Specific Hazardous Locations—Glazing in shower doors and tub enclosures
Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

2. Specific Glazing Materials when used in hazardous areas subject to human impact loads shall meet the following requirements:

Glazing Materials—Annealed glass (regular plate, float, sheet, rolled or obscure)

Size of Individual Glazed Area—Over 6 ft.

Requirements—Not less than 3/16" nominal thickness. Each glazed area must be protected by protective grille or push-bar (1) firmly attached to stiles on each exposed side. (2)

Glazing Materials—Annealed glass (regular plate, float, sheet, rolled, or obscure) surface sandblasted, etched or otherwise depreciated

Size of Individual Glazed Area—Over 6 ft.

Requirements—Not less than 7/32" nominal thickness. Each glazed area must be protected by protective grille or push-bar (1) firmly attached to stiles on each exposed side. (2)

Glazing Materials—Fully-tempered glass

Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

Glazing Materials—Laminated glass

Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

Glazing Materials—Wired glasses

(a) Obscure, patterned surface, or transparent

Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

Glazing Materials—Transparent rigid plastic

Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

(1) Shall be constructed and attached in such a manner so as to limit or prevent human impact from being delivered to glass surface.

(2) Building owners and tenants shall maintain towel bars, push-bars or protective grilles in safe condition at all times.

ARTICLE 19 - Section 1901.1

In a multiple dwelling of six or more dwelling units, all terms of any substance defining the relationship of landlord-tenant shall be set out in a written lease in such a manner as to demonstrate that all the parties signing said bilateral agreement had full knowledge of said terms.

ARTICLE 19 - Section 1908.0 (c)

All hotels, motels, lodging houses, dormitories and single-room occupancies having 10 or more sleeping rooms or accommodating 25 or more lodgers shall provide fire retardant treated, self-extinguishing mattress cores and fire-proof mattress covers on all devices designed for sleeping.

Interested persons may obtain a copy of all proposed revisions by writing or calling the Bureau of Housing Inspection, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625. Telephone (609) 292-5884.

Notice is also given that any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing to be held in the Department of Community Affairs Conference Room, 363 West State Street, Trenton, New Jersey at 10:00 a.m. on January 19, 1970.

The Commissioner of Community Affairs, upon his own motion or at the instance of any interested party, may thereafter adopt the rules substantially as proposed without further notice.

Paul N. Ylvisaker, Commissioner
Department of Community Affairs

(b)

DELAWARE RIVER BASIN COMMISSION

AMENDMENTS TO COMPREHENSIVE PLAN

Amend Water Quality Regulations

The following notice of the Delaware River Basin Commission was received by the Division of Administrative Procedure too late for inclusion in the November issue of the New Jersey Register. It is reprinted in its entirety. New material is set in boldface type thus; deletions are in brackets [thus].

NOTICE OF PUBLIC HEARING

On November 21 notice was given that the Delaware River Basin Commission will hold a public hearing on Thursday, December 11, 1969, on three proposed amendments to its Comprehensive Plan. The hearing will take place in Room 1600, Municipal Services Bldg., 15th and J. F. Kennedy Blvd. in Philadelphia, beginning at 2 p.m. The following proposal will also be included in the public hearing.

Proposal to amend Part III of the Commission's Basin Regulations-Water Quality adopted March 1968:

I Amend Section 3-3.6 to read as follows:

The 85 percent minimum BOD reduction for secondary treatment will be determined by an average of samples taken over each period of 30 consecutive days of the year. From December 1 through [March 31] April 30 a lesser percent reduction may be permitted by the Commission when it results from reduced plant efficiency caused by low atmospheric temperature, provided that the BOD reduction shall not be less than an average of 75 percent over any consecutive 10 days, and provided

that in no event may any such permission be granted which will impair stream quality or water uses prescribed by the water quality standards of the Comprehensive Plan.

II Amend Section 3-3.11 (2) (a) (iii) to read as follows:

(iii) Allowable variations. The number of pounds in the discharge permitted by the allocation will be determined by an average of samples taken over each period of 30 consecutive days of the year. From December 1 through [March 31] April 30 a discharge exceeding the allocation may be permitted by the Commission when it results from reduced plant efficiency caused by low atmospheric temperature, provided that the pounds discharged by any individual discharger shall not exceed its allocation by more than an average of two-thirds over any consecutive 10 days, and provided that in no event may any such permission be granted which will impair stream quality or water uses prescribed for a zone by the water quality standards of the Comprehensive Plan.

All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. Brinton Whitall, Secretary
(609) 883-9500
November 28, 1969

(c)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendment to Rules on Kindergarten Class Enrollment

Notice is hereby given that the New Jersey State Board of Education, pursuant to the authority delegated in N.J.S.A. 18A:4-15, proposes to amend the rules relating to the maximum enrollment in all kindergarten classes (N.J.A.C. 8:26-12, Enrollment) as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

N.J.A.C. 8:26-12 Enrollment (formerly Section 5, page 11, Rules of the Commissioner)

The maximum enrollment for any kindergarten class shall not exceed [be] twenty-five pupils per teacher. The County Superintendent of Schools may give permission to increase the number in a room to any number he chooses provided another teacher, an auxiliary teacher, or a teacher aide is employed full-time to provide for the increased size., except by permission of the county superintendent of schools. In granting exceptions the county superintendent should give proper consideration to the need for employment of another teacher or teacher aide.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed to Clyde E. Leib, Office of the Commissioner, New Jersey State Department of Education, 225 West State Street, Trenton, New Jersey 08625 before 4 p.m. February 3, 1970. Telephone (609) 202-4040.

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

Carl L. Marburger
Commissioner of Education
Secretary, State Board of Education

(d)

EDUCATION

STATE BOARD OF EDUCATION

Transportation of Children To and From Child Care Centers

Notice is hereby given that on November 5, 1969, Carl L. Marburger, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:70-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., adopted an amendment to N.J.A.C. 8:26-8 "Transportation of Children to and from Child Care Centers" as set forth in the Notice of Proposed Changes in the Rules of the New Jersey State Board of Education, published September 25, 1969 at 1 N.J.R. 7(2-25). An order adopting this amendment was filed and came effective on November 17, 1969, as R. 1969 d.15.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(e)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Rules for Appeals to the Board

The following rules of practice regarding appeals to the Board of Higher Education were adopted by order of Ralph A. Dungan, Secretary, on November 21, 1969, pursuant to authority delegated in N.J.S.A. 18A:6-26.

Higher Education—continued

RULES FOR APPEALS TO THE BOARD OF HIGHER EDUCATION

2:1 Foreword

The following rules prescribed and approved by the Board of Higher Education pursuant to N.J.S.A. 18A:6-27, 18A:6-28 and 18A:6-29 govern the hearing of appeals by the Board of Higher Education from decisions of the Chancellor of Higher Education in the adjudication of controversies and disputes arising under higher education laws.

2:2 Filing and Service of Appeals

An appeal to the Board of Higher Education in a controversy arising under the higher education laws must be taken within thirty (30) days after the Chancellor of Higher Education has filed his decision in said controversy. It shall be taken by filing with the Chancellor and serving by registered mail, or certified mail, or ordinary mail with affidavit of mailing, or personally upon the adverse party or his attorney a notice identifying the decision and stating that an appeal is taken to the Board of Higher Education from it, or from such part of it as may be specified. Proof of service shall be filed promptly with the Chancellor.

2:3 Certification of Record by Chancellor

In every controversy in which the decision of the Chancellor of Higher Education has been appealed to the Board, he shall certify the record to the Board within twenty (20) days after the filing of the notice of appeal, and remit the record, so certified, together with the notice of appeal and affidavit of service thereof with two extra copies of his decision to the Chairman of the Board.

2:4 Filing and Service of Points of Appeal

Within twenty (20) days after the appeal has been taken, the appellant shall file with the Secretary of the Board of Higher Education eighteen (18) copies of the points upon which he relies, which shall contain accurate references to the evidence and authorities, if any, in support of said points, and shall serve upon the respondent or his counsel one copy thereof. Within twenty (20) days thereafter, the respondent shall file eighteen (18) copies of his answering points and references to the evidence and authorities with the Secretary of the Board and shall serve one copy thereof upon the appellant or his counsel. The Secretary of the Board shall forthwith transmit the copies of points so filed, but not as part of the record, to the Chairman of the Board, who shall thereafter fix a time and place for the hearing of the appeal, if either party, by notice filed with and prefixed to his points, shall request an oral hearing. Further memoranda or briefs may be received by the Chairman at his discretion at or subsequent to the hearing.

2:5 Committee on Appeals

The Board of Higher Education may refer appeals taken to it in manner provided by law, to a committee of not less than three of its members. The Chairman of the Board of Higher Education shall designate one member of said committee as chairman.

2:6 Functions of the Committee on Appeals

All notices of hearing shall be sent by the Committee on Appeals by mail, addressed to the counsel who have appeared for the parties in the proceeding, or, in the absence of such appearance, to the parties in person at their last known residences. All notices of hearings shall specify the time and place of the session of the Committee on Appeals at which the appeal will be heard. The Committee on Appeals shall consider all such appeals and report and recommend its conclusions thereon to the Board of Higher Education, which shall thereupon decide each appeal by resolution in open meeting.

Ordered at Trenton, New Jersey, this 21st day of November, 1969.

Ralph A. Dungan
Secretary
Board of Higher Education

Note: The above order was filed and became effective November 24, 1969, as R.1969d.17a (Exempt, practice rules).

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Adoption of Rules for Appeals to the Chancellor

The following rules of practice regarding appeals to the Chancellor of Higher Education were adopted by order of Ralph A. Dungan, Secretary, on November 21, 1969, pursuant to authority delegated in N.J.S.A. 18A:6-26.

1:1 Foreword

The following rules prescribed by the Chancellor of Higher Education and approved by the State Board of Higher Education govern the hearing of appeals and the adjudication of controversies and disputes arising under higher education laws by the Chancellor of Higher Education pursuant to N.J.S.A. 18A:6-26, 18A:6-27, 18A:6-28 and 18A:60-2.

General Rules

1:2 Definition of "Chancellor"

As used in these rules, unless a different meaning appears from the context, "Chancellor" shall mean the Chancellor of Higher Education or the Vice Chancellor of Higher Education assigned to hear and determine controversies and disputes or a hearing officer assigned to conduct the proceedings in any case.

1:3 Filing and Service of Petition of Appeal

To initiate a proceeding before the Chancellor to adjudicate an appeal, controversy or dispute arising under the higher education laws, a petitioner shall file with the Chancellor the original copy of the petition, together with proof of service or a copy thereof on the respondent or respondents.

1:4 Format of Petition of Appeal

The petition must state the name and address of each petitioner, the name and address of or a description sufficient to identify each party respondent, and a statement of the essential facts giving rise to a dispute under the higher education laws, and must be verified. The petition should also cite, if known to petitioner, the section or sections of the higher education laws under which the controversy has arisen and should be presented in substantially the following form:

BEFORE THE CHANCELLOR OF HIGHER EDUCATION OF NEW JERSEY

JOHN DOE, :
PETITIONER, :
v. : PETITION OF APPEAL
RICHARD ROE, :
RESPONDENT. :

Petitioner, John Doe, residing at hereby requests the Chancellor of Higher Education to hear and determine a controversy which has arisen between petitioner and respondent, whose address is (or other information), under section 18A:..... of the New Jersey Statutes, by reason of the following facts:

1. (Here set forth in appropriate paragraphs the facts constituting the basis of the controversy.)

Wherefore, petitioner requests that (here set forth prayer for the relief desired).

Signature of Petitioner or his Attorney

Date.....

1:5 Filing and Service of Answer

Upon receipt of a petition, the respondent(s) will be directed by the Chancellor to file and serve an answer, within a specified number of days. Such time may be extended by consent of the parties or by the Chancellor upon application. The answer shall contain a denial as to each allegation of the petition controverted by the respondent, or a denial of any knowledge or information thereof sufficient to form a belief as to such allegation. Allegations which are not denied shall be deemed to be admitted. The answer shall also set forth the defenses to be interposed by respondent. The original copy of the answer shall be filed with the Chancellor, together with proof of service of a copy thereof upon the petitioner(s).

1:6 Amendment of Petition and Answer

The Chancellor may order the amendment of any petition or answer, or any petitioner may amend his petition, and any respondent may amend his answer, at any time and in any manner which the Chancellor deems fair and reasonable.

1:7 Permission to Intervene

The Chancellor may allow any person upon a showing that he may be substantially and specifically affected by the proceeding, to intervene as a party in the whole or any portion of the proceeding, and may allow any other interested person to participate by presentation of argument, orally or in writing, or for any other limited purpose, as the Chancellor may order.

1:8 Appearance Pro Se

Any person may appear pro se or may be represented by an attorney-at-law authorized to practice in this State.

1:9 Conference of Parties

After an answer has been filed or the time for doing so has expired, the Chancellor may summon the parties to appear before him at a conference for the purpose of eliminating or simplifying issues, obtaining admissions of fact or of documents that will avoid unnecessary proof, arriving, if possible, at an agreement of facts, and otherwise expediting the determination of the controversy. The Chancellor may require the parties to submit written statements, verified as to the facts involved in any controversy or dispute, and may further require the submission of certified copies of all documents necessary to a full understanding of the question. For failure to appear at such conference or to participate therein or to take action required by the Chancellor by authority of this rule, the Chancellor in his discretion may make such order with respect to the continued prosecution of the matter, including dismissal of a petition or of an objection thereto, as he deems just and proper.

1:10 Dismissal of Appeal

At any time after an answer is filed the Chancellor, in his discretion, may dismiss the appeal on the grounds that no sufficient cause for determination has been advanced, lack of jurisdiction, or other good reason.

1:11 Hearing

If the parties and the Chancellor are unable to agree upon a statement of the material facts, the Chancellor shall schedule a hearing in the matter upon reasonable notice to all parties of the time and place thereof. At such a hearing the parties shall be afforded opportunity for submission of oral testimony and documentary evidence.

1:12 Authority of Chancellor

The Chancellor shall have authority to administer oaths and affirmations; examine witnesses and receive evidence; issue subpoenas (pursuant to N.J.S.A. 18A:6-26); rule upon offers of proof; take or cause depositions to be taken whenever the ends of justice would be served thereby; regulate the course and conduct of the hearing; and dispose of all issues raised therein.

1:13 Subpoenas

Subpoenas, including subpoenas duces tecum, may be issued, pursuant to N.J.S.A. 18A:6-20, in the discretion of the issuing authority. Any witness summoned may request the issuing authority to vacate or modify a subpoena, whereupon the issuing authority shall give notice of such request to the party in whose interest the subpoena was issued. After such investigation as the issuing authority considers appropriate, it may grant the request in whole or in part upon a finding that the testimony or the evidence whose production is required does not relate with reasonable directness to any matter in question or that a subpoena for the attendance of a witness or the production of evidence is unreasonable or oppressive, or has not been issued a reasonable period in advance of the time when the evidence is requested.

1:14 Evidence

All evidence, including any records, investigations, reports and documents in the possession of the Chancellor of which he desires to avail himself as evidence in making a decision, shall be offered and made a part of the record in the proceeding, and no other factual information or evidence shall be considered except that the Chancellor may take official notice of any fact which may be judicially noticed by the Courts, and in addition, may take official notice of general, technical, or scientific facts within his specialized knowledge. Parties shall be notified of the material so noticed, and they shall be afforded a fair opportunity to refute the facts so noticed. The requirements of this rule shall not apply to cases in which the truth of the particular fact or matter is admitted, or to a determination of appropriate relief.

1:15 Stenographic Transcript

Where there is available a stenographic transcript of proceedings before a board of trustees of a public institution of higher education or before any other official or body whose action is called into question before the Chancellor, either party may, if at least ten (10) days notice of intention so to do has been given to opposing parties or counsel therefor, offer the transcript of testimony of any witness or witnesses named in said notice in lieu of producing said witness or witnesses at the hearing. In such event, any opposing party may subpoena such witness or witnesses to appear personally and any party may produce any additional relevant or material evidence, oral or documentary, at the hearing. Subject to the approval of the Chancellor, the parties may agree to present the controversy solely upon such stenographic transcript.

1:16 Briefs and Oral Argument

The Chancellor shall afford to all parties the opportunity to submit briefs on the issues, and to present oral argument if requested. Oral argument shall be limited to thirty (30) minutes for each party, unless the Chancellor shall otherwise order. Briefs, if any, shall be submitted within the time fixed by the hearer.

1:17 Decision

Every determination of a controversy or dispute under the higher education law shall be rendered in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-10(c-e).

1:18 Waiving of Rules

Any of the provisions of these rules relating to the presentation of his case or argument may be waived by any party or his attorney.

1:19 Relaxing of Rules

The rules herein contained shall be considered as general rules of practice to govern, expedite and effectuate the procedure before, and the actions of the Chancellor in connection with the hearing and determination of controversies and disputes under the higher education laws. They may be relaxed or dispensed with by the Chancellor, in his discretion, in any case where a strict adherence thereto may be deemed inappropriate or unnecessary or may result in injustice.

Ordered at Trenton, New Jersey, this 21st day of November, 1969.

Ralph A. Dungan
Secretary
Board of Higher Education

Note: The above order was filed and became effective November 24, 1969, as R. 1969 d.17b (Exempt, practice rules).

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Bureau of Assistance Manual of Administration

Notice is hereby given that on December 1, 1969, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. Title 44, Chapters 7, 10 and 11, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., has adopted an amendment to the Bureau of Assistance Manual of Administration as set forth in the Notice of Proposed Changes in the Rules of the Division of Public Welfare, Department of Institutions and Agencies, published October 30, 1969 at 1 N.J.R. 13(a).

An order adopting this amendment was filed and became effective December 3, 1969, as R.1969 d20.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES**DIVISION OF PUBLIC WELFARE****Categorical Assistance Budget Manual**

Notice is hereby given that on December 1, 1969, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. Title 44, Chapter 10, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., has adopted an amendment to Sec. 5.4, Appendix Sec. II, of the Categorical Assistance Budget Manual as set forth in the Notice of Proposed Changes in the Rules of the Division of Public Welfare, Department of Institutions and Agencies, published October 30, 1969 at 1 N.J.R. 14(c).

An order adopting this amendment was filed and became effective December 3, 1969, as R. 1969 d. 21.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES**DIVISION OF PUBLIC WELFARE****Food Stamp Manual**

Notice is hereby given that on December 1, 1969, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., has adopted an amendment to the New Jersey Food Stamp Manual as set forth in the Notice of Proposed Changes in the Rules of the Division of Public Welfare, Department of Institutions and Agencies, published October 30, 1969 at 1 N.J.R. 14(a).

An order adopting this amendment was filed and became effective December 3, 1969, as R. 1969 d.22.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES**DIVISION OF PUBLIC WELFARE****Food Stamp Plan of Operation Manual**

Notice is hereby given that on December 1, 1969, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., has adopted an amendment to the New Jersey Food Stamp Plan of Operation Manual as set forth in the Notice of Proposed Changes in the Rules of the Division of Public Welfare, Department of Institutions and Agencies, published October 30, 1969 at 1 N.J.R. 13(b).

An order adopting this amendment was filed and became effective December 3, 1969 as R.1969 d.23.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY**DIVISION OF STATE POLICE****Rules Dealing with Firearms**

Chapter 54 of Title 13 of the New Jersey Administrative Code was promulgated prior to September 1, 1969 by the Superintendent of State Police, Department of Law and Public Safety, pursuant to authority delegated in N.J.S.A. 2A:151-1 et seq., and is reprinted here in the public interest.

Subchapter A**FIREARMS PERMIT AND IDENTIFICATION CARD****13:54-1 Firearms permit and identification card; general.**

This sub-chapter prescribes requirements for issuance of firearms purchaser identification card, a permit to purchase a pistol or revolver and the general rules for holders of such permits and identification cards.

13:54-2 Permit or identification card required.

No person shall purchase or otherwise acquire a rifle, shotgun, pistol or revolver unless he has first obtained a firearms purchaser identification card (rifles and shotguns only) or a permit to purchase a pistol or revolver as issued under this chapter.

13:54-3 The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or

by the action of an explosive or the igniting of flammable or explosive substances.

It shall also include, without limitation, any firearm which is in the nature of any air gun, spring gun or pistol, carbon dioxide or compressed air gun or pistol, or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas, or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than 1/2 of an inch in diameter, with sufficient force to injure the person.

b. Pistol or revolver includes any firearm with an overall length less than 26 inches, or a shotgun having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with over-all length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in N.J.S.A. 2A:151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

e. Superintendent means the Superintendent of State Police.

f. Manufacturer includes all persons who receive or obtain raw materials or parts and process them into firearms or finished parts of firearms, except those persons who exclusively process grips, stocks and other nonmetal parts of firearms. It shall not include those persons who repair existing firearms or who receive and use raw materials or parts solely for the repair of existing firearms.

g. Wholesale dealer includes all persons except the manufacturer, who sell, transfer or assign firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumer, and shall include persons, except the manufacturer, who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks, and other nonmetal parts of firearms.

h. Retail dealer includes all persons except the manufacturer and wholesale dealer who sell, transfer or assign for a fee or profit any firearm or parts of firearms which they have purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumer. It shall also include any person who sells any firearm to satisfy a debt secured by the pledge of a firearm.

13:54-4 Application for a firearms purchaser identification card. (Rifles and shotguns only.)

Every person applying for a firearms purchaser identification card shall furnish such information and particulars as are set forth in the application form designated SBI 33 attached as amended and supplemented. Forms can be obtained from police departments, state police stations and retail firearms dealers.

The completed application, together with two sets of the applicant's fingerprints and a fee of \$2.00, shall be submitted to the chief of police of the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made to the state police station servicing the municipality in which the applicant resides.

13:54-5 Prerequisites for permit or identification card.

Every person issued a permit to purchase or an identification card shall be 18 years of age and of good repute in the community in which he lives.

13:54-6 Limitations on issuance.

A permit to purchase or an identification card shall not be issued to any person who is subject to any of the following disabilities:

- Convicted of any crime.
- Addicted to narcotics.
- A habitual user of goof balls or pep pills.
- Confined to a mental hospital, institution or sanitarium for mental disorder at any time.
- A habitual drunkard.
- Suffering from a physical defect or sickness which would make it unsafe for him to handle firearms.
- An alcoholic.

13:54-7 Exception for physical disability or sickness.

A permit or identification card shall be issued to a person who suffers from a physical defect or sickness provided that he produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof that he is no longer suffering from that particular disability in such a manner that it would interfere with or handicap him in the handling of firearms.

13:54-8 Limitations in the interest of public safety or welfare.

A permit or identification card shall not be issued to any person where issuance would not be in the interest of the public health, safety, or welfare.

13:54-9 A non-resident application.

Any person who is not a resident of this State shall make application at a state police station.

13:54-10 Issuance of identification card.

The chief of police or the Superintendent of the State Police, as the case may be, shall cause the applicant to be investigated and either approve or deny the application. If the application is approved, the chief of police or the Superintendent shall issue a firearms purchaser identification card.

13:54-11 Duration.

The identification card shall be valid permanently or until such time as the holder becomes subject to any of the disabilities or limitations set forth in this sub chapter.

13:54-12 Return of identification card.

Upon becoming subject to any of the disabilities set forth in this sub chapter, the card shall be void and shall be returned to the Superintendent within five days.

13:54-13 Revocation.

A firearms purchaser identification card may be revoked by the judge of the county court of the county wherein the card was issued. The county prosecutor, a chief of police, or any citizen may request a hearing for revocation by applying to the county court having jurisdiction.

13:54-14 Duplicate firearms purchaser identification card.

Any person may apply for a duplicate firearms purchaser identification card to replace a lost, stolen or mutilated card, or a change of residence by the holder. It shall be the responsibility of the chief of police of the municipality wherein the applicant currently resides or the Superintendent of State Police in those areas where there is no organized full-time police department, to issue the duplicate card without fee.

13:54-15 Application for permit to purchase a pistol or revolver.

Every person applying for a permit to purchase a pistol or revolver shall furnish such information and particulars as set forth in the application form designated SBI 33A attached as amended and supplemented. Forms can be obtained from police departments, state police stations and retail firearms dealers.

The completed application together with two sets of the applicant's fingerprints and a fee of \$2.00, shall be submitted to the chief of police of the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made at the state police station servicing the municipality in which the applicant resides.

A. Non-resident application.

Any person who is not a resident of this State shall make application at a state police station.

13:54-16 Issuance of a permit.

The chief of police or the Superintendent, as the case may be, shall cause the applicant to be investigated to determine whether the application should be approved or denied.

If the application is approved, the chief of police or the Superintendent shall issue a permit to purchase a pistol or revolver.

13:54-17 Duration.

A permit to purchase a pistol or revolver shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for an additional 90 days. Only one pistol or revolver can be purchased with a permit.

13:54-18 Appeal.

Any person denied a firearms purchaser identification card or a permit to purchase a pistol or revolver, may request a hearing in the county court of the county in which his application was filed if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial.

Subchapter**PISTOL OR REVOLVER****13:54-19 Permit to carry a pistol or revolver.**

This sub chapter prescribes requirements for issuance of a permit to carry a pistol or revolver and the general rules for holders of such permits.

13:54-20 Permit required.

No person, not otherwise permitted by law, shall carry, hold or possess a pistol or revolver in any automobile or other vehicle, or on or about his clothes or person, or otherwise in his possession or under his control in any public place or public area without first having obtained a permit to carry the same in accordance with the provisions of this chapter.

13:54-21 Application for Permit to Carry a Pistol or Revolver.

Every person applying for a permit to carry a pistol or revolver shall furnish such information and particulars as set forth in the application form designated SBI 92, attached as amended and supplemented. Applications can be obtained at municipal police departments and state police stations.

The completed application together with two sets of the applicant's fingerprints, four photographs (1 1/4 x 1 1/4 inches square) and a fee of \$3.00, shall be submitted to the chief of police of the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made at the state police station servicing the municipality in which the applicant resides.

13:54-22 Proof of familiarity and need required.

All persons issued a permit to carry shall first prove familiarity with the handling and use of firearms as well as the need to carry such a weapon.

13:54-23 Limitations on issuance.

A permit to carry a pistol or revolver shall not be issued to any person who is subject to any of the disabilities which would prevent obtaining a permit to purchase a pistol or revolver or a firearms purchaser identification card as provided in this chapter.

13:54-24 Approval of application.

The chief of police or the Superintendent, as the case may be, shall cause the applicant to be investigated and either approve or deny the application. If the application is approved, it shall be forwarded to the county clerk for presentation to a judge of the county court.

13:54-25 Issuance of a permit to carry a pistol or revolver.

Upon being satisfied of the sufficiency of the application and the fulfillment of the provisions of Chapter 60, Laws of 1966, the judge shall issue a permit.

Law and Public Safety—continued

13:54-26 Appeal.

Any person making application for a permit to carry a pistol or revolver who is denied approval by the chief of police or the Superintendent, may request a hearing in the county court of the county wherein the application was made. Such request shall be made in writing within 30 days of denial of the application. If the application is denied by the judge of the county court, the appeal shall be made in accordance with law.

13:54-27 Duration.

All permits to carry a pistol or revolver shall expire on December 31, subsequent to the date of issue. Permits may be renewed in the same manner and subject to the same provisions by which the original permit was obtained.

13:54-28 Return of Permit.

Upon becoming subject to any disability set forth in this chapter, the permit to carry a pistol or revolver shall be void and shall be returned to the Superintendent within five (5) days.

Subchapter C
RETAIL DEALERS

13:54-29 Licensing of retail dealers; general

This subchapter prescribes requirements for issuance of a license for the retail sale of firearms and the general rules for holders of such licenses.

13:54-30 Retail license required.

No retail dealer shall sell or expose for sale or possess with intent to sell, any firearm or parts of firearms, unless he has first obtained a license for the retail sale of firearms as issued under this chapter.

13:54-31 Application for license.

Every person, partnership or corporation applying for a license shall furnish such information and particulars as set forth in the application form designated SBI-160 and in the case of partnerships and corporations, in the application form designated SBI 160A. Such forms are attached, and may be obtained from the Firearms Investigation Unit, Division of State Police, Box 68, West Trenton, New Jersey 08625.

The completed application, together with two sets of the applicant's fingerprints and a fee of \$10, shall be submitted to the Superintendent.

Any person who possesses a controlling or dominating interest in an applicant corporation shall complete the necessary application form and be fingerprinted.

13:54-32 Standards and qualifications.

Every individual proprietor, every member of a partnership and every officer and director of a corporation, making application for a retail firearms license, shall possess the qualifications required to obtain a firearms purchaser identification card as provided in this Chapter.

A. Employees.

In the conduct of a retail firearms business, no retail dealer, as provided in this subchapter, shall permit any employee or other person to engage in the purchase or sale or offering for sale of firearms unless such employee or person submits application form SBI-160B, two sets of fingerprints, and would qualify to possess a firearms purchaser identification card as provided in this Chapter. An employee who possesses a firearms purchaser identification card need not be fingerprinted, provided he includes the number of his Firearms Purchaser Identification Card in block #29 of the application.

13:54-33 Exceptions for physical handicap.

A physical handicap shall not disqualify an applicant or an employee of an applicant unless such handicap would interfere with the activities of the applicant or employee to the extent that it would endanger the public health, safety or welfare.

13:54-34 Exceptions for corporations.

A public corporation whose stock is listed on a major stock exchange at the time of the filing of an application for a retail firearm dealer license shall not be required to furnish the personal data as set forth in the application form for officers or directors of such corporation or for the stockholders of such corporation unless such officers, directors or stockholders directly engage in the sale or purchase of firearms for the corporation.

13:54-35 Licensing.

The Superintendent shall cause the applicant to be investigated. The application shall then be forwarded by the Superintendent to a judge of the county court of the county wherein the retail dealer has his place of business. The judge shall issue a license to an applicant who conforms to the standards and qualifications prescribed by the Superintendent.

13:54-36 Duration.

A retail firearms dealer's license shall be effective for one year from the date of issuance.

13:54-37 Renewal.

An applicant for renewal of retail firearms dealer's license shall follow the same procedure as required for the issue of the initial license, except that fingerprints need not be required. Such applications shall be accompanied by a fee of \$5.00 payable to the Superintendent of State Police.

In addition to the licensee, all employees who directly engage in the purchase or sale of firearms, are required to submit renewal applications annually to continue transacting business for the licensee. (No fee is required for employee applications).

13:54-38 Revocation.

Any retail license for the sale of firearms may be revoked for breach of any of the conditions under which it was granted after a hearing by the issuing court. Any law enforcement officer may make application for such revocation to the county court having jurisdiction.

13:54-39 Location of business.

The business shall be carried on only in the building or buildings designated in the license.

A. Security required.

Each retail dealer shall install a system for the preven-

tion and detection of the theft of firearms and ammunition from the business premises.

The proposed security system shall be subject to approval by the Superintendent of State Police, and plans for such proposed security system shall be submitted to the superintendent prior to the installation thereof.

The superintendent shall prepare and furnish dealers a list of approved security systems.

13:54-40 Window display prohibited.

No firearm or imitation thereof shall be placed in any window or in any part of the premises where it can readily be seen from the outside.

13:54-41 Requirements for sale of a rifle or shotgun.

Every purchaser must present a firearms purchaser identification card to the dealer who is required to confirm the identity of the purchaser. The purchaser must also fill out and sign a certificate of eligibility for each rifle or shotgun purchased. The certificate shall be retained by the dealer.

13:54-42 Requirements for sale of a pistol or revolver.

Every purchaser must present a valid permit to purchase a pistol or revolver to the dealer who is required to confirm the identity of the purchaser. A permit is valid for the purchase of one pistol or revolver. The dealer is also required to execute the following procedures:

a. Complete a form of register, designated SBI-17, for each pistol or revolver sold and obtain the signature and address of the purchaser in the purchaser's own handwriting.

b. Complete the permit to purchase a pistol or revolver in the space provided on the form.

c. Deliver the pistol or revolver unloaded and securely wrapped.

d. Forward the permit to purchase a pistol or revolver and form of register copies to the respective individuals, as noted on the bottom of the forms, within 5 days of the date of sale. If the issuing authority is the State Police, both the original (white) and the second copy (yellow) of the Permit to Purchase and the Form of Register are to be forwarded to the State Police.

13:54-43 Permanent record of receipt and disposition.

Every retail dealer shall maintain a permanent record of each firearm acquired and sold. The record shall be maintained in a bound form and shall be kept at the location where the business is being conducted. The purchase or other acquisition of a firearm by the licensed dealer must be recorded not later than at the close of the next business day following the date of such purchase or other acquisition. The record shall show the date each firearm was purchased or otherwise acquired, the type, manufacturer, importer (if any), caliber or gauge, model, name and address of the person from whom received, and the serial number of the firearm. The sale or other disposition of a firearm must be recorded by the licensed dealer not later than the close of the next business day following the date of such sale or disposition. The record shall show the date of sale or other disposition of each firearm and the name and address of the person to whom the firearm was transferred. The information prescribed for the record required by this subchapter shall be in addition to the maintaining of the form of register (SBI-17), and the certificate of eligibility (SBI-93).

The firearms acquisition and disposition record as prescribed under this section need not be required, providing the dealer maintains an updated federal firearms record on firearms purchased or acquired and sold as prescribed in Title 26-Internal Revenue-Chapter 1 "Commerce in Firearms and Ammunition" (Federal Regulations).

13:54-44 Records available to law enforcement officers.

Records are to be retained by the dealer for a period of at least 10 years and shall, for law enforcement purposes, be made available for inspection during reasonable hours to regular police officers of an organized police department of the county in which the retail business is located, county prosecutors and members of their staff authorized by them and members of the State Police.

Subchapter D.

WHOLESALE DEALERS AND MANUFACTURERS

13:54-45 General.

This subchapter prescribes standards and qualifications for registration of wholesale dealers and/or manufacturers of weapons and the general rules for holders of registration certificates to conduct such business.

13:54-46 Registration required.

No person shall manufacture or sell at wholesale any firearm, or part of a firearm, unless he has first registered under the provisions of this Chapter.

13:54-47 Application for a certificate of registration.

Every person, partnership or corporation applying for a certificate of registration shall furnish such information and particulars as set forth in the application form designated SP 280A. The attached forms, as amended and supplemented, may be obtained from the Firearms Investigation Unit, Division of State Police, Box 68, West Trenton, New Jersey 08625.

Any person who possesses a controlling or dominating interest in the applicant shall complete the necessary application form and be fingerprinted.

The completed application together with two sets of the applicant's fingerprints and a fee of \$50.00 shall be submitted to the Superintendent of State Police.

13:54-48 Standards and qualifications.

Every individual proprietor, every member of a partnership and every officer and director of a corporation, registered as a wholesale dealer and/or manufacturer of firearms shall possess the qualifications required to obtain a firearms purchaser identification card as provided in this Chapter.

A. Employees.

In the conduct of a business to wholesale or manufacture firearms, no wholesale dealer or firearms manufacturer registered as provided in this subchapter shall permit any employee or other person to engage in the purchase or sale or offering for sale of firearms, or finished parts

of firearms, unless such employee or person submits application form SP 280A, two sets of fingerprints and would qualify to possess a firearms purchaser identification card as provided in this Chapter.

13:54-49 Exceptions for physical handicap.

A physical handicap shall not disqualify an applicant or the employee of an applicant registered as a wholesale dealer or manufacturer of firearms unless such handicap would interfere with the activities of the applicant or employee to the extent that it would endanger the public health, safety or welfare.

13:54-50 Exceptions for corporations.

A public corporation whose stock is listed on a major stock exchange at the time of the filing an application for registration as a wholesale dealer and/or manufacturer of firearms, shall not be required to furnish the personal data as set forth in the application form SP 280, for officers or directors of such corporation or for the stockholders of such corporation, unless such officers, directors or stockholders directly engage in the sale or purchase of firearms for the corporation.

13:54-51 Certification.

The Superintendent of State Police shall cause the applicant to be investigated and either approve or deny the application. If the application is approved, the Superintendent shall issue a certificate of registration to wholesale and/or manufacture firearms or parts of firearms.

A. Security required.

Each registrant as a wholesale dealer and/or manufacturer shall install a system for the prevention and detection of the theft of firearms and ammunition from the business premises.

The proposed security system shall be subject to approval by the Superintendent of State Police and plans for such proposed system shall be submitted to the Superintendent prior to the installation thereof.

The Superintendent shall prepare and furnish wholesale dealers and/or manufacturers a list of approved security systems.

13:54-52 Duration.

The certificate of registration shall expire one year from date of issuance.

13:54-53 Renewal.

An applicant for renewal shall follow the same procedure required for the initial registration, except that fingerprints need not be forwarded with the application. Renewal application(s) shall be accompanied by a fee of \$25 payable to the Superintendent of State Police.

In addition to the registrant, all employees who directly engage in the purchase or sale of firearms or parts of firearms, are required to submit renewal applications annually in order to transact business for the registrant. (No fee is required for employee applications).

13:54-54 Removal of name from register.

If a person desires to have his name removed from registration or can no longer be permitted to carry on the business without danger to the public safety, the Superintendent shall cause his name to be removed from registration.

13:54-55 Hearings.

Prior to removal of such name from registration, the superintendent shall give the person reasonable notice and a hearing thereon.

13:54-56 Appeals.

Any person who has been refused registration as a manufacturer or wholesale dealer, or any person whose name has been removed from registration by the Superintendent, may appeal to the appellate division of the Superior Court.

Each manufacturer and/or wholesale dealer of firearms shall record the type, model, caliber or gauge, and serial number of each complete firearm he manufactures or otherwise acquires, and the date of manufacture or acquisition of such firearms. This information shall be recorded not later than the close of the next business day following the date of manufacture or acquisition of such firearms.

A record of sales or other disposition of a firearm must be recorded no later than the close of the next business day following the date of such sale or disposition. The record shall indicate the date of the sale or other disposition of each firearm and the name and address of the dealer or person to whom the firearm was transferred.

The firearms records as prescribed under this section need not be required providing the dealer maintains an updated federal firearms record on firearms manufactured, purchased, or acquired and sold as prescribed in Title 26 Internal Revenue Chapter I "Commerce in Firearms and Ammunition" (Federal Regulations).

13:54-58 Records available to law enforcement officers.

Records are to be retained by wholesale dealers and/or manufacturers for a period of at least 10 years, and shall, for law enforcement purposes, be made available for inspection during reasonable hours to regular police officers of an organized police department of the county in which the wholesale and/or manufacturer's business is located, county prosecutors and members of their staff authorized by them and members of the State Police.

(a)

PORT OF NEW YORK AUTHORITY

AMENDMENT TO RULES AND REGULATIONS

Concerning the Operation of Port Authority Facilities

I, DORIS E. LANDRE, the Secretary of THE PORT OF NEW YORK AUTHORITY, a body corporate and politic, created by compact between the States of New York and New Jersey with the consent of the Congress of the United States, hereby certify

Port of New York Authority—continued

THAT the following is a true and correct transcript from the Official Minutes of a meeting of The Port of New York Authority, duly held on the 6th day of November, 1969, containing the following resolution:

"Air Terminals—Revisions to Schedule of Charges for Public Vehicular Parking Areas"

THAT (except as hereinafter stated) it appears from the Official Minutes of The Port of New York Authority that the said resolution was duly and unanimously adopted by the Commissioners of The Port of New York Authority and is now in full force and effect.

No exceptions.

RESOLVED, that the resolution establishing fees for parking vehicles on public vehicular parking areas at Port Authority air terminals, adopted by the Board, at its meeting on March 11, 1948 (appearing at page 90 et seq. of the Official Minutes of that date), as subsequently amended, be and the same is hereby amended, effective January 1, 1970, to read in part as follows:

RESOLVED, that the foregoing schedule of charges shall not apply to the following vehicles:

- (a) Vehicles owned by the Port Authority.
- (b) Vehicles carrying holders of annual passes issued by the Port Authority.
- (c) For the first 24 hours of parking, vehicles carrying persons who present Port Authority Official Business Passes. At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (d) For the first 24 hours of parking, vehicles carrying Port Authority employees who present personal passes issued by the Port Authority except in Lots 1, 2, 3, 4 and 5 at Kennedy International; Lots 1, 2, 3 and 4 at LaGuardia and Lot 1 at Newark which are limited to 4 hours. At the expiration of the first 4-hour parking period in Lots 1, 2, 3, 4 and 5 at Kennedy International; Lots 1, 2, 3 and 4 at LaGuardia and Lot 1 at Newark the vehicular parking charge shall commence as of the time the vehicle was initially parked; and in all other lots the vehicular parking charge shall commence at the expiration of the first 24-hour parking period.
- (e) For the first 24 hours of parking, vehicles carrying newsmen and photographers holding press passes. (Newsmen and photographers presenting press passes may make arrangements to park for an extended period of time by obtaining prior permission from the Airport Manager.) At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (f) For the first 24 hours of parking, company identified vehicles carrying employees of public utility companies provided these employees are on official business involving the Air Terminal at which parked. If such official business requires parking for more than 24 hours, prior permission must be obtained from the Airport Manager. At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (g) For the first 24 hours of parking, vehicles carrying federal, state or municipal police officers and health, fire, building, labor or sanitation inspectors on official business affecting the Air Terminal at which parked. If such official business requires parking for more than 24 hours, prior permission must be obtained from the Airport Manager. At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (h) For the first 24 hours of parking, vehicles carrying employees of the Federal Aviation Administration, the Civil Aeronautics Board, the Federal Communications Commission and the National Transportation Safety Board on official business at a Port Authority air terminal. If such official business requires parking for more than 24 hours, prior permission must be obtained from the Airport Manager. (Federal employees of the above-mentioned federal agencies permanently stationed at a Port Authority air terminal shall not park without fee at any other place at the Air Terminal except in the parking area set aside for such employees unless their official duties require their presence elsewhere at a Port Authority terminal.) At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (i) Vehicles carrying employees of those airport lessees and permittees whose leases or permits provide for parking without additional charge.
- (j) Vehicles carrying as passengers or vehicles waiting to receive as passengers any one of the following persons and their official parties:
 1. The President of the United States, the Vice President of the United States, the Governors of the States of New York and New Jersey, the United States Senators from the States of New York and New Jersey, and United States Congressmen from the Port District;
 2. The Mayor of any municipality in which any Airport is totally or partially located;
 3. Chiefs of Staff of any branch of the military service and Chiefs of military missions;
 4. Foreign dignitaries of the rank of ambassador or consul-general or a rank equivalent to any of the above.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the Official Seal of The Port of New York Authority this 25th day of November, 1969.

Doris E. Landre
Secretary of
The Port of New York Authority

(a)

TREASURY

NEW JERSEY RACING COMMISSION

Jockey Mount Fees

Notice is hereby given that on October 15, 1969, John J. Reilly, Secretary of the New Jersey Racing Commission, pursuant to authority of N.J.S.A. 5:5-30 has adopted an amendment to the Commission's Rule 278 regarding Jockey Mount Fees as set forth in the Notice of Proposed Changes in the Rules of the New Jersey Racing Commission, Department of Treasury, published September 25, 1969 at 1 N.J.R. 7(d). An order adopting this amendment was filed with the Division of Administrative Procedure in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq. as R. 1969 d.12.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Proposed Changes in the Rules of the New Jersey Teachers' Pension and Annuity Fund

Notice is hereby given that John J. Allen, Secretary of the Teachers' Pension and Annuity Fund, pursuant to the authority delegated to the Board of Trustees by N.J.S.A. 18A:66-56, proposes to adopt N.J.A.C. 17:3-20.1, to read as follows:

17:3-20.1. Participation in the program:

Participation in the program means the sum of the years beginning with the date insurance premiums are certified to begin for contributory insurance coverage for any member enrolled in the program on or after July 1, 1970, during which the member has not terminated his membership in the TPAF. A 10-month member will be credited with 3 months' participation if he is enrolled in the program in September.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by phone, relevant to the action proposed to John J. Allen, Division of Pensions, 137 East State Street, Trenton, New Jersey, before 4:00 P.M., January 15, 1970. Telephone (609) 292-3656.

After full consideration of all written or oral submissions respecting the proposed regulation, the Board of Trustees of the Teachers' Pension and Annuity Fund, upon their own motion, may thereafter adopt the regulation substantially as proposed without further notice.

John J. Allen, Secretary,
Teachers' Pension and Annuity Fund

(c)

TREASURY

DIVISION OF TAXATION
OUTDOOR ADVERTISING TAX BUREAU

Proposed Revision of Rule on Prohibited Locations for Outdoor Signs

Notice is hereby given that the State Treasurer, Department of the Treasury, as Director of the Division of Taxation, pursuant to the authority delegated in N.J.S.A. 54:40-64, proposes to revise N.J.A.C. 18:21-16, to read as follows: (Additions in boldface thus.)

N.J.A.C. 18:21-16 Where Prohibited

The issuance of new permits is prohibited in certain areas and under certain conditions. An application for a permit to erect a sign will not be granted where:

- A. it would injuriously affect adjacent property, where such property will be affected by the substantial impairment of light, air, scenery, terrain or view. Proper notification from such adjacent property owner will be considered by the Bureau;
- B. it would injuriously affect any public interest. In the determination of whether the issuance of a permit would adversely affect any public interest, the Bureau, in addition to other factors, will consider any public sentiment as expressed by the governing authorities and agencies of the United States, State of New Jersey, county or municipality within whose boundaries the application is made;
- C. it would endanger the interest of public safety, including but not limited to the following:
 - (1) it would interfere with the safety of the traveling public;
 - (2) it would obstruct the view of traffic;
 - (3) it would have flooding, intermittent or moving lights which are improperly shielded, thereby causing a glare or impairing the vision of motor vehicle operators, except time and temperature signs;
 - (4) it would simulate official, directional or warning signs erected or maintained by the United States, the State of New Jersey or any governing authority;
 - D. it would affect public health or morals;
 - E. it would reduce or impair the visibility (N.J.A.C. 18:21-1 JJ) of another licensed display or space;
 - F. it would be in a defined natural area (N.J.A.C. 18:21-1X);
 - G. it would be along the outside curve of a highway at a point less than 250 feet from the point of an existing licensed structure or location where the existing and proposed locations are not separated by dense woods, build-

ings and other permanent objects, except for a back-up or in a built-up area;

H. it would be along a straight-of-way or a highway at a point less than 500 feet from the point of an existing licensed structure or location where the existing and proposed locations are not separated by dense woods, buildings and other permanent objects, except for a back-up or a built-up area;

I. it would be painted on rocks, attached to poles or trees on public property;

J. it would exceed 25 feet in height and 60 feet in horizontal dimension or the advertising surface exceeds 1000 square feet in area per location except where such sign is erected upon or attached to a building or is a back-up;

K. it would be along the New Jersey Turnpike except in those portions of the Turnpike incorporated in the Interstate System, as follows:

(1) any portion of which is constructed upon any part of right-of-way, the entire width of which was acquired prior to July 1, 1956; and

(2) in those segments which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, and which traverse other areas where the land use, as of September 21, 1959, was clearly established by the laws of this State as industrial or commercial;

L. it would be along the Garden State Parkway;

M. it would be erected within the "controlled portion of the Interstate System" and which is controlled by the Department of Transportation (L. 1963, C. 83, as 2(b), 4).

Cross Reference:

N.J.S.A. 54:40-58, 60

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by telephone, etc., relevant to the action proposed at the Outdoor Advertising Tax Bureau, 209 East State Street, Trenton, New Jersey 08625, Telephone (609) 292-5001, on or before January 15, 1970. The Division of Taxation, Department of the Treasury, upon its own motion or at the instance of any interested party may thereafter adopt the above rule substantially as set forth without further notice. Dated: December 9, 1969

John A. Kervick
State Treasurer
Department of the Treasury

(d)

WATERFRONT COMMISSION OF
NEW YORK HARBOR

AMENDMENT TO REGULATIONS

Concerning Removal from Register

I, Charles E. McGee, Secretary to the Waterfront Commission of New York Harbor, a body corporate and politic created by compact between the States of New York and New Jersey with the consent of the Congress of the United States hereby certify:

That the following is an original regulation duly and unanimously made, adopted and published by the Commissioners of the Waterfront Commission of New York Harbor pursuant to Article IV, section 7 of the Waterfront Commission Compact, New York Laws of 1953, c. 882 and New Jersey Laws of 1953, c. 202, at a meeting of the said Commission held on November 13, 1969:

Amendment to sections 8.1 and 8.2 of Part 8, effective December 1, 1969.

That the making and adoption of said sections are recorded and appear in the official minutes of the Waterfront Commission of New York Harbor.

All new matter is indicated in bold face, thus; all matter to be omitted is indicated within brackets [thus].

Section 8.1 Removal from register for failure to work or seek work.

To qualify for retention in the commission's register, a person included in such register must work as a longshoreman or as a checker, or in such other category for which he is registered, a minimum of forty-eight days in each half-calendar year, distributed at least eight days to each month during at least five of the six months in each half-calendar year, except that a person included in such register on or after [July 1, 1969] December 1, 1969 as a longshoreman, chenango or as a checker (not having been transferred from longshoreman status) must work as a longshoreman, chenango or as a checker, respectively, at least ten days [in each month] during each of the first two months of his registration. In administering this section, application for employment at an employment information center shall be counted as constituting actual work.

Section 8.2 Notice before final removal.
No person shall be removed from the [longshoremen's] register pursuant to article IX and section 5-c of the Act and this Part except upon two weeks' notice of his failure to accrue the minimum number of days required by this Part, except that no such notice shall be required to be given to any person who shall fail to meet the work requirements of section 8.1 of this Part during the first two [four] months of his registration.

In witness whereof, I have hereunto affixed my hand and the official seal of the Waterfront Commission of New York Harbor this 14th day of November, 1969.

Charles E. McGee
Secretary to the Waterfront
Commission of New York Harbor

Note: This order was filed and became effective December 1, 1969, as R.1969 d.17 (Exempt, exempt agency rules).