

THE NEW JERSEY REGISTER

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THE NEW JERSEY REGISTER

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THURSDAY, FEBRUARY 5, 1970

EXECUTIVE

GOVERNOR RICHARD J. HUGHES

Eighth Annual Message to the Legislature, January 13, 1970

President, Mr. Speaker and Members of the Senate and General Assembly:

In 1966, as I assumed my second term of office, I said to the people and the Legislature of New Jersey that "we have too long been hidden in the shadows of great cities to the east and west, too long a mere corridor without our own identity, too long rich in private wealth but poor in public services, too long afraid to come to grips with our own destiny."

I believe that we in New Jersey, during the past eight years, have indeed come to grips with that destiny. I believe that we have fought hard and well for the best interests of our people. We have laid a solid foundation on which the new administration can and, I am confident, will work for greatness for this State in the 1970's.

Consider for a moment how the face of New Jersey has changed during these eight tumultuous years.

Excellence in Education

Consider the proud signs of our progress toward excellence in all phases of education:

- a new Department of Higher Education.
- a five-fold increase in expenditures for higher education.
- a four-fold increase in students enrolled in our public institutions of higher learning.
- two new State colleges authorized.
- two new medical schools in operation.
- a tripling of State aid for education to more than \$300 million.
- a crucial emergency school building aid program.
- the Urban Education Corps.
- the historic Educational Opportunity Fund.
- the Public Broadcasting Authority.
- thirteen community colleges now enrolling almost 30,000 students.
- the Educational Facilities Authority.

Progress in Other Fields

Consider some other features that now identify New Jersey—features unknown in 1962:

- a great Department of Community Affairs and Housing Finance Agency.

- a great Department of Transportation.
- the strongest air and water pollution control laws in the nation.
- implementation of the crucial Green Acres bond issue.
- the historic Hackensack Meadowlands Reclamation and Development Act, the key to a massive development problem that had defied solution for 300 years.
- prevention of the giveaway of 400,000 acres in tide-lands in which the State has a substantial interest.
- a Moral Recombitment to the urgent needs of our hardest-pressed citizens and communities.
- laws authorizing a statewide grand jury, witness immunity, wiretapping, a State Commission of Investigation, and strong action against loansharking and waterfront crime, together with an increase in the number of State Police from 903 to 1,568.
- the toughest gun control law in the nation.
- a great public defender system.
- a long and historic series of reforms to benefit the working men and women of New Jersey and to safeguard the human rights of all our citizens.
- voter approval of nearly \$1.4 billion in bonds, beyond annual appropriations, to forge ahead with unprecedented progress in our construction and improvement of institutions, colleges, highways, commuter railroads, and water pollution control and conservation facilities.

These are a few of the actions we have taken together for all the people of New Jersey, including the one million souls who have joined our ranks since I took office. These are some of the reasons for my belief that we have together established a new and proud identity for New Jersey and created the basis for excellence in the 1970's.

Essential Action on Pending Programs

The new administration will soon be calling on this Legislature to act on important new programs for New Jersey. At the same time I respectfully call your attention to a series of legislative proposals that I have put forward repeatedly without success. I consider their prompt passage as important now as when I first recommended them.

I urge your reconsideration and enactment of the following measures:

Consumer Protection and Law Enforcement

1. The twenty-three remaining essential consumer protection bills contained in my Bill of Rights for New Jersey Consumers. These measures are essential to the well-being of both legitimate businessmen and the public-at-large, and there should be no further delay in their enactment.

2. The various anti-crime measures contained in my 1968 and 1969 legislative messages that you have not yet enacted. While our drive against crime in all its forms has been advanced by numerous programs that I have signed into law—including measures relating to the State Commission of Investigation, wire-tapping, witness immunity, the statewide grand jury, loansharking, and waterfront crime—I consider action on my additional anti-crime proposals essential to a still more vigorous war on crime.

I therefore urge once again, in the strongest terms, prompt passage of the intrastate anti-trust law that would protect honest businessmen against the intrusion of organized crime into legitimate business through extortion, intimidation, monopolization, or collusion. I also urge prompt passage of the bills I have proposed to regulate the garbage collection and disposal industry so as to eliminate alleged price gouging and collusion and to remove criminal elements from this industry.

Moreover, I urge prompt passage of the wiretap amendments I have suggested in order to ensure that effective legal wiretapping will not only serve as a crucial tool in the war on crime but will also provide the necessary safeguards for personal liberties that are lacking in the present law. I also call your attention once again to my proposal for a Division of Criminal Justice, with a strong organized crime unit, that would establish the same relationship with the State Police that now exists between the U.S. Attorney's office and the F.B.I. In addition, I urge passage once again of a companion measure to create full-time prosecutors.

Narcotics Control and Education Measures

3. Several crucial narcotics control measures that you have declined to consider to date. These include the civil commitment program for juvenile narcotics offenders; the accelerated expenditure of \$6 million from the 1968 bond issue for construction or acquisition of appropriate facilities for the treatment of non-criminal addicts; and the establishment of a select and specially trained group of parole-probation officers to supervise and guide discharged addicts upon their return to the community.

4. A doubling of the emergency school construction program from \$90 million to \$180 million. Already 55 New Jersey communities have received assistance under this program, and authorization of an additional \$80 million—as I first requested in my Moral Recombitment message of 1968—will provide direct and immediate aid to 62 districts.

5. Creation of a municipal bond bank, which through State assistance would provide both a short- and a long-term solution to the crushing borrowing cost and debt management problems of our municipalities.

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6. Creation of a general state authority, under strict controls by both the executive and legislative branches, to help finance those capital projects—such as construction of sewage treatment plants—for which bond financing represents the most economical and efficient approach.

Municipal Aid and Land Use

7. Passage of my municipal aid program, which is based on a fair and equitable increase in the bank stock and financial business taxes. There can be no doubt of the pressing need for this program or of the fairness of its revenue aspects. And I have repeatedly indicated my willingness to accept any fair distribution formula.

Your decision to delay this program has already meant the loss of \$27 million in new State aid to our communities. I urge you to take action so that its benefits can begin to flow immediately to our communities and their citizens.

8. A state land use act to ensure, through improved balance in land development and renewal, that we will benefit from growth rather than be victimized by it.

Health and Water Policy

9. Creation of a Division of Health Care Administration in the Department of Health to attack with utmost vigor the grave problem of skyrocketing health costs. In view of the recent increase in Blue Cross rates I commend this proposal to your attention once again with the greatest urgency.

10. Rationalization of State water policy through the creation of a water plan development board and water board of arbitration.

11. Revision of the process of pressing claims against the State along the lines I have set forth.

Conflict of Interest and Seasonal Worker Measures

12. Adoption of a strong conflict of interest law pursuant to my conditional veto message of Senate Bill #707 of 1969. The provisions of my message with reference to local officials and dealings of legislators with State agencies are especially critical and must be included in any meaningful conflicts legislation. I also call your attention to my proposal for tighter control of lobbying activities.

In acting on the conflicts problem the Legislature should also give careful consideration to establishing appropriate guidelines for State and local administrators for dealing with business concerns, the principals of which have been indicted or convicted of criminal offenses. Government should be in a position where it deals only with legitimate business enterprises. We have witnessed in recent years, however, convictions of individuals holding positions of responsibility in national corporations as well as the indictment of principals in smaller concerns. Obviously a blanket disqualification of all business concerns who may

Governor Hughes' Eighth Annual Message—continued

have employed a wrongdoing executive cannot be justified. The governmental administrator, however, should have guidelines clearly enunciated by the Legislature to assist him in making appropriate judgments when confronted by these circumstances.

13. Measures relating to the rights of seasonal farm workers with respect to transportation safety, collective bargaining and visitation.

Election Law Reform

14. Essential revisions in our election law with reference to mandatory use of voting machines in all counties; mandatory mobile neighborhood registration; a longer registration period; improved absentee voting provisions; and the creation of a State supervisor of elections.

With respect to participation in our political process, I must point out to you once again that it is nothing short of scandalous that more than 1.2 million persons in this State who are eligible to vote, or about 25% of the total, are not registered. The measures I have urged to broaden political participation would help remedy this intolerable condition. It is your solemn duty to work not for constriction of this participation but for its expansion. I therefore ask you to accord action on these measures the highest priority.

CRUCIAL ISSUES FOR THE NEW LEGISLATURE

Above and beyond your prompt consideration of this important pending business I commend your attention to several issues that will weigh heavily on the quality of life in this State during the year and the decade ahead.

A State Income Tax

You are fully aware that a major tax decision awaits this Legislature. Indeed, you were fully aware one year ago that the pressing budget requirements of State government could not be ignored. As I told you in my budget message of last February:

"You should keep in mind that if this Legislature successfully avoids a basic tax decision, that decision certainly will be forced upon future Legislatures."

Notwithstanding my revenue proposals of last year, you chose to avoid that basic tax decision by accelerating existing revenue collections and increasing "nuisance" taxes.

In place of a forthright and realistic tax solution you opted for a one-year expedient—the accelerated collection of taxes on corporate income and net worth, motor fuels, and alcoholic beverages. To complement this bookkeeping device, which brought no real new revenue to the State, you raised motor vehicle driver and registration fees.

But successful avoidance last year means hard decisions this year. As Governor-elect Cahill warned on October 20, the budget deficit resulting from this reluctance to face fiscal facts last year could well approximate \$200 million. And the actual budget that Governor Cahill will present next month may require a still larger infusion of new revenues.

The choices before you are relatively simple. You can, if you choose, increase the sales tax and remove exemptions from it. But simple logic demonstrates that such action would represent the same kind of temporizing as your decision of last year. Moreover, such changes in the sales tax would only compound its present unfairness and cruelty to those least able to pay—the poor, the elderly, and those who are on pensions or fixed income.

Need for Revenues

Since 1964 I have advocated without success the enactment of a graduated income tax as the fairest and most effective means of raising essential State revenues. The need for these revenues now is even greater than when I first proposed an income tax:

—Medicaid, now in only its first month, is bound to reflect increasing health care costs in future years and should be expanded in any event.

—The Bateman Commission report on State support of local schools reflects a growing consensus for greater State aid and should be implemented.

—Institutions and colleges approved in the 1968 bond issue must be staffed and equipped.

—Our municipalities demand and must receive greater State assistance if local government is to perform essential services.

—The cost of maintaining existing levels of public services will continue to increase.

The graduated income tax is preferable to an increase in the sales tax for many reasons:

—It taxes citizens on the basis of their ability to pay.

—It produces greater revenue and is more responsive to economic growth and inflation.

—It is easily collected, tied as it is to federal income tax returns.

—State income tax payments are 100% deductible from federally taxable income.

Tax Reform

New Jersey's antiquated tax structure must be reformed. By relying so heavily on the local property tax, we force on the homeowner and the small businessman an unfair share of the cost of public services. Moreover, the local property tax creates grave inequities among New Jersey communities. The tax reform required by these circumstances will not be achieved merely by increasing the sales tax or by removing certain exemptions. The only hope for assisting our homeowners is to enact the graduated income tax I have long urged.

Enactment of an income tax is also required if we are to remove other inequities that now weigh on our tax system. Proposals for tax relief for the elderly, fair State payments to municipalities in lieu of taxes, and other useful and deserving reforms simply cannot be put into effect without the reliable replacement revenue that an income tax would provide.

This Legislature has a unique opportunity to respond to New Jersey's pressing fiscal needs. I strongly urge you to accept the fair and responsible course—enactment of an income tax. I urge you just as strongly to avoid cruel and unfair adjustments in the sales tax that will only result in failure to meet unquestioned public needs and the inevitable imposition of an income tax at a later date.

In short, I ask you to use your great power for the good of the people and to set New Jersey's fiscal house in order.

Election Law Reform: Campaign Finance

I have already advised you of my strong hope that you will enact my proposals of last year to broaden political participation in this State. I call your attention as well to a basic defect in our approach to campaign finance. Our laws governing campaign spending promote evasion and hypocrisy by setting unrealistic limits. As you know, the Election Law Revision Commission is to report in April on recommended changes in these laws, and I urge your prompt consideration of them.

At the same time I urge you to amend our election laws to require full public disclosure of all campaign contributions and expenditures. Public confidence in the integrity of men and women in politics can be assured only when the possibility or appearance of purchased influence is removed.

At the same time, we should encourage support for political candidates from a far broader spectrum of citizens. Accordingly, I urge you to work with our Congressional delegation to raise again in Congress the question of a federal income tax deduction for campaign contributions of limited size by private citizens and, if and when you enact a State income tax, to include within it a similar provision.

The Equal Time Problem

Another issue that will require federal action is the availability of free prime television time to candidates for public office. Present law on this question, which requires equal treatment for all candidates, including frivolous ones, makes the allocation of such free public service time most difficult. The limits on television appearances by candidates thus imposed deprive the public of an excellent opportunity to study candidates and issues at first hand and induce major party candidates to rely for exposure on extraordinarily expensive television advertising.

I therefore urge you to lend your full support to efforts to revise the equal time provision so as to place before the public, in prime time, the major party candidates and those independent candidates who enjoy a more substantial base of electoral support than is now required.

I also ask you to encourage our new Public Broadcasting Authority to extend the maximum possible coverage to political campaigns and affairs of government, including, for example, the sessions of this very Legislature. For government in this way will become closer to the people and will be the better for it.

The decade ahead will require of political figures a higher degree of responsiveness to public needs than ever before. And it will require of our citizens a greater degree of participation in and concern for public matters than we have ever known. The reforms I propose are essential to meet these needs of the 1970's.

Audits of Municipal Budgets

I call your special attention to my proposal of last year to vest in the Division of Local Finance of the Department of Community Affairs the same kind of powers held by the General Accounting Office, the agency employed by Congress in the oversight of federal programs. The performance audits contemplated in this measure would be extremely useful in determining the efficiency and effectiveness of local government services. Moreover, they would contribute to increased confidence in local government and greater public willingness to face needs whose legitimacy is clearly established. A related measure to subject county and municipal authorities to a state audit also merits your immediate approval.

These actions, together with a sharp upgrading of the responsibilities of the State auditor, as recommended by the Vieser Commission, will provide the taxpaying public with reliable assurance that tax dollars are being spent wisely and honestly by both state and local governments. I urge your immediate action on these measures.

Education: Handicapped Children and Illiteracy

Continued progress in education at all levels will require your close attention to and support of the programs of the Departments of Education and Higher Education. I call your attention as well to important legislative action in two areas:

1. I urge you to support the forthcoming proposals of Senator Beadleston to expand the scope of the historic Beadleston laws that now help about 25,000 handicapped school children each year. Senator Beadleston is rightly concerned, for example, with the need to develop methods to discover children with suspected handicaps at an earlier age and to keep track of their development so that our schools can anticipate and respond to needs well ahead of time. The Rubella epidemic of 1963 and 1964, which resulted in a severe loss of hearing for a tragically large number of children, is a case in point.

In this connection I urge you to authorize the Department of Health to provide aid to municipalities to initiate

a statewide program of immunization shots against German Measles, or Rubella, for all school children.

I also call your attention to the need to mandate special education for all handicapped children at an earlier age and to lengthen the school year for them. Such action may require both increased State aid and additional regional facilities, especially for children who are brain damaged, multiply handicapped, or suffering from severe hearing loss. I ask you to support Senator Beadleston's proposals in this crucial field.

2. I urge you to make New Jersey the first state in the nation to recognize as a matter of legislative policy the right of all citizens to read. The U. S. Commissioner of Education has stated that hundreds of thousands of our adult citizens are caught in the mire of illiteracy and the thousands of young men and women are graduated from high school each year even though they are effectively illiterate. Commissioner Allen has urged that we accept the elimination of this illiteracy as a fundamental national goal in the 1970's, and I ask you to insist that New Jersey will lead the way in this essential drive.

Success in this effort will require far more money, expertise, and concern than are now being concentrated on this grave educational problem. I ask you to sort out our priorities and place first things first. I ask you to make it possible for the 1970's to be remembered as the time when New Jersey, through a quiet revolution in our public schools and a great expansion in our school programs for adults, erased forever the blight and shame of illiteracy.

Capital Punishment

More than five years have elapsed since a majority of the members of the New Jersey Commission to Study Capital Punishment recommended that the death penalty be retained. That recommendation should now be reviewed in light of legislative and judicial developments both in this country and throughout the civilized world. I propose that a joint executive and legislative Commission be constituted for this purpose.

Among the many factors that such a Commission should consider are the following:

1. Whether the abolition or severe restriction of the death penalty in the 13 states of the United States and the more than 30 foreign countries where it has occurred has resulted in increased criminal activity or greater hazard to the public, or particular segments of the public, such as policemen and prison guards.

2. Whether there is some deterrent effect to the death penalty notwithstanding statistics which disclose that the rate of homicides is not higher in jurisdictions which have abolished it than in ostensibly similar jurisdictions which retain the penalty.

3. Whether any deterrent which the death penalty may have presented is not thoroughly dissipated by seemingly interminable legal delay in the execution of sentence and the apparent tendency toward de facto abolition of the penalty.

4. Whether the death penalty and/or the delay in its execution (one New Jersey inmate has spent more than 12 years on death row) result in cruel and unusual punishment in light of evolving societal standards.

I view the study here proposed as urgent notwithstanding the fact that cases pending before the U.S. Supreme Court raise serious questions concerning the constitutionality of death penalty statutes. Assuming the Court finds the imposition of capital punishment constitutionally permissible under existing procedure or under procedures to be devised, it will not have answered the question of the social utility of the death penalty. That question should be answered by the Commission after careful and dispassionate analysis, bearing in mind that the State should not exact the life of any person, no matter how depraved, unless there is clear evidence that the taking of life is necessary to further an essential social end.

A New Housing Policy

As you well know, it is increasingly difficult for New Jersey families to find the decent, adequate, and safe housing they seek. Fully one-fourth of all our housing units are substandard. High interest rates, rapidly rising construction costs, and ever more limited availability of land have slowed housing construction dramatically in the last four years. While New Jersey should be constructing 100,000 new houses annually to replace dilapidated units and to meet population growth, we are building only about 40,000.

Some important action is being taken. In just a few years, New Jersey has become one of the nation's leaders in devising and carrying out housing programs. The Housing Finance Agency has constructed or approved construction 3,800 apartment units worth more than \$1 billion. The State has joined with federal agencies in seeking new, cost-reducing construction and financing methods. Despite our efforts, the gap between supply and need is growing.

As a first step in devising a new housing policy, the Legislature should commit the State to replace all housing destroyed by public construction. It should provide the legal and financial means to live up to that commitment. Thus, houses torn down for highways, new state colleges, urban renewal programs, or institutions would be replaced at approximately the same price levels, size, and quality. The advantages of adopting this policy are many:

—At a time when housing is in short supply, this policy would ensure that public action would not decrease the housing supply, as it may be doing now.

—This policy would improve an imperfect relocation program which cannot now assist those displaced by public projects because of an inadequate housing supply.

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Governor Hughes' Eighth Annual Message—continued

—Generally, such a policy will build housing where it is most needed—in our cities for our poorer citizens.

Protecting Our Environment

President Nixon has now articulated as a national goal for the 1970's what an increasing number of Americans have felt most deeply—the essential need to stop the poisoning of our environment and to restore and safeguard the precious ecological balance that all too often has been so violently disturbed. We in New Jersey, the most urbanized and congested State in the nation, must pay special heed to this national goal. Few tasks before this Legislature in the year and the decade ahead will require more resourcefulness and political courage.

To set the stage for your action in this field on a whole series of fronts, I urge you to weigh carefully, and to hold hearings on, the Environmental Bill of Rights introduced last year by your distinguished former colleague, Assemblyman Robert Wilentz of Middlesex County. The clear focus of the Wilentz proposal on the pressing need to prevent the further scarring of our environment by physical progress must be the focus of this Legislature as well.

I also call your attention to one specific proposal in this field that holds the greatest promise for our region. I refer to the action I hope you will take this year to create a Hudson River Basin Compact that will enable New York and New Jersey to join in the mammoth task of restoring majesty to the Hudson. The groundwork for such a compact has already been laid through extensive staff work in both States, and I urge you to work with Governor Rockefeller and the New York Legislature to make this great venture a reality.

The Forgotten New Jerseyans

When history judges the Hughes Administration, I hope it will record that this was an Administration that gave its best efforts to reveal and resolve the unspoken problems, discrimination, and suffering it found in this State. Let history record that we who have governed during these past eight years set as our goal the protection and uplifting of those New Jerseyans who are truly forgotten—those who are least able to speak for themselves.

When we sought millions of dollars to build new institutions and strengthen our programs of care, the unfortunate children in our institutions, and those who were not admitted for lack of room, could not speak for themselves. This Administration spoke for them.

When increases were sought in the rates for automobile and health insurance, New Jersey motorists and families were not organized to speak for themselves. This Administration spoke for them.

When some sought to divest the State of its interest in more than \$1 billion of tidelands constitutionally dedicated to the School Fund, the school children of our State were not able to walk the corridors of the Legislature in their own defense. This Administration spoke for them.

When seasonal farm workers were denied the most basic elements of human decency, they were not organized to correct the conditions of their own suffering. This Administration spoke for them.

These few examples pinpoint one of the major guide-stars of this Administration. I ask you today to cherish that guidestar in the years ahead. For government will always hear those who speak most loudly—those with long membership lists and heavy treasure chests. But government must have a special sense of mission, and make a special effort, to hear the ignored and the neglected.

This is a high obligation. I urge you with all my heart to defend the truly forgotten New Jerseyans as we have tried to do. I urge you to protect the many programs we have begun for precisely this purpose—from the Public Defender system to the Public Broadcasting Authority; from the three new Departments of State government to our institutional program.

And in your battle for the forgotten New Jerseyans I ask you to bring to a still higher degree of effectiveness the concept of the public defense. I ask you to work in the years ahead for still broader protection of the public's rights as they are affected by every agency of State government. This is your sworn and sacred duty.

In leaving this office and in trying to say goodbye, I have been groping for words to express the respect and affection I feel for the people of New Jersey—people of all parties, of every condition, and of every part of this magnificent State. Perhaps I can best say what I feel in the words I used in my first inaugural address just eight years ago:

I am conscious of a heavy debt to my State, for it is here that I have lived my life and had my being; where I have served as a judge; where I have practiced my profession; where I have reared my family; where I have touched the hands of friends.

It is with deep awareness of this obligation that I approach my part in the major tasks ahead.

While we are only men, yet with the help of God, whose ministers we are, let us act together in the interest of the State we love, to strengthen and protect the heritage we hold in hand for ourselves and for succeeding generations.

Goodbye and God bless you.

RICHARD J. HUGHES,

Governor.

January 13, 1970.

Attest:

Alan J. Karcher,

Acting Secretary to the Governor.

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Inaugural Address, January 20, 1970

Reverend Clergy, Mr. Chief Justice, my Distinguished Predecessors, Members of the Legislature, my family, friends and fellow citizens:

We meet in this historic city in the first month of a new decade to finalize the will of the citizens of New Jersey emphatically declared this past November.

We meet on the banks of the Delaware on this cold January day to inaugurate a new Administration with much the same ceremony that characterized more than 50 such occasions since the establishment of the free and independent State of New Jersey.

The record of the intervening years, now almost two centuries, is one at which only the superficially informed might scoff, permitting today's headlines to crowd out the underlying story of achievement in every field by generations of sons and daughters of New Jersey . . . in science and the arts . . . in government and law . . . in war and in peace. To mention the names of Edison and Stevens, Whitman and Williams, Pitney, Griggs and Wilson, Lawrence and Halsey, Aldrin, Schirra and Schweickart . . . at this place and moment is no chauvinist rhetoric. It's an affirmation required of one assuming this high office.

No man takes this oath, no man assumes the Office of Governor without experiencing an almost tangible union with the rich history and tradition that is New Jersey. I think I speak for many of us here in public life when I add that history and tradition to us is more than yellowed parchment, stylized ritual or self-correcting remembrances of another time.

We prefer to think of history and tradition in human terms, and to identify with men not unlike ourselves attempting to solve the problems of their day. Each new Governor in his own way and in his own time saw, in his inaugural address, an opportunity to set the tone of his Administration.

Many of my predecessors, honestly alarmed at the number and complexity of problems pressing in from all sides, used this occasion to articulate a seemingly endless litany of crisis. Yet, I do not think it would be exaggeration for me to say that never before in the history of New Jersey has an incoming Governor been confronted with the enormity of problems, both in variety and degree, which now face this new Administration.

While this address must essentially be a declaration of principle rather than a specification of policies, the citizens have the right to know my thoughts on the most pressing of these problems.

We are all painfully aware of the image attached to our proud State's name in press and periodicals throughout the Nation. While we know New Jersey is a law-abiding and basically religious community of seven million souls, candor compels the admission that we do have serious law enforcement problems. I am personally convinced that the people of this State . . . those in North Jersey and South Jersey . . . the old and young . . . the rich and poor . . . the vocal minorities and the silent majority . . . black and white . . . all the good people . . . seven million of them . . . are shocked at the charges leveled against officials in almost every branch of government.

They expect—they demand—that every countering resource of their government be used to insure impartial investigation, fair prosecution, and just punishment of the faithless few who have betrayed their public trust and those who have corrupted them.

I, therefore, want to assure you, my fellow citizens, that in this crisis, where the very life of self-government is at issue, there will be no executive compromise, neither of principle nor policy, not with the Legislature, the Judiciary, or with the administrative departments; for where criminals go unpunished for breaking the law, good citizens are penalized in their obedience to it.

No other single factor, in my judgment, handicaps the efforts of men of good will to compose social differences than the cynical conviction of so large a number of the law abiding themselves that a combination of great wealth and purchased influence places a favorite few beyond the law that binds all others. The resulting malaise in the body politic has caused some, you've read or heard them, to question the further viability of the democratic system, and excited others, surely you've seen them on the television screen, to demand its overthrow.

Unconvinced by the tortured rationalization of the theorists and unfrightened by the violence of the activists, we propose another prescription, not very new to be sure, but effective in earlier times of trial. We, the representatives of this generation of good Jerseymen, reclaim for our fellow citizens the full power to do all acts and things that this State has the sovereign right, and we the moral obligation, if not the sacred duty, to do.

This is not an opportune occasion to detail the steps that have already been taken and that will be taken in the war against crime in New Jersey. Suffice it to say that there is a total commitment on the part of this Administration to search out and destroy the corrupters and the corrupted wherever they exist in the 21 counties of New Jersey. No area will be sacrosanct, and no party will be immune. So that the message is clear to all, I would remind you that this Administration has no commitment except to the people of the State of New Jersey, and that, therefore, in the words of the soldier poet, I begin my service with a complete freedom of action, 'able to walk in my own way and with an eye to see things as they are'. War on crime in this State provides an unparalleled opportunity for this

Administration to demonstrate quickly, clearly and dramatically that more than a new Administration and a new decade is under way in Trenton. This will not be a new chapter in an old book. We will start by redefining public service, and we will hopefully write guidelines and standards that will once again bring citizens from other states to New Jersey in search of imaginative new answers to old problems.

But, my fellow citizens, let me emphasize that we must rekindle respect for New Jersey not only by what we uphold and discard, but also by what we grow and nurture.

Let the quality and progress of this State be measured by its compassion and care for its sick and its elderly. Let it be measured by its ability to overcome the evils of poverty, neglect, and injustice that tear at the hearts of our cities. And, above all, let quality and progress in New Jersey be measured by our achievements in the education of our young.

All my adult life I have held with Aristotle that the fate of empires depends on the education of youth.

I know from my own personal experience that we in New Jersey are blessed with thousands of dedicated teachers at all levels. But, I also know that they are burdened with a system that did not grow quantitatively and qualitatively to meet the population boom of the 50's and 60's. We have too often settled for less than the best in education in New Jersey, and we have become wed to techniques, standards and establishments whose rigidity has retarded incentive, imagination and creativity in our professional teaching corps. The Romans expressed it well, 'Talis Magister, qualis discipulus.' Not literally but accurately translated, 'To understand the pupil, look to the teacher.'

I suggest that it is the inspired teacher, freed from time-consuming demands of less productive assignments, encouraged and motivated, who can dramatically and quickly uplift the quality of educational climate that permits the fullest intellectual, physical and moral growth of our youth. In my judgment, however, the present system often forces an exceptional teacher out of the classroom and into administrative positions and too often out of the field of education altogether.

I have discussed these and other thoughts with those officially charged with the responsibility for the quality of secondary and higher education in this State. I have strongly urged that our education departments proceed with all speed to project a master blueprint for the upgrading of our system with emphasis on correcting the quality gap in the urban centers. I have asked that the views of organized teaching groups be sought and the opinions and recommendations of outstanding individual educators be solicited. I have called for a master plan that talks not only of new money, but of new ideas . . . not only of new buildings, but of new teaching techniques . . . not only of new research grants, but of new leadership dedicated to new levels of excellence.

We cannot afford to fail our young and our future.

The congestion of our highways, the plight of the commuter, the cost of highways in dollars and lives are too well known to all New Jersey citizens to require a further description by me.

Because the elements creating these problems, in most instances, are interstate and regional in character as a result of our geographic location, they can, in most instances, only be solved by federal-state or multi-state efforts.

I have every confidence that our relations, both with the Federal Government and our neighboring states, will be friendly and productive in the years ahead.

Our State has in the past utilized to a great extent the concept and mechanism of 'authorities' to develop needed highways and transportation facilities, including bridges, tunnels and turnpikes, and they have served their purposes well. There has, however, been a growing belief on the part of some that these authorities are not in any way subject to the policy of the State Government. In many instances, dialogue and communication between the State Government and the authority acting through its appointed commissioners and executive directors has been inadequate and, therefore, some extracurricular activities of some authorities have raised serious questions as to their real mission and purpose.

It is my conviction that all authorities are creatures of the State and that they must, therefore, be completely responsive to the needs of the State as defined by the elected officials of the people.

To that end, therefore, I shall look for greater participation in the field of mass transportation and highway construction by many public authorities of this State. I am confident that in this effort to implement the policy of our State in this important endeavor we will have enthusiastic cooperation from the governors of our sister states. I am convinced that a proper, balanced program of mass transportation and highway development is indispensable to the economic growth of New Jersey and the redevelopment and revitalization of our principal cities.

My emphasis on law enforcement, education and transportation should not be interpreted as indicating any less concern for all the areas of State Government that cry out with equal volume for the attention of new minds.

I am deeply concerned with the inadequate and antiquated penal system; with the need for new, modern and enlightened facilities.

I grieve at the shortage of beds for the retarded child, the sick and the elderly. I am troubled by the soaring costs of hospital care and the almost unbearable burden of providing adequate protections for ourselves and our fellow citizens in the field of insurance.

Governor Cahill's Inaugural Address—continued

I share the alarm of all thinking citizens at the awesome increase in the use of narcotics by our youth in all areas of the State . . . in city and suburb . . . by rich and poor . . . black and white. I am impatient with our inability to prevent the erosion and pollution of our most prized natural resource, the seashore and beaches of New Jersey. I am apprehensive and deeply troubled by the danger to health from the continued and increased pollution of air, streams, rivers and even our ocean.

The Federal priorities which exclude adequate assistance to local and state governments, as well as private entrepreneurs in the field of housing, are completely illogical and must be changed immediately. Our housing shortage, particularly in the low income and middle income fields, is incredible, and no peace will ever come to our cities unless dramatic improvement is made in the field of housing in the immediate future.

Having participated in the development of the legislative process in the field of civil rights for the past decade as a member of the Judiciary Committee of the House of Representatives, I am satisfied with our progress in the field of civil rights as a matter of law, but I am not satisfied with our progress in civil rights as a matter of fact. It does little good to legislate the right of open housing when there are no houses . . . the right to work regardless of color when there are no job opportunities . . . the right to equal education when the schools are not comparable.

In other words, we need the implementation of the legislation, and we need it today. No field in this competitive and profit-oriented society is more important than the protection of unwary buyers who are daily defrauded of hard-earned dollars by deceivers and those who misrepresent and oppress. It is not enough to caution, 'BUYER BEWARE,' especially when the buyer knows not of whom and of what to beware. Our State must and will take a strong position at the side of the citizen in this all-important field of consumer relations.

The litany of problems could continue ad infinitum, but the one which will most determine our effectiveness in coping with future needs is our willingness and our ability to pay the cost.

In recent days I have spoken out about the fiscal crisis New Jersey is in today, the causes of that crisis, and my decision to avoid a State income tax through an increase in the existing sales tax. It is not my intention today to replay the events that confront me now, in the first few minutes of my Administration, with a projected budget deficit of almost three hundred million dollars.

It does bear repeating, however, that I intend to set our fiscal house in order and that I will not flinch . . . I will not hesitate . . . I will not turn away from hard decisions dealing with the ability of this State to meet the legitimate needs of its people.

The credibility of our avowal to root out corruption cannot be separated from our obligation to deal affirmatively with the less newsworthy but equally important everyday demands on a wide range of necessary State services. Putting this in plainest language, it means that those programs necessary to a supportable life for our citizenry—the poor and the hungry—must be paid for as we go, with the State providing its proper share of the costs.

Local communities, and this applies to many suburban towns almost as surely as it does to all the cities in this State, have reached the point in their real estate levies where further increases might endanger their whole tax structure. The concept of state aid, though late in acceptance, is now fixed New Jersey policy.

In Washington, under a new Administration, we have at last adopted as national policy the principle of federal aid through tax sharing. This policy, whose full impact on our problems is inevitable if not imminent, reflects an understanding that most of the problems facing New Jersey today are problems that are national in scope.

Many of these problems, I suggest, were aggravated and enlarged during the decade of conflicts and contradictions we have just concluded.

In this past decade we walked on the moon, but barred black children in some states from walking into classrooms.

As a Nation we spread our wealth across the world and into space, yet we ignored the powder keg of frustrations that produced the burning of some of our major cities.

We stood in awe as one rare man breathed the winds of change in Rome, while elsewhere crowds of disillusioned youth shouted 'God is dead.'

We produced thousands of rebels without causes, and a black man from Atlanta who shook the conscience of a Nation and two white men from Massachusetts who literally gave their lives for their fellowmen.

This, indeed, has been a decade of differences, divisiveness and disunity. It has generated dissension, dismay and despair. As a result, we need in New Jersey and in this Nation a reappraisal of our basic political, social and personal values.

In the furor and the sound and the violence of the past decade, we have submerged and forgotten much of what made America unique in the family of governments. Since the days of the Revolution, the greatest export of the United States has not been its grain, nor its meat, nor its money, but the living proof that government of, by and for the people can and does work.

Nationally, we must end a cruel and senseless war. Our Nation must turn its energies and resources to the serious problems at home. The new proposed Federalism must be

own the needs of their people. The Federal Government must accept the burdens or share the dollars.

In the final analysis, however, neither money nor rhetoric will solve the problems of New Jersey or the United States. We require dedicated, tough-minded men and women willing to give of themselves. The true test of this Administration will be its ability to rally to its standard men and women of all ages, colors and creeds who believe, as I do, that it is the responsibility of leaders in government to provide the Renaissance of the 70's.

We must set the example—overcome the dissension and the hates—bind the wounds of the 60's. We must restore confidence in public service and in public servants, and we must lead the fight against hypocrisy, deceit and apathy.

We must, in a word, be DOERS—men of ideals, but also men of action. We must be men who will 'follow the white cockade,' 'seek the Grail' and 'reach for the unreachable star.' We must be men who, in the words of Teddy Roosevelt, will dare to do—will strive to do the deeds—will know the great enthusiasms, the great devotions—who will spend ourselves in a worthy cause—who will know the thrill of high achievement—and, even if we fail, will fail while daring greatly so that our place will never be with those cold and timid souls who know neither victory nor defeat!

'Come my friends,
Tis not too late
To seek a newer world. . . .
To strive to seek to find
And not to yield!'

This Administration will 'dare to do.' We will fight mediocrity. We will seek excellence. To this cause I have given my oath before God and you, my fellow citizens.

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)

AGRICULTURE DIVISION OF MARKETS

Asparagus Sampling for Inspection

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority delegated in N.J.S.A. 4:10-13, proposed to adopt N.J.A.C. 2:13-12.1, a new regulation requiring unrestricted sampling of asparagus for processing as follows:

2:31-12.1 UNRESTRICTED SAMPLING OF ASPARAGUS FOR PROCESSING

(a) Foreword:

The grading of asparagus for processing is one of the principal functions of the service provided by the State for inspection and classification of products according to Standards.

Producers who contract with processors and others on the basis of contract or grade specifications are paid in accordance with the percentage of pay-weight delivered. These percentages of pay-weight and other factors are established for each load or lot by analysis of samples in accordance with contract specifications or State Standards. Since accuracy of determination of these percentages is entirely dependent upon the sample analyzed from each load or lot graded, it is imperative that truly representative samples be obtained from each load or lot. Such truly representative samples may be obtained only when the entire load or lot is made accessible for unrestricted sampling.

(b) Unrestricted sampling:

All inspection and grading of asparagus for processing, as performed by the New Jersey Department of Agriculture, shall be on the basis of unrestricted sampling. Unrestricted sampling means that any and all containers designated by the official inspector as containers to be sampled from a load or lot of asparagus shall be made available to the inspector for sampling.

All applicants requesting inspection and grading services on asparagus for processing, as provided by the New Jersey Department of Agriculture, shall provide such equipment and personnel as are necessary to make all loads or lots of asparagus accessible for unrestricted sampling.

The Secretary shall deny inspection and grading services to any applicant who does not provide such equipment and personnel as are needed to insure unrestricted sampling of asparagus for processing.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action to: John

J. Repko, Director, Division of Markets, New Jersey Dept. of Agriculture, P.O. Box 1888, Trenton, N. J., 08625 before February 26, 1970. Telephone (609) 292-5536. The Secretary of Agriculture, upon his own motion or at the instance of any interested party, may thereafter adopt the above regulation as set forth without further notice.

Phillip Alampi
Secretary of Agriculture

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL Notice of Termination of Inspection Service

Notice of Termination of Inspection Service

The Hotel and Multiple Dwelling Health and Safety Law of 1967 (N.J.S.A. 55:13A-1 et seq.) authorizes the Commissioner of the Department of Community Affairs to make discretionary special or pre-sale inspections of buildings subject to the Hotel and Multiple Dwelling Health and Safety Law on behalf of their owners. These buildings include hotels, motels, guest houses, and boarding houses with ten or more units of dwelling space, or where the maximum number of occupants thereof is 25 or more, and multiple dwellings with three or more units of dwelling space. The purpose of these pre-sale inspections is to assure a purchaser that he is acquiring a building which meets the requirements of, or which is not subject to, the Regulations for the Construction and Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10-100.0 et seq.) to facilitate transferring good title, securing mortgage loans, or for satisfying the requirements of financing agencies. Since this function is not an integral part of the Bureau's mission under the Hotel and Multiple Dwelling Health and Safety Law and in view of the availability of private inspection firms purporting to be qualified to provide this service to private parties, the Bureau of Housing Inspection within the Department of Community Affairs discontinued special inspections as of February 1, 1970.

A list of firms which have offered to perform this service as agents of the parties to the transaction is available upon application to the Bureau of Housing Inspection, Department of Community Affairs, Post Office Box 2788, Trenton, New Jersey 08625.

Paul N. Ylvisaker, Commissioner
Department of Community Affairs

(c)

CONSERVATION AND ECONOMIC DEVELOPMENT

ROUND VALLEY RESERVOIR

Proposed Winter Use Regulations — Ice Boating

The Department of Conservation and Economic Development, pursuant to authority delegated in N.J.S.A. 13:8-20, proposes to adopt the following rules regulating the operation of ice-boats on waters administered by the Department.

- 1. Ice boating is permitted by advance request to the Regional Supervisor, Voorhees State Park. Permission may be refused if in the opinion of the Regional Supervisor the ice is not of sufficient thickness for safe use.
- 2. Ice boaters must comply with safety standards of the Eastern Ice Yachting Association.
- 3. A minimum of two ice boats is required at all times in order to provide a buddy system for safety.
- 4. Ice boaters must wear protective crash helmets of a type acceptable for use by motorcyclists under the New Jersey Motor Vehicle Laws.
- 5. Ice boating shall be permitted only on such days and during such hours as designated by an authorized representative of the Department.
- 6. All craft and persons are prohibited from the restricted areas in the vicinity of the dam and pumping station.
- 7. Ice fishing, ice skating, snowmobiling, and all winter sports activities are prohibited.

Interested persons are invited to submit statements in writing urging the adoption, modifications or implementation or rejection of the proposed rules to Robert Solant, Esq., Chief, Bureau of Legal Services, Department of Conservation and Economic Development, Room 811, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08608, on or before February 27, 1970.

The Commissioner of Conservation and Economic Development, after giving full consideration to all statements relevant to the proposed rules may thereafter, upon his own motion or at the instance of any interested person, adopt the above rules, substantially as set forth, without further notice.

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

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CONSERVATION AND ECONOMIC DEVELOPMENT

DIVISION OF PARKS, FORESTRY AND RECREATION

Proposed Regulations for Snowmobile Operation

The Department of Conservation and Economic Development, pursuant to authority delegated in N.J.S.A. 13:8-20, proposes to adopt the following rules regulating the operation of so-called "snow-mobiles" on state-owned lands administered by the Department.

LANDS OWNED BY THE STATE OF NEW JERSEY AND ADMINISTERED BY THE DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT BY THE RESPECTIVE DIVISIONS:

**DIVISION OF PARKS, FORESTRY AND RECREATION
DIVISION OF WATER POLICY AND SUPPLY
DIVISION OF RESOURCE DEVELOPMENT**

1. These regulations pertain to the operation of "motorized snow vehicles" which are defined as self-propelled vehicles designed to be driven exclusively on snow or ice or both. For the purpose of these regulations "snowmobile" is used synonymously with "motorized snow vehicle."

2. Snowmobiling is permitted only on the snowmobile trails or routes as designated. Trails shall be established by the Division of Parks, Forestry and Recreation with the approval of other Departmental agencies.

3. All other motorized vehicles not designed to be driven exclusively on snow or ice or both such as all-terrain vehicles, mini-bikes, motorcycles, trail bikes, and other vehicles of a similar nature are restricted from the use of snowmobile trails.

4. Operators and passengers of snowmobiles must wear crash helmets at all times. The helmets shall be of a type acceptable for use by motorcyclists under the New Jersey Motor Vehicle Laws.

5. Snowmobiles shall be equipped with working head lights, tail lights, brakes, and proper mufflers as supplied by the motor manufacturer for the particular model without modifications.

6. Snowmobiles shall not be operated in a reckless or careless manner or at excessive speeds.

7. Snowmobiles shall not be operated in a manner which is dangerous to persons or property.

8. Accidents involving personal injury or damage to property exceeding \$50 must be reported to the Officer-in-Charge immediately.

9. No person shall operate a snowmobile while under the influence of intoxicating beverages or drugs.

10. Snowmobiles shall not be operated at any time in any manner intended or reasonably to be expected to harass, drive, or pursue any wildlife.

11. During the hours from one half hour before sunset to one half hour after sunrise, all snowmobiles are required to have lighted head lights and lighted tail lights.

12. No person shall litter or dispose of trash or garbage along the snowmobile trails.

13. All snowmobiles are required to come to a complete stop when crossing Department roads or public roads.

14. Parking of automobiles and trailers carrying snowmobiles shall be restricted to those parking areas which are designated.

15. Any organized activity or snowmobile rally must be scheduled at least five (5) days in advance with the respective field office of the Bureau which administers this land within the Department.

16. Snowmobiles shall not be operated on ice or a snow surface of a lake or pond unless specifically approved or designated.

17. Snowmobiling is permitted on Lake Hopatcong, Lake Wawayanda, Swartswood Lake, and Shepherd Lake. Snowmobiling is not permitted on the Spruce Run or Round Valley Reservoir or on the Delaware and Raritan Canal property.

18. The following rules and regulations shall apply to the operation of snowmobiles on designated waters of this State within the jurisdiction of this Department whether on frozen, both tidal and non-tidal, and the marginal seas adjacent to this State:

A. Snowmobiles shall not be operated more than ten (10) miles per hour within 100 feet of shores, docks, abutments, people or objects on the ice.

B. A siren shall not be attached to any snowmobile other than a snowmobile operated by or for the department or first aid squad, police, or fire department.

C. The provisions of these regulations shall not apply to any snowmobile or operator while actually competing in an authorized race as herein provided held under the auspices of a duly incorporated yacht club or racing association.

D. No snowmobiles shall move across a course or around the courses of any such authorized race or regatta so as to create a condition which shall unnecessarily endanger the life, limb, or snowmobiles and ice boats of those competing in the race or regatta.

E. No person shall fail to stop or lay to when ordered to do so by any Departmental employee charged with enforcing these regulations.

F. No snowmobile shall be operated more than fifteen (15) miles per hour after 10 p.m.

G. On Lake Hopatcong no snowmobiles shall be operated in excess of fifteen (15) miles per hour before 12 noon on Sunday. Group riding before 12 noon on Sunday is also restricted to fifteen (15) miles per hour.

H. All snowmobiles navigating the frozen waters of this State shall comply with the inland rules of the road as set forth in the Coast Guard pamphlet C.G. 169 and all amendments thereto pertaining to meeting, overtaking, and crossing situations.

19. All regulations contained herein shall apply to all lands and waters administered by the respective Bureaus within the Department and shall be and are enforceable on a Department-wide basis by the respective Bureau officers working within the Department.

Interested persons are invited to submit statements in writing urging the adoption, modifications or implementation or rejection of the proposed rules to Robert Solan, Esq., Chief, Bureau of Legal Services, Department of Conservation and Economic Development, Room 811, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08608, on or before February 27, 1970.

The Commissioner of Conservation and Economic Development, after giving full consideration to all statements relevant to the proposed rules may thereafter, upon his own motion or at the instance of any interested person, adopt the above rules, substantially as set forth, without further notice.

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

(b)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Changes In State Sanitary Code Regulating Refuse Disposal and Dumps

The Public Health Council of the Department of Health, pursuant to authority delegated in N.J.S.A. 26:1A-7, proposes to revise Chapter VIII of the State Sanitary Code to read as follows (additions in boldface thus; deletions in brackets [thus]):

**PROPOSED REVISION
STATE SANITARY CODE—CHAPTER VIII
REFUSE DISPOSAL**

Regulation 1. Dumps Prohibited

Dumps are hereby declared to be nuisances hazardous to human health.

Beginning July 1, 1958, disposal of organic and/or combustible matter or other forms of solid waste on lands in this State shall be made only through use of:

a. Sanitary landfills established, [conducted,] operated and maintained in accordance with [standards] the Regulations set forth in [Regulations 4, 5 and 6 of] this Chapter.

[OR]

b. Incinerators constructed, operated and maintained in accordance with [Code or] Regulations of the New Jersey [Air Pollution Control Commission.] State Health Department promulgated under authority of the Air Pollution Control Act of 1954.

c. Other methods of disposal as may be approved by the State Department of Health.

Regulation 2. Registration (New Regulation)

a. Registration statement; filing with Department. No person shall hereafter engage or continue to engage in disposal of solid waste in this State without first filing a completed registration statement with the Department.

b. Approved Registration
No person shall hereafter engage or continue to engage in disposal of solid waste in this State without first obtaining approved registration from the Department.

c. Persons required to sign and verify statement; form and contents. The registration statement shall be signed and verified by the individuals specified in subsection (3), shall be made on forms prescribed and furnished by the commissioner and shall state such information necessary and proper to the enforcement of this Chapter as the commissioner may require, including:

1. The name under which the business is conducted.
2. The address of each location in New Jersey at which the business is to be conducted.
3. If the registrant is a proprietorship, the name and address of the proprietor; if a partnership, the names and addresses of all partners; if a corporation, the date and place of incorporation, the names and addresses of the president and secretary thereof and the name and address of the designated registered agent in this State; or if any other type of business association, the names and addresses of the principals of such association.

4. The names and addresses of those individuals having actual administrative responsibility, which in the case of a proprietorship shall be the managing proprietor; partnership, the managing partners; corporation, the officers and directors; or if any other type of association, those having similar administrative responsibilities.

5. If the business is to be conducted at more than one location in this State, the name and address of the individual in charge of each such location.

6. A description of the business engaged in and the classes of solid waste treated at the disposal facility.

7. The name and address of the individual or individuals on whom orders of the commissioner may be served.

8. A statement as to whether the registrant engages in collection systems, storage facilities, or other related solid waste systems.

d. Non-registration. No registration shall be approved by the Department when in the opinion of the Department such solid waste system will not meet the standards of criteria set forth in this Chapter.

e. Time for filing. A registration statement shall be filed prior to July 1 in each calendar year following the calendar year of original registration.

f. Fees. None

g. Change of address; if any location of a registered business is to be changed, the registrant shall give the Department written notice prior to the change of the address of such new location and the name and address of the individual to be in charge thereof.

Regulation [2.] 3. Domestic Refuse

The provisions of this [Code] Chapter shall not be applicable to disposal of family garbage or family refuse on the premises where the family resides nor shall the provisions of this [Code] Chapter be interpreted as permitting disposal of domestic sewage in any manner other than that prescribed by law.

Regulation [3.] 4. [Sanitary Landfill Location] Sanitary Landfill Design

[Sanitary landfills, whether operated on firm ground or on soft and unstable ground as may be found in marshes and swamps shall be planned by a properly qualified engineer and be operated and maintained by properly trained personnel. The location or site of a sanitary landfill should be chosen with the approval of the local board of health.]

An operational design prepared by a licensed professional engineer shall be submitted to the Department for approval with the Registration Statement. It shall embody but not be limited to the following information: plot plan, ground and/or surface water elevations, final grades to be obtained, and the source, type and amount of material to be used for covering purposes. A statement of approval by the local authorities shall be included with the submission.

Regulation [4.] 5. [Requirements of Firm Ground Sanitary Landfills] Sanitary Landfill Operational Requirements (General)

[Sanitary landfills on firm ground shall be designed, operated and maintained in such manner that:]

- a. The [face] width of the working [fill is] face shall be kept as narrow as is consistent with the proper operation of trucks and equipment in order that the area of waste material exposed during the operating day is minimal. No operating face shall exceed 150 feet in width.
- b. All [exposed surfaces, including the face of the fill, are covered with at least six (6) inches of earth at the close of each day's operation] deposited material shall be promptly spread and compacted to a uniform grade by use of heavy equipment.
- c. [Refuse is compacted into layers of approximately one-fourth of the original refuse volume.] The operating depth of the filling operation shall be maintained as shallow as is consistent with the proper support of equipment and vehicles on the surface of the fill. No layer shall exceed twelve (12) feet in depth.
 - [d.] [Bulky waste material which may furnish rat harborage is not used for the final surface or side slopes, but incorporated within the fill.]
 - [e.] [The final earth covering for surface and side slopes is compacted and maintained at a depth of not less than twenty-four (24) inches.]
- [f.] d. Cracks, depressions and erosion of the earth covering for surface and side slopes of fills shall be promptly repaired.
- [g.] e. The toe of finished fills having boundary side slope shall terminate in a dike or a [ditch filled with] sand [and] and/or gravel ditch. [or either]
- [h.] f. [Surface water is properly drained, filled or treated with effective chemicals so as to prevent mosquito production and odors.] The surface of the fill shall be so graded to facilitate drainage therefrom.
- [i.] g. Control over the scattering of papers and other lightweight materials [is] shall be effected by the use of movable fencing or other [suitable] acceptable method.
- [j.] h. Dust control [is] shall be effected as needed by [spraying of the exposed waste material and adjacent surface.] wetting or by other effectual means.
- [k.] i. Scavengers, if permitted, [are properly] shall be supervised so as not to interfere with the [refuse disposal] operation.

Health—continued

- [l.] j. Equipment adequate for digging, spreading, compacting [and] and/or covering [is] shall be provided. [as needed.]
- [m.] k. Sufficient standby equipment [is] shall be readily available [to prevent delay in covering due to] should a breakdown occur. [breakdowns or peak loads.]
- [n.] 1. An adequate water supply [and] and/or fire-fighting equipment [is] shall be readily available to [control] extinguish any and all fires.
- m. Control of insects and rodents shall be effected through the use of insecticides and/or rodenticides.
- n. All sloped faces of the fill shall be adequately covered with six (6) inches of inorganic, inert material at the close of each day's operation.
- o. The top exposed surface of the active operating area shall not exceed an area greater than 100 x 150 feet to facilitate truck movement. Said exposed surface area and side slopes shall be covered on a progressive basis with either an intermediate or final earth cover and in no case shall any material be left uncovered for longer than three (3) days.
- p. An intermediate twelve (12) inch cover of earth shall be placed on all surfaces of the fill when an additional layer or lift of refuse is planned within six (6) months.
- q. A twenty-four (24) inch cover of earth shall be placed on all surfaces having reached the final planned grade or conclusion of operation.
- r. Cracks, depressions and erosion of any earth covering shall be promptly repaired.

(Note: The Regulation previously designated as "Regulation 5. Requirements of Soft and Unstable Ground Sanitary Landfills" is to be repealed in its entirety.)

Regulation 6. [Rodents, and Insects Hazardous to Public Health.]

Sanitary Landfill Operational Requirements (Specific)
[Rodents, or insects hazardous to public health, shall not be permitted to exist on sanitary landfills.]

a. Sewage Sludge and Other Fecal Material

- 1. No raw or untreated sewage sludge or other fecal material of human or animal origin, liquid or solid, shall be deposited in direct or indirect contact with surface or ground waters of this State or near any river, stream or tributary leading into a river or stream which is a source of potable water. Furthermore, such material shall not be deposited in any solid waste disposal system located in tide water, swamp, or marsh land which in the opinion of the Department can cause or threaten pollution to the waters of this State.
- 2. All raw or untreated sewage sludge or other fecal material received at a landfill site shall not be lagooned but shall be immediately and thoroughly mixed with garbage and refuse to attain maximum absorption.
- 3. All areas whereon raw or untreated sewage sludge or other fecal material has been deposited shall be covered with six (6) inches of clean earth at the conclusion of the day's operation.
- 4. Disposal of sewage, sewage sludge or other fecal material on any landfill in this State shall be immediately discontinued if evidence discloses leaching of such material from the fill.

b. Bulky Items (junk automobiles, household appliances, demolition material, tree parts, etc.)

- 1. All bulky wastes received for disposal shall be thoroughly crushed with heavy equipment.
- 2. All bulky items mixed with any putrescible wastes shall be incorporated in the fill and covered in accordance with provisions of Regulation 5.
- 3. Bulky items shall not be permitted to protrude through the final surface or side slopes of a landfill.
- 4. Separate areas of a landfill operation may be designated solely for the disposal of bulky items. All items so handled shall be covered with clean earth at the conclusion of the workweek.

c. Hazardous and/or Chemical Wastes, Excluding all Radioactive Waste

- 1. **Responsibility of Shipper (Waste Producer)**
The shipper shall provide minimum labels in accordance with the current Federal regulations for "Explosives and Other Dangerous Articles." (Where unlisted hazardous wastes in any quantity are to be disposed, the shipper will provide such information as may be required to insure safe disposal. In these cases, this should include prior arrangement with the disposal area, or treatment or salvage company, in order that they can be alerted in advance to assure safe handling.)
The shipper shall issue a bill of lading to accompany each shipment of waste chemicals. This bill of lading shall be used to communicate with those handling these waste chemicals to alert them of their hazards or nuisance potential by including appropriate warning notations, or by use of a stamp showing the material to be a flammable liquid, or flammable solid, or spontaneously combustible, or dangerous when wet, or oxidizing agent, or organic peroxide, or poison, or acid, or caustic, or non-hazardous, or emitting a noxious odor, etc.

- 2. **Responsibility of the Hauler (Trucker or Carrier)**
The contractor engaged in transporting hazardous chemicals is responsible for operating within existing laws governing the transportation of dangerous articles as Chapter 128, Laws of New Jersey 1950.

- 3. **Responsibility of the Receiver (landfill operator, chemical incinerator operator, recovery operator or treatment operator)**
The operator of any disposal facility is responsible to operate in compliance with all laws and regulations.

Regulation 7. Disrupted Landfill Requirements (new Regulation)

- a. Approval shall be obtained from the Department prior to any excavation, disruption or removal of any deposited material from either an active or discontinued landfill.
- b. Requests for approval shall include an operational plan stating the area involved, depth of such excavation with final grades, estimated cubic yards of material to be excavated, locale where excavated material is to be redeposited and estimated time required for completion of excavation procedures. A statement of approval by the local authorities shall be included.
- c. All excavation shall be confined to an area consistent with the number of pieces of digging equipment and/or trucks used for haulage.
- d. Measures shall be taken during excavation to control: dust, odors, fires, rodents, insects and blowing litter.
- e. All opened faces and surfaces resulting from excavation shall be covered with clean earth when digging procedures are curtailed for periods extending beyond sixteen (16) hours.
- f. All redeposited material resulting from excavation shall conform to the requirements of said Regulations 4 and 5.

Regulation 8. Smoking, Smoldering or Burning Landfills (New Regulation)

- a. The primary responsibility for current operations or in the case of discontinued operations in the event of a fire shall be the local board of health and the person, agent or municipality having title to the premises whereon the fire exists and shall be responsible for extinguishing the same.
- b. The operator of a currently operated landfill shall be responsible for initiating and continuing fire-fighting methods until all smoldering, smoking and burning ceases.
- c. The operator of any landfill wherein smoldering, smoking or burning is occurring shall immediately notify the police department having jurisdiction of this fact.
- d. The operator of any landfill shall seek and obtain fire-fighting assistance if smoldering, smoking or burning persists for longer than twenty-four (24) hours.
- e. The operator of any landfill shall not conduct dumping activities within the immediate vicinity of any smoldering, smoking or burning condition. Precautions shall be taken to prevent dumping activities from interfering with fire-fighting endeavors.
- f. Any disruption of the finished grade or covered compacted surfaces of a landfill used for fire-fighting purposes shall be repaired by re-grading and re-covering upon completion of fire-fighting activities.
- g. Control and prohibition of air pollution from refuse disposal and salvage operation shall be effected through Chapter 2 of the Air Pollution Control Code.

Regulation 9. Termination or Change of Ownership of a Landfill (New Regulation)

- a. The operator, owner or lessee of any landfill shall notify the State Health Department of his intent to discontinue operations thereon.
- b. The local board of health shall examine all sanitary landfills upon discontinuance of operations thereon to determine whether there has been compliance with Regulation 5. Notification of such findings shall be supplied to the State Health Department.
- c. Any landfill that has been terminated under the provisions of this Regulation must comply with Regulations 2 and 4 if active dumping is to be continued or resumed at a later date.

Regulation 10. Submission of Operating Reports (New Regulation)

- a. Operating reports of solid waste disposal systems shall be supplied as required by the Department on forms prescribed by the Department.
- Any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing at the Prince Theatre, adjacent to the Palmer Motor Inn on U.S. Route #1 between Trenton and Princeton, New Jersey, at 10:30 A.M. on February 9, 1970 pursuant to public notice given by the Public Health Council in newspapers of general circulation in each of the counties of this State not later than January 16, 1970.

Written statements or arguments may be mailed before February 9, 1970 to:

Office of the Commissioner
Department of Health
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

The Public Health Council, 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.

E. Powers Mincher
Administrative Practices Officer
Department of Health

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Regulation governing Participation in the Alternate Benefit Program

Notice is hereby given that the Chancellor of Higher Education, pursuant to authority of Chapter 242, Laws of 1969, N.J.S.A. 18A:66-167 et seq., proposes to recommend to the Board of Higher Education at the March 20, 1970 meeting of the Board, regulations governing participation in the alternate benefit program by certain members of the faculty and other eligible employees at the New Jersey College of Medicine and Dentistry; Rutgers, the State University; Newark College of Engineering; the Department of Higher Education; the State Colleges, and the County Community Colleges.

Insofar as the proposed regulation affects County Community Colleges, it would replace Regulation #851 of the "Regulations Governing County Community Colleges."

Interested persons may obtain a copy of the proposed regulation by writing or calling the Community College Program, Department of Higher Education, 225 West State Street, Trenton, New Jersey, 08625. Telephone (609) 292-5369.

Notice is also given that any interested person may present statements or arguments, orally or in writing relevant to the proposed action by writing or calling the office of the Community College Program, Department of Higher Education, 225 West State Street, Trenton, New Jersey 08625 on or before February 27, 1970. Telephone (609) 292-5369.

The Board of Higher Education, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed regulation without further notice.

Ralph A. Dungan
Chancellor
Department of Higher Education

(b)

INSTITUTIONS AND AGENCIES

BOARD OF CONTROL

Resolution Regarding Standards for Medical Care and Services

The following resolution regarding standards for public institutions providing medical care and services under the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 et seq., was adopted by the State Board of Control of the Department of Institutions and Agencies pursuant to authority of N.J.S.A. 30:1-7, 30:1-12 and 30:1-14 through 17.

WHEREAS, The New Jersey Medical Assistance and Health Services Act (Chapter 413, New Jersey Laws of 1968) authorizes payment of medical assistance for certain care and services which may be provided by public institutions; and

WHEREAS, As a condition of Federal financial participation under Title XIX of the Social Security Act it is required that the State Plan for Medical Assistance specify the standards to be utilized in determining that such institutions are qualified to provide such care and services;
BE IT RESOLVED, That pursuant to the authority granted by Title 30 of the Revised Statutes, sections 30:1-7, 30:1-12 and 30:1-14 through 17, the following policies shall govern the establishment and maintenance of standards for public institutions providing medical care and services pursuant to the said New Jersey Medical Assistance and Health Services Act:

- 1. Any public institution providing in-patient or out-patient services as a general hospital shall be required to meet and maintain the standards established and approved by this Board for private hospitals;
- 2. Any public institution providing skilled nursing home services shall be required to meet and maintain the standards established and approved by this Board for private nursing homes, as well as the standards for skilled nursing homes established pursuant to Title XIX of the Social Security Act;
- 3. Any public institution for tuberculosis or mental diseases providing in-patient hospital services shall be required to meet and maintain the standards established and approved by this Board for private hospitals, as well as the standards for a tuberculosis hospital or psychiatric hospital, as appropriate, established pursuant to Title XVIII of the Social Security Act;
- 4. Procedures and processes required to determine that the standards established herein are met and maintained by the appropriate institutions shall be exercised by and through the Bureau of Community Institutions, utilizing, so far as available, the services of the Office of Certification of Health Facilities (State Department of Health); and
- 5. The Commissioner shall promulgate such further policies and procedures, as may be necessary, to implement this resolution.

Lloyd B. Wescott, President
State Board of Control

Note: The above Resolution was filed and became effective January 14, 1970 as R. 1970 d.11 (Exempt, Nondiscretionary Rule).

(a) INSTITUTIONS AND AGENCIES

BOARD OF CONTROL

Proposed Minimum Bed Requirements for Hospitals

The State Board of Control, pursuant to authority delegated in N.J.S.A. 30:11-1 et seq., proposes to revise the Regulations concerning minimum bed requirements for a hospital facility in order to amend and supplement the regulations contained in the Manual of Standards for Private Hospitals (dated July, 1968).

The proposed Regulations which shall be applicable to all new and existing licensed and approved general hospitals in the state, are as follows:

The Board of Trustees of a proposed new hospital or of an existing hospital proposing to expand should demonstrate by adequate supporting data that the planned facility is needed, that it has adequate community support, sound financing and a program to provide adequate professional and non-professional staffing.

- 1. Any new hospital proposing to build must present a master plan, including schematic drawings, for a 200-bed hospital and must complete 100 beds within that plan. If a new hospital will initially complete and operate fewer than 200 rated beds, the hospital must demonstrate that other hospitals in the area are willing to, and are able to, provide the services excluded by the new hospital which are adequate to meet the needs of the community to be served by the new hospital.
2. Any existing hospital of fewer than 200 beds proposing to expand must present a master plan, including schematic drawings, for orderly expansion to a 200-bed hospital. If the existing hospital has fewer than 100 beds it must complete a minimum of 100 beds within that plan.
3. Full consideration should be given to possible merger of facilities and consolidation of planned or existing services with other hospitals before building new or expanding existing hospitals.
4. If the need is demonstrated, any satellite hospital facility may be smaller than 100 rated beds; but must be affiliated with, and operated under, the effective supervision of the Board of Trustees of an existing 200-bed (or larger) hospital. Any new satellite hospital facility must also be planned and constructed under the effective supervision of the Board of Trustees of the hospital with which it is affiliated.
5. If the need is demonstrated, an out-patient clinic service (including emergency services) of an existing hospital may be located in a separate building and at a distance from the hospital, but must be operated under the effective supervision of the Board of Trustees of an existing 200-bed (or larger) hospital.

Any interested person may present statements or arguments in writing relevant to the proposed action to: Office of the Commissioner Department of Institutions and Agencies 135 West Hanover Street Trenton, New Jersey 08625 on or before February 27, 1970.

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

Lloyd B. Wescott, President State Board of Control Dept. of Institutions and Agencies

(b) INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of the Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A. 44:10-3 proposes to amend the Categorical Assistance Budget Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

- 316. CHILD CARE
316.1 Expenses of child care for the purposes of this Section means the authorized rates for "Day Care Centers," "Family Day Care Homes," [and] "In Home Care" and "Day Camps."
316.4 b. Special circumstance allowances or vendor payments for child care are authorized only for day care centers, [or] family day care homes, and day camps which have been approved by the Department of Education or Bureau of Children's Services, whichever is applicable.

316.8 Day Camp

a. "Day camp" is construed to mean either the operation of day care center services in an outdoor rather than an indoor setting, or other supervised group care for children with a planned recreational and educational program in an outdoor setting.

b. The use of a day camp is permitted as an alternate form of child care during periods when other facilities are unavailable or in situations where, in the judgment of the County Welfare Board, such care is considered necessary or desirable.

c. The maximum allowable rate for care in a day camp, regardless of the source or sources of such payment, shall not exceed the applicable rate for the particular facility and class of service as determined by the Bureau of Children's Services. This rate shall be inclusive of all transportation costs except as authorized in Section 314.2 (when it is essential for physical health and safety, the costs of transporting a handicapped child to and from day camp).

317. EXPENSES INCIDENT TO WORK EXPERIENCE, OR JOB TRAINING PROGRAMS

317.1 [When a client is participating in a designated and/or approved job or work experience training program or when a client has been enrolled in WIN Program, Priority II, a special circumstance allowance for expenses incident to training for each such person shall be recognized unless Section 317.2 is applicable.]

A special circumstance allowance for expenses incident to training shall be recognized, except when Section 317.2 is applicable, for each member of the family budget unit participating in one of the following:

- a. a job or work experience training program designated and/or approved by the County Welfare Board;
b. in ADC, enrollment in the WIN Program, Priority II;
c. enrollment in a full-time (as defined by the Institution client is attending) educational experience other than the normal four-year high school curriculum, regardless of the type of program, provided such educational program is designed to attain a vocational objective which, in the judgment of the County Welfare Board, is both feasible and reasonable.

317.2 A special circumstance allowance for expenses incident to training shall not be recognized in any of the following situations:

- a. in [OAA, AB & DA,] all programs, client is receiving allowances or payments of any kind from a MDTA program (see Sections 408.7 and 412.5);
b. in ADC, client is participating in the WIN Program, Priority I or Priority III;
c. in all programs, client is participating in any other training program which provides payments or allowances for expenses incident or attributable to training;]
[d.] c. in all programs, client is employed and [his] allowance for expenses of employment [are recognized in his budget.] is being deducted from earnings or otherwise recognized.

317.3

- a. The monthly special circumstance allowance for expenses incident to training is \$50.
b. This allowance is deemed to be a total allowance and thus inclusive of all expenses [(except for child care and medical care costs)] incident or attributable to [job or work experience] training (except for child care and medical care costs). No additional allowances [for expenses incident to job or work experience] of any kind for training are authorized.
c. When the client is participating in any training program recognized in Section 317.1 (except the WIN Program, Priority II) which itself provides payments or allowances for expenses incident or attributable to training, the amount of such payments or allowances (except those amounts directly and identifiably expended for tuition, other educational fees, required textbooks, laboratory equipment, other required equipment and transportation expenses) shall be considered as unearned income of the client in determining the family budget deficit.

(1) In ADC, when an eligible child under 21 is regularly attending school, such child shall be budgeted according to Section 606.4.

402. AVAILABLE RESOURCES

402.1 Only available resources shall affect the amount of the grant. The cash, which can be realized, by the sale or pledge of a resource, within [a period of 7 days,] the time period that would be covered by an assistance payment shall be considered as an available resource. However, if immediate need is demonstrated, a grant shall be provided until such time as the cash is actually available.

402.3

b. 3. Conservation of Income for Specified Purpose: Moneys which a client who is in fact a public

assistance recipient may set aside, whether in a bank account or otherwise, for the specific purpose of accumulating funds to cover the purchase of an identified item(s) of family living, will not be considered an available resource so long as the amount thus conserved does not exceed the total of three months' budgeted needs for the family budget unit.

408. EXEMPT RESOURCES

408.3 DISREGARD OF EARNED INCOME IN ADC

c. EARNED INCOME OF A FULL OR PART-TIME STUDENT OVER 14 YEARS OF AGE

The earned income of any child over 14 years of age in [an] the ADC Family Budget Unit who is a [full or part-time student, but who is not a full-time employee,] full-time student, or is a part-time student who is not a full-time employee, shall be disregarded in determining need of the Family Budget Unit and in evaluating his capacity as a legally responsible relative.

4. [Students eligible for such disregard, and also students who are fully employed and thus not eligible for the disregard (408.3-c.)] Part-time students who are fully employed and are thus not eligible for the disregard of earned income as described in this section, may have all or portions of their income conserved for future identifiable educational needs in accordance with Section 408.3-d.

502. LEGALLY RESPONSIBLE RELATIVES

502.1 Certain relatives are specifically identified by law as legally responsible relatives (R.S. 44:1-140). For purposes of application of the specific policies and standards hereafter provided in this chapter and Appendix V the following table indicates the legally responsible relative, in each categorical program, to whom such policies and standards are intended to be applicable:

LEGALLY RESPONSIBLE RELATIVE

Table with columns: LEGALLY RESPONSIBLE RELATIVE, PROGRAM, OAA, DA, ADC, AB, MAA, MA. Rows include Spouse, Child under age 55, Any parent of a minor child, Parent under age 55, Grandparent under age 55, Parent under age 55 of a blind or disabled child over 21.

606. THE FAMILY BUDGET UNIT

606.2 ADC

h. A child or an adult eligible for ADC who is temporarily in an institution shall continue to be regarded as a member of the family budget unit. In situations where such residential institutional care continues for a period of 30 days or more (disregarding any interruptions for "visits home" by the day or week-end) the element of food shall be recognized as an income equivalent of [\$30.00] \$25.00 per month.

606.4 ELIGIBLE ADC CHILD OVER 18 AND UNDER 21 REGULARLY ATTENDING SCHOOL

a. In ADC, when in accordance with Manual of Administration, Section 2280.2, an eligible child under 21 is regularly attending school, this child shall be included as a member of the family budget unit whether or not he is living in the home during the period in which he is pursuing his studies.
b. [In those situations where such child is attending a post-secondary school (e.g.—college, community college, vocational school above high school level, etc.) a monthly special circumstance allowance of \$50.00 for expenses incident to training shall be recognized in accordance with Section 317, during those months the student is actually attending such school, except in situations where he is a full time employee (see Section 408.3-c.).
1. The student who is a full time employee is eligible for deduction of expenses of employment and the disregard of earned income (Section 408.3-a.)]

Any unearned income of this child, such as scholarships, grants or any other forms of financial assistance for educational purposes, shall first be applied to expenses directly related to education, namely: tuition payments, payment of student fees, purchase of required textbooks, laboratory equipment, any other required equipment, transportation expenses, and, if he is living away from home, room and board expenses. All remaining unearned income shall be considered as income to the family budget unit. (See Section 408.3 for regulations concerning earned income of a full or part-time student.)

The student and the County Welfare Board have joint responsibility in securing factual data concerning such scholarships, grants, or funds.

1. If the student is in fact living apart from the family budget unit and is receiving financial assistance for full room and board expenses, the element of food shall be recognized as an income equivalent of \$25.00 per month in determining the needs of the family budget unit.

Institutions and Agencies—continued

- 611. BUDGETARY STATEMENT SECTION—DETERMINATION OF MONTHLY SHELTER COST
 - 611.3 Enter the number of persons in the shelter unit. Do not include any persons who are in fact roomers or roomer-boarders.
 - 613. BUDGETARY STATEMENT SECTION—DETERMINATION OF INCOME FROM ROOMER(S) TABLE-BOARDER(S) OR ROOMER-BOARDER(S)
 - 613.2 [All income derived] The total net income from this source(s) shall be entered on the income side of the client's budget.
- Note: In Appendix Sec. I Schedule IX "Emergency Home Furnishings," the following change is proposed:
Under the heading "Kitchen Furnishings," add the item "Range" and the following allowances in this order under columns one through six: \$100, \$100, \$100, \$100, \$100, \$125.

Appendix Sec. II

II. 4. REGULATIONS AND SCHEDULE OF MONTHLY ALLOWANCES FOR ROOM AND BOARD FOR ADULTS

- 4.5 When a client, who is in need of extensive personal services on a regular and continuous basis, is purchasing a room and board living arrangement, with personal service, in a private family home in which he is the only guest, the monthly allowance may be an amount up to [\$130.00] \$150.00.
- 4.7 In no event shall the public assistance allowance to the client for purchase of a room and board living arrangement, with or without extensive personal services, exceed the minimum amount which the establishment customarily charges to or for other guests, not dependent on public assistance or other form of public subsidy, for the same accommodations and/or services.
- 6. WELFARE RENT SCHEDULES FOR PUBLIC ASSISTANCE RECIPIENTS RESIDING IN PUBLIC HOUSING PROJECTS
- 6.1 The amount of rent to be charged public assistance recipients residing in public housing projects shall be determined in accordance with the procedures and conditions developed by the Division of Public Welfare, the Regional Office of the Federal Department of Housing and Urban Development, and the New Jersey State Association of Housing and Redevelopment Authorities. Each Welfare Rent Schedule so established will represent the amount of rent correctly to be charged by a particular Housing Authority, and the amount that will be recognized by the public assistance agency.
These regulations are not to be construed as contradictory to Section 108. of this Manual and the rental amounts established shall be considered reasonable as defined by Section 107.
- 6.2 The Welfare Rent Schedule is to be used when any portion of a family's income is derived from any public assistance program.
- 6.3 There will be no surcharges for excess utilities made by the Housing Authority.
- 6.4 The Schedule will establish a maximum rent to be charged for families of seven or more; for Housing Authorities which have established a maximum rent applicable to all tenants, the amount of rent to be charged for families of seven or more shall be the lesser of the Welfare Rent Schedule maximum or the maximum established for all tenants.
- 6.5 Each Schedule is applicable to a specific Authority and is authorized as a temporary arrangement only, subject to any change at a later date or as the result of any Statewide policy on this subject which may be developed.
- 6.6 The amount of public assistance payments made to families shall be considered by the Housing Authority as secondary income and shall not be used in determining eligibility for occupancy.
- 6.7 The local Housing Authority shall have the authority, subject to the conditions in Sections 6.2 through 6.6, to effect an adjustment in the Welfare Rent Schedule at any time, provided that any such change shall not occur within a period of one year from the date of a previous adjustment.
The procedure for making an adjustment in the Welfare Rent Schedule is as follows:
 - a. The Housing Authority shall initiate the process for an adjustment in the Schedule by:
 - 1. computing a proposed Schedule in accordance with the formula; and
 - 2. forwarding two copies of this Schedule to the municipal welfare department and two copies to the county welfare board.
 - b. The proposed Schedule must be received by the public assistance agencies at least 60 days prior to the effective date of the implementation of such Schedule.
 - c. Upon receipt of the proposed Schedule the local public assistance agencies will each retain one copy and promptly forward the other copy to the Division of Public Welfare with a statement including:

- 1. Acceptance of, or objections (with reasons) to the new Schedule.
- 2. The suggested effective date of the implementation of the Schedule.
- 3. Any other comments or suggestions.
- d. The Division of Public Welfare upon receipt of a proposed Schedule which it finds to be correct in accordance with the formula, will send a formal letter of approval of such Schedule to the Housing Authority with copies of the letter to the public assistance agencies. This letter shall include:
 - 1. The effective date of the implementation of the Schedule.
 - 2. The rents as set forth in the Schedule.
 - 3. A statement that the Schedule is approved with the understanding that it had been prepared in accordance with the formula.
- 6.8 No new Welfare Rent Schedule shall be implemented by either the Housing Authority or the public assistance agencies prior to receipt of official notice of approval from the Division of Public Welfare.

Appendix Sec. V.

G. SCHEDULE II — FOR DETERMINING THE LEGALLY RESPONSIBLE RELATIVE'S CAPACITY TO CONTRIBUTE TO SUPPORT

- 3. Legally Responsible Relative is Married and Both Husband and Wife Have Income
 - a. When the LRR whose capacity to support is being determined is a married person, and both the husband and wife have income, proceed as follows:
 - (1) For Family Size of 2 only:
Consider only the income of the LRR and include the spouse in determining family size.
 - (2) For Family Sizes of 3 or more:
Consider only the income of the LRR and exclude the spouse only in determining family size.
 - (3) Make any adjustments as authorized by Appendix V - [A, B, C and D.] Sections B and D.
 - (4) The resulting figure is the adjusted income to [be used to determine] use in determining the LR's capacity to contribute to support.
 - b. Husband and wife are legally responsible relatives of the same client
When the husband and wife have incomes and both are LRRs of the same client or family budget unit:
 - (1) add the incomes of the husband and wife;
 - (2) make any adjustments as authorized by Appendix V - Sections [A] B and [C] D;
 - (3) the resulting figure is the adjusted income to [be used to determine] use in determining the LRR's capacity to contribute to support.
- Any interested person may present statements or arguments in writing relevant to the proposed action to Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before February 27, 1970.
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)

INSTITUTIONS AND AGENCIES
DIVISION OF PUBLIC WELFARE
Proposed Changes in the Food Stamp Program Manual

Proposed Amendments to the Food Stamp Program Manual
Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 30:1-12, proposes to amend the New Jersey Food Stamp Program Manual by revising Exhibit B—Table II—Net Income Basis of Coupon Issuance for Low Income Households.

The purpose of this proposed revision is to liberalize the program by reducing the amount of money needed to purchase food coupons, and to provide that families of the same size receive the same total coupon allotment, which amount has been determined by the United States Department of Agriculture.

Copies of the proposed revision to Exhibit B—Table II may be obtained by writing to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625.

Any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare at the above address on or before February 27, 1970.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revision of Public Welfare Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:10-3, proposes to revise the Division of Public Welfare Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

- 2286. Employment and Training
 - .2 Employment or Training for Mother
 - a. Since it is a basic principle to strengthen family life, a mother's first responsibility is the care and protection of her child and/or incapacitated husband. However, self-support, by all reasonable means, should at all times be actively encouraged. Consistent with this principle, total or partial self-support through employment or training for employment of the mother [may] shall be encouraged provided such employment or training is not contraindicated after careful evaluation of the following criteria:
 - 1) The need for the mother's services at home depends upon the number, age and special needs of the children (see 2200. Appendix on WIN program for guidelines) incapacity of the father; the mother's acceptance of the homemaking responsibility; and the availability of a mother-substitute to assure the adequate care and supervision of the children at home or child care setting.
 - 2) Her potential for employment or training depends upon her [training and] capacity for employment or training, the economic feasibility, the job availability, and her physical and emotional ability to assume the dual responsibility of mother and breadwinner.
 - b. If, in the finding of the agency, the employment or training of the mother is not contraindicated, she may be required to show that she is actively seeking employment, and may be required to accept employment or training when suitable employment or training opportunity can be identified as available to her. Under such circumstances, failure or refusal to seek employment or to accept available employment or training, shall be just cause to delete the needs of the mother from the grant [subject to executive approval].

Any interested person may present statements or arguments in writing relevant to the proposed action to Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before February 27, 1970.

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

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:10-3, proposes to revise the Division of Public Welfare Manual of Administration by adding the following as an ADC insert (additions indicated in bold face thus; deletions indicated within brackets [thus]):

- 2560. METHODS OF PAYMENT FOR INCOMPETENT RECIPIENTS
[All references to representative payee and authorized custodian are applicable in ADC.]
The principle of money payments presumes that a person is physically and mentally able to manage his personal affairs. It is recognized, however, that some persons otherwise eligible, cannot be effectively provided for through the issuance of cash payments, either because they are legally barred from endorsing checks or because otherwise inadequate to manage their own affairs.
Assistance shall be provided for eligible persons determined to be incompetent (as defined in .1, below) by whichever method (as provided in .2, below) is required or appropriate.
- .1 Incompetent Person Defined
 - a. Not applicable in ADC.
 - b. Not applicable in ADC.
 - c. Not applicable in ADC.
 - d. Applies in ADC. (See 2294., Other Incompetents and 2633., Family Life)

Institutions and Agencies—continued

2. Methods Available

- a. Not applicable in ADC.
- b. Applies in ADC.
- c. Applies in ADC.
- d. Applies in ADC.
- e. Applies in ADC.

3. Priorities and Conditions in Selection of Method

- a. Not applicable in ADC.
- b. In ADC assistance shall be paid, whenever possible, to a protective payee in any case where it is determined that the payments to such parent or relative are failing to secure for the child or children a standard of maintenance and care consistent with the program. (See 2562.) A protective payee is authorized to administer payments of public assistance, but is not authorized to receive, hold or administer any other property, real or personal, of the recipient nor to act as representative of the recipient in any other manner whatsoever. Money payments made by this method as well as medical vendor payments are subject to Federal matching.
- c. Applies in ADC.
- d. Not Applicable in ADC.
- e. Applies in ADC.

4. Limitations on Appointment Applies in ADC.

2561. Payments on Behalf of Incompetent Minor (18-21 years)
Not applicable in ADC.

2562. Protective Payee Applies in ADC.

1. Determination of Need for Protective Payments

- a. In ADC a determination that protective payments are required must be based upon the CWB's findings that the parent or parent person is so unable to manage money that making assistance payments to him would be contrary to his welfare and the welfare of the child or children. (See 2294.2)

1. b. Not applicable in ADC.

2. Selection of Protective Payee Applies in ADC.

3. Appointment of Protective Payee Applies in ADC.

4. Payment Procedure Applies in ADC.

5. Assistance and Services to Recipient

- a. Applies in ADC.
- b. Applies in ADC.
- c. In ADC when it appears that need for protective payments will continue or is likely to continue beyond one year because all efforts have not resulted in sufficiently improved use of assistance in behalf of the child, appointment of a representative payee or legal guardian shall be effected. However, action to effect appointment of a representative payee or legal guardian shall be taken whenever such action will more appropriately serve the recipient's welfare than the continuation of a protective payee.

CWB shall review the need for protective payments on behalf of children and the way in which a protective payee's responsibilities are carried out as frequently as is indicated by the individual's circumstances and at least every three months.

- d. In ADC action to terminate protective payments for a recipient shall be promptly taken whenever a determination by the CWB indicates that such procedure is no longer required.

The termination of this procedure shall be recorded in the welfare board minutes and written notice shall be sent to the individual concerned. The recipient shall also receive written notice of the termination of the arrangement.

6. Change in Protective Payee Applies in ADC.

7. Fair Hearing Applies in ADC.

2563. Representative Payee or Legal Guardian

1. Appointment of a Representative Payee or Legal Guardian Applies in ADC.
2. Payment to a Representative Payee or a Legal Guardian Applies in ADC.
3. Change of Representative Payee or Legal Guardian Applies in ADC.

2564. Authorized Custodian Applies in ADC.

2625. Competency Status

1. Mental Competency First sentence applicable in ADC.
2. Minority (DA) Inapplicable in ADC. (See 2112.1 ADC Insert for discussion of "parent minor")
3. Other Incompetency [Inapplicable in ADC] Applies in ADC.

2633. Family Life

1. General Policy on Eligibility

The law, in addition to stating that the purpose of ADC is to provide care for children "under standards and conditions compatible with decency and health to help maintain and strengthen family life," also directs that "payments of financial assistance, with respect to a dependent child or children, to a parent or relative with whom such child is living, will be terminated promptly, and other arrangements for the care and maintenance of such child or children instituted, in any case where it is determined that the payments to such parent or relative under the provisions of this act are failing to secure for the child or children a standard of maintenance, care and family life consistent with the purpose stated above."

It shall be a continuing concern of CWB to assure that the purpose of the program as stated above is being accomplished in each active case[.]. Methods will be in effect by which children will be identified whose parent or relative has demonstrated an inability to comply and prompt action shall follow upon any considered decision of the CWB that such purpose of the program is being violated. (See 2560., Methods of Payment for Incompetent Recipients.)

2685. Requests to Return Unattached Child to New Jersey

3. When Child is Member of ADC Family

a. Request Received by BCS (Central or District Office)

When the BCS routes to CWB a request initially received by BCS and determined to be for a child who is a member of an ADC family, CWB shall take prompt action to evaluate the situation. If it is determined that the child should return to his family CWB shall negotiate directly with the referring out-of-State agency, giving assurance that the child will be eligible to receive ADC as soon as returned, and asking for details of travel plans.

Appropriate adjustment of the ADC grant shall coincide with the date of return [.] . [Where necessary an additional payment should be issued by executive authority as provided in] and in accordance with 2520. ADC Insert. It will be expected that the out-of-State agency will provide the cost of transportation.

If CWB determines that it is not a good social plan for the child to return to the ADC family, a summary of the reasons for the decision together with copies of the correspondence shall be forwarded to the [Bureau] Division for referral to BCS.

b. CWB Receives Request

When CWB receives the request from out-of-State regarding return of a child who is a member of an ADC recipient family, CWB shall promptly investigate the situation and follow the same procedures as in a. above.

c. [Bureau] Division Receives Request

In the event that the State [Bureau] Division receives a request to return a child, and it can be determined from [Bureau] Division files or by telephone clearance with a CWB that the child is a member of an ADC recipient family, the [Bureau] Division will acknowledge the request and route the correspondence to CWB for processing as in a. above.

All other requests will be referred directly to BCS.

d. Municipal Director Receives Request

The municipal welfare departments have been instructed to route all such requests to the State [Bureau] Division for disposition.

Any interested person may present statements or arguments in writing relevant to the proposed action to Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before February 27, 1970.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY
Industrial Trucks

Notice is hereby given that on December 29, 1969, Raymond F. Male, Commissioner of Labor and Industry, pursuant to authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with the applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., adopted Chapter 147, Industrial Trucks, of Title 12 of the New Jersey Administrative Code.

Requests for copies of the text of the Chapter should be addressed to:

Department of Labor and Industry
Bureau of Engineering and Safety
P.O. Box V
Trenton, New Jersey 08625

The following is the Foreword to the Chapter:

FOREWORD

Prior to World War I there were practically no industrial trucks or, for that matter any other material handling equipment in substantial use. The industrial fork lift truck as we know it today really started its ascendancy during World War II.

In our growing industrial civilization with its great concentrations of population it would be very difficult indeed to move the vast amounts of food and material needed without the use of the industrial truck. While the industrial truck has been introduced to reduce the cost of material handling, its introduction has produced new problems in moving material safely.

We are concerned not only with the design and construction of trucks but also with their safe application and use. As with other types of mobile equipment the misuse of the industrial truck may present a hazard both to the operator and other workers. This misuse may also introduce a fire or explosion hazard and the possibility of water damage and mechanical damage to plant facilities.

We can adequately specify the design and construction requirements for the equipment, but that is just part of the problem. To remain safe the truck must be kept in good operating condition. The severe service to which industrial trucks are subjected make adequate maintenance programs imperative. The final responsibility for safe operation, provided the truck is well designed and properly maintained, is the operator's. He must be trained and have the degree of competence to perform the task in a safe manner.

Therefore, this Chapter of the New Jersey Administrative Code is promulgated to establish reasonable standards for the design, construction, maintenance and operation of industrial trucks.

This Chapter is promulgated by the Commissioner of Labor and Industry of the State of New Jersey, under authority vested in him by Section 9 of the Worker Health and Safety Act, P.L. 1965, Chapter 154, N.J.S.A. 34:6A-9 as follows:

The Commissioner shall make and promulgate rules and regulations reasonably necessary to implement the purposes of this act. Such rules and regulations shall have the force and effect of law and shall be enforced in the manner provided in this act . . .

The same statute provides authority for the Commissioner to grant exceptions to the requirements of this Chapter in accordance with Section 23 as follows:

The Commissioner shall have the power and authority to grant exceptions from the literal requirements of rules and regulations promulgated under this act. Such exception shall be granted in any particular case only where it is clearly evident that it is necessary to prevent undue hardship or where existing conditions prevent compliance. In no case shall any exception be granted unless in the opinion of the Commissioner reasonable protection of the health and safety of workers and the public will be maintained thereby. An application for an exception shall be filed in writing with the Commissioner, setting forth specifically the requirements of the rules and regulations from which an exception is desired and the reason why enforcement of the applicable provisions of the rules and regulations is unreasonable. The Commissioner shall grant or deny the exception within 30 days from the date of receipt by him of the application. The Commissioner shall maintain a record of all exceptions granted and shall make such record reasonably available for public examination and shall mail a copy of all rulings granting exceptions to the members of the board.

This Chapter was submitted to the Industrial Truck Association for their review and comment.

Prior to its promulgation, this Chapter was submitted to the New Jersey State Industrial Safety Committee, Public Hearing, and the New Jersey State Industrial Safety Board in accordance with the requirements of the act cited above.

An order adopting this Chapter was filed January 15, 1970 as R. 1970 d.12, to be become effective July 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(a)

LABOR AND INDUSTRY
BUREAU OF ENGINEERING AND SAFETY
Overhead and Gantry Cranes

Notice is hereby given that on December 15, 1969, Raymond F. Male, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, 52:14B-1 et seq., adopted Chapter 148, Overhead and Gantry Cranes, of Title 12 of the New Jersey Administrative Code.

Requests for copies of the text of the Chapter should be addressed to:

Department of Labor and Industry
Bureau of Engineering and Safety
P.O. Box V
Trenton, New Jersey 08625

The following is the Foreword to the Chapter:

FOREWORD

This Chapter is a new Chapter of the New Jersey Administrative Code on the subject of overhead and gantry cranes.

This Chapter establishes reasonable standards for such cranes in places of employment for the protection of the health and safety of employees.

This Chapter is promulgated by the Commissioner of Labor and Industry of the State of New Jersey, under authority vested in him by Section 9 of the Worker Health and Safety Act, P.L. 1965, Chapter 154, N.J.S.A. 34:6A-9 as follows:

The Commissioner shall make and promulgate rules and regulations reasonably necessary to implement the purposes of this act. Such rules and regulations shall have the force and effect of law and shall be enforced in the manner provided in this act

The same statute provides authority for the Commissioner to grant exceptions from the requirements of this Chapter in accordance with Section 23 as follows:

The Commissioner shall have the power and authority to grant exceptions from the literal requirements of rules and regulations promulgated under this act. Such exception shall be granted in any particular case only where it is clearly evident that it is necessary to prevent undue hardship or where existing conditions prevent compliance. In no case shall any exception be granted unless in the opinion of the Commissioner reasonable protection of the health and safety of workers and the public will be maintained thereby. An application for an exception shall be filed in writing with the Commissioner, setting forth specifically the requirements of the rules and regulations from which an exception is desired and the reason why enforcement of the applicable provisions of the rules and regulations is unreasonable. The Commissioner shall grant or deny the exception within 30 days from the date of receipt by him of the application. The Commissioner shall maintain a record of all exceptions granted and shall make such record reasonably available for public examination and shall mail a copy of all rulings granting exceptions to the members of the board.

Prior to its promulgation, this Chapter was submitted to the New Jersey State Industrial Safety Committee, Public Hearing, and the New Jersey State Industrial Safety Board in accordance with the requirements of the act cited above.

An order adopting this Chapter was filed December 16, 1969 as R. 1969 d.27, to become effective May 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

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

Notice is hereby given that on January 6, 1970, June Strelecki, Director of Motor Vehicles, pursuant to authority of applicable provisions of Title 39, Motor Vehicles and Traffic Regulations, of the New Jersey Statutes Annotated, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, 52:14B-1 et seq., adopted rules governing Driving Tests, Visual Acuity, Law Knowledge Tests, Applications for Licenses, Validation of Permits, Student Permits, and Bus Driver Licenses as set forth in the Notice published November 27, 1969 at 1 N.J.R. 20(c).

Orders adopting these rules were filed and became effective January 9, 1970 as R. 1970 d.3, d.4, d.5, d.8, d.7, d.8, and d.9.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES
Point System for Drivers

New Jersey has been called one of the most progressive states in developing safety on the road by supervision of drivers and inspection of vehicles.

Since 1938, New Jersey owners have been subject to vehicle inspection, at first twice a year, but now annually. Driver education courses in the state's high schools have mushroomed in recent years, with heavy emphasis on developing safe drivers.

Many chronic violators of traffic laws and unsafe drivers have had their licenses suspended or revoked since the state's famous "point system" went into effect in July 1952.

Speeding is a major reason for suspension of a driver's license. The most recent regulation of the Division of Motor Vehicles, relating to the suspension of a license on a speeding charge, became effective April 1, 1969. It is substantially the same regulation that has been in effect for several years. It follows:

"The New Jersey driver license or reciprocity driving privilege of any person shall be suspended upon conviction of operating a vehicle upon any street or highway, or upon any turnpike, parkway or facility operated by a state authority, commission, board or agency created by the State or by compact or agreement between this State and any other State, now existing or which may hereafter be created, at a speed of:

1. Ten or more miles per hour over the legal limit, providing the speed as indicated by the conviction is 60 to 80 miles per hour, such suspension to be for a period of 30 days.

2. Sixty miles per hour or greater where the safe driving speed limit upon any turnpike, parkway, or facility operated by a state authority, commission, board or agency, or by compact or agreement between this State and any other State or upon any other limited access highway, has been reduced by the proper authority because of weather conditions, road conditions, or any emergency, such suspension to be for a period of 30 days.

3. Eighty-one miles per hour or greater but not exceeding 90 miles per hour providing the speed is in excess of 20 miles or more of the legal speed limits, such suspension to be for a period of 60 days.

4. Ninety-one miles per hour or greater but not exceeding 100 miles per hour providing the speed is in excess of 20 miles or more of the legal speed limit, such suspension to be for a period of 90 days.

5. One hundred-one miles per hour or greater, such suspension shall be for a period of time to be determined by the Director based on the actual speed and driving record but in any event not less than a period of four months.

Upon conviction for a violation encompassed by this Regulation, if the Judge of the court does not impose suspension, the Director shall suspend for the period required by this Regulation. Where the Judge of a court upon conviction for a violation encompassed by this Regulation suspends a driver license for a period less than provided by this Regulation, the period of suspension shall be increased by the Director to the period required by this Regulation. No lesser period of revocation or suspension shall be imposed than that directed by the court."

The point system, by which an errant driver can have his license suspended after he accumulates 12 points, was amended slightly in August, 1969, to provide that a driver whose license was suspended under the regulation printed above would not also receive points.

The point system regulation now in force follows:

I. Point System for motor vehicle and traffic law violation repeaters.

- Leaving scene of an accident 8 points
- Reckless driving 6 points
- Racing on highway 6 points
- *Speeding - 20 MPH or more over legal limit providing speed limit is under 50 MPH 6 points
- *Speeding - Other 4 points

*No points will be assessed for a speeding conviction which results in a driver license suspension under the Suspension for Speeding Regulation.

- Passing on curve or hill or otherwise unsafely 5 points
- Passing stopped school bus 5 points
- Following too closely 5 points
- Other moving violations 3 points

II. The date of the violation will be the controlling factor in evaluating the three year period.

III. Violations in other states and the Provinces of Canada will be charged against the driving record and points assessed.

IV. An accumulation of twelve points within a three year period may cause the driver to be subject to a hearing before the Director of the Division of Motor Vehicles or a Hearing Officer designated by the Director on a rule to show cause why his driver license should not be suspended, or driver may elect to attend a Division of Motor Vehicles Driver Improvement School.

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Cardiovascular Conditions

The Division of Motor Vehicles may require persons who now have or in the past have had cardiovascular conditions to meet certain requirements before a driver's license may be issued or renewed.

A regulation of the Division, in effect since 1963, has the following provisions:

1. The Director in consultation with the Medical Society of New Jersey shall appoint a Medical Advisory Panel of specialists in cardiovascular disorders for the purpose of guiding him in making determinations as to whether persons are physically qualified to operate motor vehicles with safety.

2. Where it shall appear to the Director upon information or investigation that any applicant for a driver license or licensed driver suffers or has suffered from a cardiovascular condition, he may require from such person on form furnished by the Director:

(a) Statement by the applicant of his case history.

(b) Statement by a physician including all pertinent information relative to the applicant's case including diagnosis, treatment, and prognosis.

3. All available information including the driver's statement of his case history and the attending physician's report will be referred to the Medical Advisory Panel for review and recommendation. If in the opinion of the Panel it is advisable, the applicant may be required to be examined by a member of the Panel including x-ray and/or electrocardiogram. A reasonable fee will be established to be paid by the applicant.

The members of the Medical Advisory Panel will report their findings and recommendations to the Director and the Director will determine whether or not a person may be issued a driver license.

V. The Director, in his discretion, may permit a driver subject to suspension under this Regulation to elect to attend a Division of Motor Vehicles Driver Improvement School in lieu of all or part of a period of suspension. The maximum period of suspension that may be credited is two (2) months.

If a period of suspension longer than two (2) months is imposed, a driver must surrender his driver license in accordance with an official order of suspension and he must serve the period which is in excess of two (2) months. The privilege may be restored after expiration of the period in excess of two (2) months upon agreement to attend a Division Driver Improvement School.

A driver who elects to attend a Division Driver Improvement School in lieu of all or part of a period of suspension shall agree in a signed statement to the following conditions:

He will attend a school to which he is assigned with respect to location and he will attend each of the sessions of the class to which he is assigned.

He will comply with the rules governing attendance, his conduct, instructions and examination.

He will, upon successfully completing the course, in lieu of all or part of period of suspension be officially warned with respect to his future driving.

He will be subject to suspension of driver license privilege if he fails to attend each of the sessions, fails to comply with the rules, or fails to successfully complete the course.

VI. A driver who accumulates twelve or more points and his driver license privilege is suspended may be required to attend and successfully complete a Division of Motor Vehicles Driver Improvement School Course as a condition to restoration of driver license privilege.

VII. Restoration after suspension or official warning, or warning after successfully completing a Division Driver Improvement School Course following accumulation of twelve or more points shall be with the express condition and understanding that any violation of the motor vehicle laws of New Jersey committed within a period of one year thereof may result in summary suspension of driving privileges, without hearing, for the following periods:

- (a) When the violation occurred within six months of the date of action three months;
- (b) When the violation occurred after six months but within nine months of the date of action. two months;
- (c) When the violation occurred after nine months but within one year of the date of action. one month.

VIII. The provisions of this Regulation shall not be affected by any revocation or suspension imposed by the Judge of a court, except that no lesser period of revocation or suspension will be imposed than that directed by the court.

IX. Upon suspension of a driver license privilege under this Regulation, proof of financial responsibility for the future will be required if one or more violations for which points are assessed resulted in an accident.

Law and

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Law and Public Safety—continued

4. When the Director has denied an applicant a driver license pursuant to this Regulation, restoration of driving privilege may be considered providing the period of time has expired which is determined by the Panel to be applicable in the case.

Upon application for restoration, providing the period of time as determined by the Panel has expired since revocation or denial, the case will be referred to the Advisory Medical Panel as provided in Section 3 of this Regulation.

5. When an applicant is permitted to secure a driver license or his driver license privilege is restored pursuant to this Regulation, as a condition of restoration or issuance of a license the applicant must submit to the Director at six months intervals a statement of his case history and a statement of a physician on forms furnished by the Director.

The Division of Motor Vehicles may require persons who have certain convulsive disorders to comply with a regulation promulgated and adopted in 1964 and still in effect.

The regulation reads as follows:

1. Any person who suffers or who has suffered from epilepsy, convulsive disorders, convulsive seizures, or blackouts, shall as a pre-requisite to the issuance of a learner's permit or driver's license or a renewal of a driver's license establish to the satisfaction of the Director that he has been seizure free for a period of two years with or without medication and that he is physically qualified to operate a motor vehicle.

2. When it shall appear to the Director that a licensed driver or an applicant for a learner's permit or driver's license suffers or has suffered from epilepsy, convulsive disorders, convulsive seizures, or blackouts, the Director may, upon appropriate notice and opportunity for hearing, suspend the driving privilege of, or refuse to issue a driver's license to, such person as physically unqualified to operate a motor vehicle with safety. Provided, however, the Director may, in the exercise of his discretion, suspend such driver license or refuse to issue such learner's permit or driver's license pending hearing, if it shall appear to the Director to be in the interest of public safety that immediate action be taken.

3. When it shall appear to the Director, upon information received or an investigation conducted, that a licensed driver or any applicant for a learner's permit or driver's license suffers or has suffered from epilepsy, convulsive disorders, convulsive seizures, or blackouts, he may require from such person on forms approved by the Director:

- a. A statement by the applicant or licensee of his case history.
- b. A statement by the treating physician including diagnosis, treatment and prognosis.
- c. Any other information which the Director may deem necessary to evaluate the motorist's qualification to operate a motor vehicle.

4. The Director shall appoint a Medical Advisory Panel of three members to advise him as to issuing licenses to persons suffering from epilepsy, convulsive disorders and similar disabilities. The Director shall appoint the Panel upon consultation with and advice of the Medical Society of the State of New Jersey and the New Jersey Consultation Service for Convulsive Disorders.

All available information concerning the licensed driver or applicant, including the licensee's or applicant's statement of case history, the treating physician's statement as to diagnosis, treatment, and prognosis will be referred to the Panel for review, advice, and recommendation.

Each member of the Panel shall separately report his findings and recommendations to the Director of Motor Vehicles.

Notwithstanding the provisions of paragraph 1. of this Regulation, if the members of the Panel so recommend, the Director may grant a learner's permit or initial driver license or permit a motorist to retain his driver license although such person may have suffered from a seizure within a two year period from the date of the Director's determination.

5. When the Director has denied an applicant a driver's license or has suspended the license of a licensed operator pursuant to this Regulation, issuance or restoration may be considered providing the individual submits:

- a. A current statement of his case history.
- b. A current statement by the treating physician including diagnosis, treatment, and prognosis.
- c. A current report covering the results of an electroencephalographic examination.
- d. Satisfactory evidence that Section 1 and Section 4 of this Regulation have been complied with where applicable.

The Director may, in addition, require that a motorist be given a driving test and examination at the Division's Driver Improvement Clinic.

6. As a condition precedent to the issuance or restoration of driving privileges pursuant to this Regulation, the individual shall submit to the Director, on forms approved by the Director, a statement of his case history and a statement by a treating physician. These statements shall be submitted every six months for a period of two years from the date of restoration. Subsequent statements shall be submitted on a yearly basis.

(a)

STATE

ATHLETIC COMMISSION

Public Information about Professional Boxing Programs

Notice is hereby given that on January 5, 1970, Morris Moglever, Acting Athletic Commissioner, pursuant to authority delegated in N.J.S.A. 5:2-5, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., adopted a rule concerning public information about professional boxing programs as set forth in the Notice published November 27, 1969 at 1 N.J.R. 23(a).

An order adopting this rule was filed and became effective January 5, 1970 as R. 1970 d.2.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE INVESTMENT COUNCIL

Proposed Change in Rules

Carrol M. Shanks, Chairman of the State Investment Council, pursuant to the authority delegated in N.J.S.A. 52:18A-39, proposes to revise N.J.A.C. 18:3-5.140 as follows (additions indicated in boldface thus): 18:3-5.140 Temporary reserve group.

The temporary reserve group shall include:

- (a) General Investment Fund.
- (b) General Trust Funds.
- (c) Housing Assistance Fund.
- (d) Local Emergency Aid Fund.
- (e) New Jersey College of Medicine and Dentistry Funds.
 - (1) Operating Fund
 - (2) Grant Fund
- (f) New Jersey Educational Facilities Authority.
- (g) New Jersey Housing Finance Agency.
- (h) 1964 Higher Education Construction Fund.
- (i) Public Buildings Construction Fund.
- (j) Revolving Housing Development and Demonstration Grant Fund.
- (k) School Building Aid—Capital Reserve Fund.
- (l) State Employees' Social Security Deduction Fund.
- (m) State Health Benefits Fund.
- (n) State of New Jersey—Alternate Benefit Program.
- (o) State 1960 Institution Construction Fund.
- (p) State 1964 Institution Construction Fund.
- (q) State Recreation and Conservation Land Acquisition Fund.
- (r) State Transportation Fund.
- (s) State Water Development Fund.
- (t) Unemployment Compensation Auxiliary Fund.
- (u) Veterans' Loan Guaranty and Insurance Fund (Veterans' Guaranteed Loan Fund).
- (v) Water Conservation Fund.

Any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action to the Division of Investment, State House, Trenton, New Jersey 08625, on or before March 2, 1970. Telephone (609) 292-5106.

The State Investment Council, 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.

Norman E. Hardy
Deputy State Treasurer

(c)

TREASURY

DIVISION OF TAXATION
MOTOR FUELS TAX BUREAU
Proposed Revision of Rules

Notice is hereby given that the acting director of the Division of Taxation, Department of the Treasury, pursuant to the authority delegated in N.J.S.A. 54:39-10, proposes to revise N.J.A.C. 18:18-1G (7) and (9), to read as

follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

N.J.A.C. 18:18-1 DEFINITIONS — The following terms, whenever used or referred to in these Regulations, shall have the meanings given unless a different meaning clearly appears from the context:

- A. COMMON CARRIER means any person engaged in or employed in the business of carrying fuels for others for hire. (Historical Note: Formerly Reg. M.F. 10 filed 4/30/57.)
- B. DIRECTOR means the Director of the Division of Taxation in the Department of the Treasury. (Cross Reference: N.J.S.A. 54:39-9.)
- C. DISTRIBUTOR means and includes every person, wherever resident or located, who imports into this State fuels for use, distribution, storage or sale in this State after the same shall reach this State; and also every person who produces, refines, manufactures, blends or compounds fuels and sells, uses, stores or distributes the same within this State.
 - (1) A person applying for a New Jersey Distributor's License or presently holding a Distributor's License on the basis of the importation of motor fuels into this State, must import 50% or more of the total amount of motor fuels handled by him in this State calculated on a calendar year basis.
 - (2) No person who has had a Distributor's License cancelled for failure to import 50% or more of the fuel handled, will be eligible for a Distributor's License until six (6) months have elapsed from the time of cancellation.
 - (3) A New Jersey Licensed Distributor who acquires motor fuels in another State for eventual distribution by him within this State and who must temporarily relinquish title to such fuels for the sole purpose of availing himself of a pipeline facility to move those fuels into this State, shall be considered the importer of that fuel in computing his ratio of imports to meet the Distributor's License requirement established by this Bureau. (Cross Reference: N.J.S.A. 54:39-3.)

D. EXPORT means the sending or carrying by any person of fuels out of New Jersey to another State or foreign country in the way of commerce. (Cross Reference: N.J.S.A. 54:39-28.) (Historical Note: Formerly Reg. M.F. 2 filed 4/30/57.)

E. FUELS means (1) any liquid or gaseous substance commonly or commercially known or sold as gasoline regardless of its classification or use; and (2) any liquid or gaseous substance used, offered for sale or sold for use, either alone or when mixed, blended, or compounded, for the purpose of generating power for the propulsion of motor vehicles upon the public highways; and includes: (a) all grades of motor gasoline, natural gasoline, marine gasoline, aviation gasoline, motor fuel blending naphthas, motor grade benzol and motor grade toluol; and (b) any liquid prepared, advertised, offered for sale or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the latest revised standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products (American Society for Testing Materials Method D-86) shows not less than ten per centum (10%) distilled (recovered) below three hundred forty-seven degrees (347°) Fahrenheit and not less than ninety-five per centum (95%) distilled (recovered) below four hundred sixty-four degrees (464°) Fahrenheit; and (c) all combustible gases which exist in a gaseous state at sixty degrees (60°) Fahrenheit and at fourteen and seven-tenths (14.7) pounds per square inch absolute pressure, industrial naphthas and solvents, aromatic distillates, diesel fuel, additives, and all other products not included within the foregoing provision of this section; provided, however, that only those quantities of said combustible gases and said other products, which are used, offered for sale or sold for use to propel motor vehicles upon the public highways are to be subject to these regulations; and provided further, that any person dealing therein, shall at any time, and from time to time, upon written request of the Director, report his receipts, sales, use and distribution of said combustible gases and said other products in a manner prescribed by the Director. (Cross Reference: N.J. S.A. 54:39-2.)

F. GASOLINE means any liquid or gaseous substance commonly or commercially known or sold as gasoline regardless of its classification or use. (Cross Reference: N.J.S.A. 54:39-2.)

G. GASOLINE JOBBER means a motor fuels wholesale dealer who regularly makes 95% or more of his gasoline sales to not less than 25 retail dealers, fleet operators or other large consumers, including farm accounts and who maintains fixed gasoline storage facilities having a capacity of 50,000 gallons or more either owned or rented under lease for a term of not less than 1 year.

(1) Gasoline storage facilities as segregated for the Jobber's exclusive consumption are not to be included in determining the 50,000 gallons or more requirement for storage.

Treasury—continued

- (2) Wholesale Dealer Status—A gasoline jobber must qualify in every respect with all the terms and conditions prescribed for a wholesale dealer under these rulings. There is no requirement that a gasoline jobber possess a Wholesale Dealer's License in order to qualify for a Gasoline Jobber's License.
- (3) Ninety-Five (95) Percent of Sales Requirement—The 95% of sales requirement, as specified, means 95% or more of the total gasoline sales expressed in gallons made in this State by a Gasoline Jobber. Such sales must consist of gasoline sales made at wholesale only; retail sales may not be included.
- (4) Twenty-Five (25) Customers or More—In order to qualify for a Gasoline Jobber's status, a person must, at all times, have a minimum of 25 regular customers, in this State, all of whom are either retail dealers, fleet operators, large consumers or farm accounts. (Cross Reference: N.J.S.A. 54:39-6.1)
- (5) Retail Dealer—(as a Jobber customer) means any person who engages in the business of selling fuels as defined in the Motor Fuels Tax Law (R.S. 54:39-1 et seq.) from a fixed location such as a service station, filling station, store or garage, directly into the service tank or tanks of any vehicle propelled by said fuel.
- (6) Fleet Operator—(as a Jobber customer) means any person who operates for use in a business, at all times, five (5) or more vehicles propelled by gasoline.
- (7) Large Consumer—(as a Jobber customer)—The primary [factor] factors which will be considered in the determination of a large consumer, shall be the number of gallons of gasoline ([6,000] 2,000 gallons or more per year) purchased by such a consumer and the storage tank facilities (a tank capacity of 300 or more gallons) used by such a consumer.
- (8) Regular Customer—(as a Jobber customer)—Any retail dealer, fleet operator, large consumer, or farm account who purchases a substantial amount of fuel at frequent intervals throughout the year.
- (9) Gasoline Storage Facilities—A Gasoline Jobber must maintain, in this State, at all times throughout the year, fixed storage facilities for gasoline, having a minimum capacity of 50,000 gallons.
 - (a) In determining the 50,000 gallons or more requirement, the storage tank facilities owned or leased for a term of not less than one year, and maintained by a gasoline jobber located on premises used for the making of retail gasoline sales by the jobber may be included; provided, the jobber can furnish, upon request, proof that such ownership or lease arrangement is bona fide, the result of an arm's length transaction, and that such facilities are used primarily and directly for the furtherance of the gasoline jobber's business.
 - (b) Gasoline storage facilities used [for making retail sales] or segregated for a Gasoline Jobber's exclusive use, shall not be included in determining the 50,000 gallons or more requirement.
- (10) A Gasoline Jobber may engage in the selling of gasoline at wholesale without obtaining a Wholesale Dealer's License, during the period in which he has obtained a Gasoline Jobber's License. If desired, a Gasoline Jobber may, in addition, obtain a Wholesale Dealer's License. In order to engage in the wholesale sales of motor fuels other than gasoline, a Gasoline Jobber must obtain a Wholesale Dealer's License, in addition to a Gasoline Jobber's License.
- (11) Upon the revocation, cancellation or expiration of a Gasoline Jobber's License, all the untaxed gasoline remaining in inventory at the time of such revocation, cancellation or expiration, shall be reported on the final return and the tax due thereon paid.
- (12) Revocation of License: The Bureau may, at any time, make inquiry with respect to the continued eligibility of a Gasoline Jobber and may require any Gasoline Jobber to furnish information and documents as may be necessary to establish his eligibility. In the event there is evidence that a Gasoline Jobber has failed to meet the requirements for the holding of a Gasoline Jobber's License, the Bureau shall schedule a hearing upon not less than 10 days' notice, to determine the qualifications of a Gasoline Jobber. If it is found

upon sufficient evidence that the Gasoline Jobber has failed to comply with the necessary requirements for a License, the Bureau may revoke the Gasoline Jobber's License or impose such other penalties as may be prescribed by law. A person whose Gasoline Jobber's License has been cancelled for failure to meet the qualifications of the license or for other reasons shall not be eligible for reinstatement until 6 months have elapsed. (Cross Reference: N.J.S.A. 54:39-6.1, 11, 12, 31.1)

- H. IMPORTER means a person who brings fuels into this State, from a point outside this State, in his own vehicles or who hires a carrier to transport the product and who has full ownership, possession, control, title, custody and direction of the product while in transit into this State.
- I. MOTOR VEHICLE means any vehicle designed to transport passengers or property over the public highways and which must be registered with the Motor Vehicle authorities of any state before it may lawfully be used upon the highways. (Historical Note: Formerly Reg. M.F. 6, Filed 4/30/57)
- J. PERSONS means and includes natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations, and any receiver, trustee, conservator or other officer appointed pursuant to law or by any court, state or federal; also counties, municipalities and other political subdivisions of this State, singular or plural and the State of New Jersey. The use of the singular number shall include the plural number. (Cross Reference: N.J.S.A. 54:39-4)
- K. PURCHASE means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession. (Cross Reference: N.J.S.A. 54:39-7)
- L. RETAIL DEALER means any person who engages in the business of selling fuels from a fixed location such as a service station, filling station, store or garage, directly into the service tank or tanks of any vehicle propelled by said fuel. (Cross Reference: N.J.S.A. 54:39-5)
- M. SALE means, in addition to its ordinary meaning, any exchange, gift, theft or other disposition. In every case where fuels are exchanged, given, stolen or otherwise disposed of, they shall be deemed to have been sold. (Cross Reference: N.J.S.A. 54:39-7.)
- N. SALE FOR EXPORT means a sale of fuels in New Jersey by any person to another person not a New Jersey Distributor or Gasoline Jobber, who sends or carries the fuels so purchased out of New Jersey to another State or foreign country in the way of commerce. (Historical Note: Formerly Reg. M.F. 2 filed 4/30/57.) (Cross Reference: N.J.S.A. 54:39-28.)
- O. SPECIAL "A" LICENSEE means any person who imports fuels into this State for the purpose of selling same incidental to his principal business of buying and selling fuels in this State or for the purpose of consuming same or for the purpose of blending same with other fuels on which the tax had been paid or is properly owing to the State and who does not hold a Distributor's License. (Cross Reference: N.J.S.A. 54:39-64(a).)
- P. SPECIAL "B" LICENSEE means any person who obtains fuel free of the New Jersey State Tax and sells same for ultimate use or uses same to propel a motor vehicle upon the public highways. Any person having both taxable and non-taxable uses and/or sales of such fuels shall hold a Special License "B". (Cross Reference: N.J.S.A. 54:39-64(b))
- Q. Special Fuels means all motor fuels other than that commonly known as gasoline (See Reg. 18:18-1E) (Cross Reference: N.J.S.A. 54:39-2)
- R. USE means and includes, in addition to its ordinary meaning, the transfer of fuel by a Distributor or Gasoline Jobber into a motor vehicle or into a receptacle from which fuel is supplied by him to his own or other motor vehicles. (Cross Reference: N.J.S.A. 54:39-8.)
- S. WHOLESALE DEALER means any person who engages in the business of selling motor fuels to other persons who resell the said motor fuel or who place or have the said fuel placed into their containers or storage tanks for future consumption. The words containers or storage tanks as here used shall not apply to vehicle service tanks used only to carry motor fuels for use in propelling only the vehicle carrying such tanks. (Cross Reference: N.J.S.A. 54:39-6.)

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 at the Motor Fuels Tax Bureau, 107 West State Street, Trenton, New Jersey 08625, on or before February 27, 1970. Telephone (609) 292-5125. 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.

Sidney Glaser
Acting Director
Division of Taxation

(a)

TREASURY

Outdoor Advertising Tax Bureau

DIVISION OF TAXATION

Prohibited Locations for Outdoor Signs

Notice is hereby given that on January 16, 1970, John A. Kervick, State Treasurer, pursuant to authority delegated in N.J.S.A. 54:40-64, and in accordance with applicable provisions of the Administrative Procedure Act of 1965 52:14B-1 et seq., adopted an amendment to N.J.A.C. 18:21-16 concerning the issuance of outdoor advertising permits in certain prohibited areas as set forth in the Proposed Revision of the Rule on Prohibited Location for Outdoor Signs published December 25, 1969 at 1 N.J.R. 32(c).

An order adopting this amendment was filed and became effective January 16, 1970 as R. 1970 d.13.

Leon S. Wilson
Director of Administrative Procedure,
Department of State

(b)

PORT OF NEW YORK AUTHORITY

THE COMMISSIONERS

Revision of Rules Regarding Parking at

Air Terminals

Revision of Schedule of Charges and Extension of Air Line Leases at Newark Airport

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 that the following is a true and correct transcript from the Official Minutes of a meeting of the Committee on Operations of The Port of New York Authority, duly held on the 4th day of December, 1969, containing the following resolutions:

Air Terminals - Revision of Rules and Regulations

RESOLVED, that the Rules and Regulations governing the operation of Port Authority Air Terminals adopted by the Committee on Operations at its meeting on October 6, 1955 (appearing at page 9, et seq. of the Committee Minutes of that date), as subsequently amended, be and the same are hereby amended, effective January 1, 1970, by revising Rule 410/0-16 to read as follows:

"The Manager may remove from any area of an air terminal any vehicle which is disabled, abandoned, parked in violation of these rules and regulations, or which presents an operational problem, to any other area at the terminal and may store the same thereat, at the owner's or operator's expense and without liability for damage which may result in the course of such removing, towing or storage."

Newark Airport - Revision to the Schedule of Charges and Extension of Airline Leases

RESOLVED, that the Schedule of Charges for the use of the Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at Newark Airport adopted by the Committee on Operations by resolution of October 5, 1959 (appearing at page 45 et seq. of the Committee Minutes of that date) as amended, be and the same is hereby further amended, effective January 1, 1970, by amending the first paragraph of the section entitled "Public Landing Area Charges" by deleting the figure ".40" and substituting the figure ".46"; and be it further

RESOLVED, that the Executive Director be and he hereby is authorized on behalf of the Port Authority to enter into agreements with United Air Lines, Inc., Trans World Airlines, Inc., Eastern Air Lines, Inc. and American Airlines, Inc. extending the terms of their long-term leases at Newark Airport to December 31, 1970 and providing for the payment of flight fees at the rate of \$46 thousand pounds of maximum weight for take-off of each aircraft and providing for the payment of a minimum flight fee of \$25 for all aircraft of the lessees having less than twenty-five seats which land or take-off at Newark Airport during specific peak periods; and be it further

RESOLVED, that the form of the agreements shall be subject to the approval of General Counsel or his duly designated representative.

THAT (except as hereinafter stated) it appears from the Official Minutes of the Committee on Operations of The Port of New York Authority that the said resolution or resolutions were duly and unanimously adopted by the said Committee of The Port of New York Authority and are now in full force and effect.

No exceptions.
IN WITNESS WHEREOF, I have hereunto affixed my hand and the Official Seal of The Port of New York Authority this 23rd day of December, 1969.

Doris E. Landre
Secretary of
The Port of New York Authority

Note: These resolutions were filed January 5, 1970, as R. 1970 d.1 (Exempt, Exempt Agency Rules).