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# THE NEW JERSEY REGISTER

Vol. 2—No. 5

NEW JERSEY, THURSDAY, MAY 7, 1970

2 N.J.R. 37



## THE NEW JERSEY REGISTER

A Publication of the State of New Jersey

WILLIAM T. CAHILL, Governor  
Paul J. Sherwin, Secretary of State  
Leon S. Wilson, Director of Administrative Procedure  
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THURSDAY, MAY 7, 1970

## 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)

### EXECUTIVE

#### GOVERNOR WILLIAM T. CAHILL

##### Environmental Protection Department Is Created by Executive Order

A new executive office in the State Government—the Department of Environmental Protection—was signed into law on "Earth Day," April 22, 1970 by Governor William T. Cahill.

It began operations last Monday, May 4, taking over most of the functions of the former Department of Conservation and Economic Development, which goes out of existence as such.

Richard J. Sullivan, a 43-year-old Democrat who since 1947 had headed the Division of Clean Air and Water in the State Health Department, was named Commissioner of the new department by Governor Cahill. Mr. Sullivan has served New Jersey for 20 years, principally in pollution, health and worker safety fields.

Governor Cahill termed creation of the new department a major achievement of his new administration and said the new Commissioner was named "purely on merit". Initiated by the Governor, the new department received quick legal approval by the State Legislature.

Following the recent split of Banking and Insurance into two separate departments, Environmental Protection becomes the 17th department in the executive branch.

The department begins operations with five divisions—

- 1) Environmental Quality.
- 2) Natural Resources.
- 3) Fish, Game and Shell Fisheries.
- 4) Water Policy and Supply.
- 5) Parks, Forestry and Recreation.

The last four divisions were former functions in Con-

servation and Economic Development, while Environmental Quality takes over the former Clean Air and Water activities of the Health Department. However the Division of Environmental Health remains part of the Health Department.

The two other Divisions of Conservation were switched to other departments—Veteran's Services going to Institutions and Agencies and Economic Development to the Labor and Industry Department.

No physical move of offices from their present location is now contemplated.

Commented Governor Cahill in setting up the new office: "We now have in New Jersey for the first time a department dedicated to the improvement of the environment."

As Director of the Division of Clean Air and Water the past three years, Mr. Sullivan has headed up for the State the struggle against pollution and for clean air and water.

His two decades of state service cover many facets.

In his first six years with the Health Department until 1956, Mr. Sullivan was active in air pollution control, radiation protection, water pollution and general sanitation. He was transferred to the Department of Labor and Industry as deputy director in 1956 and headed the Bureau of Engineering and Safety with a staff of 150 engineers enforcing public and employee protection measures.

He was a member of the Radiation Protection Commission from 1958 to 1967 and of the former Air Pollution Control Commission. Both of these functions are part of the new Environmental Protection Department.

(By coincidence, his father, Dennis Sullivan, served with him as an Air Pollution Control Commission member. The elder Sullivan was health officer of Jersey City for half a century until his retirement four years ago.)

Mr. Sullivan on February 26 was named as alternate to Governor Cahill on the Delaware River Basin Commission, the four-state control agency which also has the U.S. Secretary of the Interior as a member.

The new Commissioner was born February 27, 1927 in Jersey City and attended local public schools. He earned a mechanical engineering degree at Stevens Institute of Technology and thereafter a Master of Arts in English at Seton Hall, and a Master of Public Health Administration at Columbia University. He then studied law for a year and a half at Seton Hall Law School.

It was while at Columbia that he met his wife-to-be, Renee, who came from Peru to work at the United Nations. Today the family, with three boys and three girls ranging in age from five to eleven, lives in Hamilton Township.

Mr. Sullivan's \$24,208 salary as Clean Air and Water Director goes to \$38,000 as a Commissioner.

(b)

### EXECUTIVE

#### GOVERNOR WILLIAM T. CAHILL

##### Names State Tax Policy Committee

A "politically nonpartisan" State Tax Policy Committee was named by Gov. William T. Cahill April 27, 1970 to carry out an in-depth study of all levels of taxation in New Jersey.

The committee of 32 members is headed by Sen. Harry L. Sears, R-Morris, the majority leader of the State Senate. It includes two former chief executives, Republican Alfred E. Driscoll and Democrat Richard J. Hughes, Mr. Cahill's immediate predecessor in office.

William Miller, Princeton lawyer who was associated with the former state tax policy commission, will serve as chief of staff.

Created by executive order, its members are not subject to the advice and consent of the State Senate. The Governor said he would ask for a \$250,000 appropriation to underwrite their work.

The committee includes three Republican and three Democratic legislators, with the balance chosen to represent leadership and expertise in various business, labor, governmental, and professional fields, from all areas of the state.

Governor Cahill asked the committee to come up with recommendations on what share of the overall costs of government should be carried by the state, counties and municipalities. He also wants it to determine existing tax inequities and to reevaluate the fiscal needs and resources of the state as a whole.

(c)

### AGRICULTURE

#### DIVISIONS OF MARKETS

##### Asparagus Sampling for Inspection

In the Notice published April 9, 1970 at 2 N.J.R. 29(b), the newly adopted regulation concerning asparagus sampling for inspection was incorrectly cited as N.J.A.C. 2:13-12.1. The citation should have read N.J.A.C. 2:31-12.1.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

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(d)

### AGRICULTURE

#### STATE BOARD OF AGRICULTURE

##### Hog Cholera Quarantine

By order of the State Board of Agriculture and pursuant to RS 4:1-21.5 of the agricultural laws of New Jersey and in order to control the spread of hog cholera, an infectious and contagious disease of swine, the quarantine notice issued February 24, 1970 on the Township of Deptford, Gloucester County, is hereby rescinded with the exception of that portion of Deptford Township contained by the intersection of Bark Bridge Road with Tanyard Road north on Tanyard Road and Delsea Drive for a distance of 4.4 miles to the intersection of Delsea Drive with Route 295; east on Route 295 to its intersection with the Westville-Almonesson Road; southeast on the Westville-Almonesson Road to its intersection with the New Jersey State Turnpike; southwest on the New Jersey State Turnpike to its intersection with Egg Harbor Road; south on Egg Harbor Road to its intersection with Boundry Lane Road; south on Boundry Lane Road to its intersection with Mail Avenue; west on Mail Avenue to its intersection with the Glassboro-Woodbury Road; south on the Glassboro-Woodbury Road to its intersection with Bark Bridge Road; and east on Bark Bridge Road to its intersection with Tanyard Road.

No feeder or breeder swine may be moved from said quarantined area. Slaughter hogs may be moved directly to a Federal or State-licensed slaughter establishment, but must be accompanied by an official health certificate authorizing such swine movement from the quarantined area.

This quarantine is effective April 10, 1970 and until further notice.

Phillip Alampi  
Secretary of Agriculture

E. L. Brower  
Director  
Division of Animal Health

(a)

**BANKING****THE COMMISSIONER****Increases Interest Rate**

James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 31:1-1, has adopted an emergency regulation increasing the interest rate to 8 per cent, without prior notice or hearing, in accordance with Section 4(c) of the Administrative Procedure Act of 1968 (N.J.S.A. 52:14B-4(c)). The text of the regulation follows:

**INTEREST RATE  
REGULATION NUMBER 2**

WHEREAS, Section 31:1-1 of the Revised Statutes provides that the Commissioner of Banking, (hereinafter referred to as "The Commissioner"), with the advice of a Special Advisory Board constituted pursuant to said statute, may, by regulation, provide that the value which may be taken for any loan of money, wares, merchandise, goods and chattels, shall be a value more than \$6.00 but not more than \$8.00 for the forebearance of \$100.00 for a year, as shall be prescribed in such regulation, and after that rate for a greater or lesser sum or for a longer or shorter time; and

WHEREAS, the Commissioner has met with the Special Advisory Board and they have considered the general state of the economy, the discount rate prescribed by the Federal Reserve Bank of New York and the Federal Reserve Bank of Philadelphia, the advance rate as prescribed by the Federal Home Loan Bank of New York, the availability of funds for loans, studies and statistics published by the Federal Home Loan Bank Board and other agencies of the United States and of this State, and other factors and bases for determination which the Commissioner and the said Board deemed pertinent, and the said Board having advised the Commissioner; and

WHEREAS, it is the opinion of the Commissioner that the rate hereinafter established is necessary, in light of the prevailing market conditions, regionally and nationally; NOW THEREFORE, in exercise of the authority conferred upon the Commissioner of Banking by Section 31:1-1 of the Revised Statutes as amended by Ch. 55, P.L. 1968, the following regulation is hereby adopted to read as follows:

**Interest Rate.** The maximum rate of interest to be charged, taken or received, upon a loan or forebearance of any money, wares, merchandise, goods and chattels, made on or after April 16, 1970, shall be 8% per year. Such interest shall be calculated in accord with Section 31:1-1 of the Revised Statutes as amended by Ch. 55, P.L. 1968.

This regulation has prospective effect only. See Ch. 55, P.L. 1968. With specific reference to mortgage loans, where a mortgage loan, contract, or any commitment for such a loan was entered into prior to the effective date of this regulation, the interest rate to be charged thereon shall not exceed the usury rate ceiling in effect at the time such mortgage loan, contract, or any commitment for such a loan was entered into; whether or not the mortgage loan, contract, or commitment for such a loan provides for an increase in the rate of interest during the term of such loan. See Ch. 54, P.L. 1968.

The rate established herein shall remain in force until such time as this regulation is rescinded or until said rate is increased or decreased by a subsequent regulation.

James C. Brady, Jr.

Commissioner of Banking

NOTE: A copy of the above regulation was filed April 15, 1970 as R. 1970 d.41 (Exempt, Emergency Rule).

(b)

**COMMUNITY AFFAIRS****DIVISION OF HOUSING AND  
URBAN RENEWAL****Proposed Retirement Community  
Full Disclosure Act Regulations**

Schuyler Jackson, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs, pursuant to authority delegated in P.L. 1969, c. 215, §11 (N.J.S.A. 45:22A-11), proposes to adopt rules and regulations for the enforcement of the Retirement Community Full Disclosure Act, P.L. 1969, c.215 (N.J.S.A. 45:22A-1 et seq.).

The purpose of the Retirement Community Full Disclosure Act is to require full and fair disclosure of the nature of interests in real estate subdivisions which are sold as retirement subdivisions or communities within New Jersey. As such, it is intended to prevent deceptive and fraudulent advertising to a sector of the population which has become most susceptible to such practices during the last few years.

The Law provides for the disclosure of all information concerning the subdivider and the physical characteristics of the development, information concerning the legal status of the subdivided property, statements concerning the condition of title including encumbrances, and appropriate financial information, as well as the brochures, or "public offering statements" which are to be used for promotional or advertising purposes.

This disclosure shall be submitted to the Division of Housing and Urban Renewal within the State Department of Community Affairs. After appropriate review by the division a registration will be issued permitting the subdivider to continue with his promotional activities. Both civil and criminal penalties are provided if any of the

statements submitted to the division are purposely erroneous and the division has the power to revoke any senior citizens' subdivider's registration, if a violation has been found after appropriate examination and review.

The rules and regulations, to be promulgated as Chapter 17 of Title 5 of the New Jersey Administrative Code, shall include a description of state administration of the act; procedures for filing Statements of Record; public inspection of Statements of Record; form and contents of Public Offering Statements; registration of retirement subdivisions or communities by the Division, including the issuance of a Notice of Filing, Provisional Registration, Order of Registration, Notice of Corrections, Order of Rejection, and submission of Annual Reports.

In addition the regulations shall provide certain minimum standards for advertising materials prepared to promote the sale of units in a retirement subdivision or community. Such minimum standards shall include the following provisions:

1. Claims or representations contained in the advertising shall be accurate and provable.

2. Advertising shall not misrepresent the facts or create misleading impressions.

3. When a community is referred to, the advertising must include the location of the subdivided property and its distance in road miles from such community.

4. Advertising shall not use such terms as "minutes away", "short distance", "only miles" and "near" and terms of similar import to indicate distance unless the actual distance in road miles is used in conjunction with such terms.

5. Advertising which refers to oil, gas or mineral rights must make adequate disclosure of all facts pertaining to such rights in each such advertisement making reference thereto.

6. Advertising shall not make predictions of specific or immediate price or value increases of lots or parcels or units of advertised lands over which the subdivider does not have control.

7. Advertising shall not contain statements concerning future price increases by the subdivider which are not specific as to amount and as to the date of the announced increase. Any such date shall be in the reasonable future and the increased price shall be maintained for a reasonable length of time.

8. Advertising shall not contain asterisks or any other reference symbol as a means of contradicting or substantially changing any previously made statement or as a means of obscuring material facts.

9. Advertising shall not use names or trade styles which imply that they are non-profit research organizations, public bureaus, groups, etc., when such is not the case. Advertising of such an organization shall be prohibited when the true nature of the plan of sale or ownership is misrepresented or concealed.

10. Advertising of improvements on or to the property which are not completed must state in unmistakable terms that the improvements are merely proposed or under construction.

11. Advertisements shall not use artists' sketches to portray proposed improvements or non-existent scenes without an indication that such portrayal is an artist's sketch and that the improvements are proposed or the scenes do not exist. Artists' conceptions of existing improvements or scenes must be representative and state that such rendering is an artist's conception.

12. Advertising shall disclose prominently if the property, or any portion of the property, is regularly or periodically flooded or substantially covered by standing water for extended periods of time during the year, unless adequate drainage is assured by bonding or other means acceptable to the Agency.

13. The advertising of land without available legal access to the purchaser must contain full and complete disclosure of such fact and the legal effect thereof.

14. Advertising shall not use statements, photographs or sketches portraying the use to which advertised land can be put unless the land can be put to such use without unreasonable cost.

15. Advertising shall not contain statements, photographs or sketches relating to facilities for recreation, sports or other conveniences which are not presently in existence, unless it is clearly stated that such facilities are not on the land and the distance thereto in miles is given, or that such facilities are merely proposed.

16. Advertising which contains statements regarding taxes and the amounts thereof shall employ the latest available figures.

17. No statements shall be made in advertising which, though true, nevertheless lend themselves to false or misleading inferences of non-existent facts.

18. Lots shall not be advertised as "free" if the prospective purchaser is required to give any consideration whatsoever, and lots shall not be advertised for "closing costs only" when the closing costs are substantially more than normal, or when an additional lot or lots must be purchased at a higher price or to render the "free" lot usable.

19. Advertising shall not make reference to pre-development sales at a lower price because the land has not yet been developed unless there are plans of development, and a subdivision plat has been recorded, or reasonable assurance is available that such plan will be completed.

20. Advertising which makes reference to "roads" and "streets" shall make affirmative disclosure as to the nature of such roads and streets, i.e., paved, gravel, dirt, etc. To be described as improved or paved, roads and streets shall be constructed and surfaced according to county, city or other acceptable authority specifications.

21. Legal access referred to in advertising shall be accompanied by phraseology to indicate whether the access is presently usable as a passage for conventional automobiles.

22. The existence of a road easement or a road right-of-way shall not be advertised unless such easement or right-of-way has been dedicated to the public or to appropriate property owners and recorded in the public records of the county in which the property is located.

23. Advertising shall not contain before and after pictures for comparative purposes without an accurate, detailed, comparative analysis of such pictures.

24. Reprints of published material will be disapproved unless the information contained in the reprint is representative, truthful, relevant and pertinent to the subdivision being offered.

25. Advertising shall not make comparison of land values unless it is clear who is making the comparison and unless the comparison is relevant and fair.

26. Advertising shall not make reference to a public facility unless money has been budgeted for actual construction of such facility and is available to the public authority having the responsibility of construction, or an actual disclosure of the existing facts concerning a public facility is made.

27. Advertising shall not refer to public facilities under study, unless it is fully disclosed that the facility is merely proposed and under study and provided that no reference is made to the location or route of the facility until such has been decided by the responsible public authority.

28. The unqualified term "development" may be used in advertising only to describe a subdivision, the plat of which has been recorded of record.

29. Advertising which refers to the purchase price of any lot, parcel or unit of land must also include any additional compulsory assessments or costs to the prospective purchaser.

30. Advertising shall not make derogatory or unfair reference to competitive developments, subdivisions or properties.

31. Advertising which makes reference to property exchange privileges, must state clearly any qualifications concerning such exchange privileges. If advertising makes reference to promised improvements, for which the prospective purchaser will be assessed, such facts will be clearly disclosed.

32. Advertising shall not describe land as a home site or lot if potable water is not available at reasonable cost; further, there must be reasonable assurance that a septic tank will operate or a sewer system is in existence unless facts to the contrary are clearly and conspicuously included in each such advertisement pertaining to that property.

33. Advertising shall be considered misleading if it infers or implies that the subdivider will resell or repurchase the property being offered at some future time unless the subdivider has made an undertaking with the Division to resell or repurchase property for or on behalf of purchasers and has given reasonable assurances to the Division to demonstrate his ability to perform this undertaking.

34. Advertising shall be deemed misleading if it represents that the property being offered for sale may be subdivided or resubdivided unless it includes all necessary and relevant information regarding the cost and feasibility of future subdividing.

35. Where a community is referred to in advertising, the material shall state the mileage from the approximate geographical center of the subdivided lands in road miles to the approximate downtown or geographical center of the community.

36. Advertising of improvements to the subdivided land which are not completed shall not be made unless it is stated in unmistakable terms that the improvements are merely proposed or under construction and the date of the promised completion clearly indicated.

37. Advertising which embraces the term "canal" or "canals", "lagoon" or "lagoons" shall contain a full disclosure of the width and depth of water in such "canal" or "canals", "lagoon" or "lagoons".

38. Certificates shall not be distributed indicating a discount on property that appears to effect a price reduction from the advertising price. Discounts may be given for quantity purchases, cash, larger payments or for any reasonable basis. The purpose of this standard is to eliminate the use of fictitious pricing and illusory discounts.

39. When the company offers more than one subdivision in a single advertising piece, or an offering exceeding five miles in length or width, advertising shall carry a disclaimer as follows:

"Distances indicated are from the location mentioned to (club house, center of subdivision, or other pertinent or prominent points), each purchaser should check the exact location of the property being offered him in relation to the club house, subdivision or other prominent locations."

40. When newsletters give information concerning places or facilities that are in excess of ten miles distant from the property involved, they shall carry a disclaimer as follows:

"Information contained in this newsletter is general to New Jersey. Property for sale by \_\_\_\_\_ (Development Co.) may not be affected by any foreseeable time by the events or predictions described."

41. Forecasts of future events or population trends contained in advertising shall be by qualified persons and pertinent to the offering.

42. The word "guarantee" or phrase "guaranteed refund" shall not be approved in advertising unless the refund is unconditional.

43. Advertising which indicates the size of the tract offered, shall include the amount of land available for use by the purchaser after all easements to which this property may be subject have been deducted. If the property is subject to easements which are unusual in size, then this fact shall also be noted. All maps, plats, representations or drawings shall show either the dimensions of

the tract or the amount of acreage after deductions of easements.

44. Maps, plats or representations shall clearly indicate the date that development will be completed. If completion dates are over a period of years, then a series of shadings, outlines, or coding may be used to indicate dates of completion.

45. Advertising shall not refer to property as waterfront unless the property being offered actually fronts on a canal, lagoon or other body of water.

Copies of the full text of the proposed regulations may be obtained by writing the Director, Division of Housing and Urban Renewal, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

Interested persons may present statements or arguments orally or in writing relevant to the proposed action at a public hearing to be held in the Conference Room, 363 West State Street, Trenton, New Jersey at 2 p.m. on May 20, 1970. Any interested person may also present statements in writing relevant to the proposed action to the Division of Housing and Urban Renewal, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625, on or before May 27, 1970.

The Director of the Division of Housing and Urban Renewal, upon his own motion, or at the instance of any interested party, may thereafter adopt the proposed regulations without further notice.

Schuyler Jackson, Director  
Division of Housing and Urban Renewal  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### DIVISION OF LOCAL FINANCE

#### LOCAL FINANCE BOARD

##### Codification of Regulations

On March 24, 1970 the Local Finance Board of the Division of Local Finance in the Department of Community Affairs, pursuant to authority delegated in N.J.S.A. 52:27BB-10 and 52:27D-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a codification of all regulations of the Local Finance Board and of its predecessors in authority, as proposed in the Notice published November 27, 1969 at 1 N.J.R. 17(d).

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

An order adopting this codification was filed April 14, 1970 as R. 1970 d.40.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(b)

## COMMUNITY AFFAIRS

### DIVISION OF STATE AND REGIONAL PLANNING

#### Proposed Continuing Planning Assistance Program Regulations

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority delegated in N.J.S.A. 52:27D-3, proposes to repeal the existing regulations in Chapter 41 of Title 5 of the New Jersey Administrative Code governing the Continuing Planning Assistance Program, and to adopt, therefor, new regulations as follows:

#### CHAPTER 41. CONTINUING PLANNING ASSISTANCE PROGRAM

##### SUBCHAPTER 1. Introduction and General Provisions.

###### 5:41-1.1 Background of Program.

The Continuing Planning Assistance Program is made available through State-aid appropriations. The program provides funds for county, regional, and municipal agencies for technical planning assistance. The planning funds may be used either for staff or for consultant services. The program consists of two separate components. The 50/40 Program is designed to assist units of government to establish planning as a continuous process. The Impact Planning Program provides funds for areas which will be affected to a substantial degree by any State or Federal development or construction activities.

The program is administered by the Division of State and Regional Planning in the New Jersey Department of Community Affairs. All correspondence and inquiries should be addressed to the Director, Division of State and Regional Planning, Department of Community Affairs, P.O. Box 1978, Trenton, New Jersey 08625.

###### 5:41-1.2. Definitions.

As used in this Chapter, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

"Commissioner" shall mean the Commissioner of Community Affairs.

"Department" shall mean the New Jersey Department of Community Affairs.

"Director" shall mean the Director of the Division of State and Regional Planning.

"Division" shall mean the Division of State and Regional Planning.

"50/40 Program" shall mean the program described in Subchapter 2 of this chapter.

"Impact Planning Program" shall mean the program described in Subchapter 3 of this chapter.

##### SUBCHAPTER 2. 50/40 Program.

###### 5:41-2.1 Definitions.

As used within this subchapter, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

"local governing body" shall mean the governing body of the municipality, region or county which is conducting a local program.

"local jurisdiction" shall mean the area included within the jurisdiction of the local governing body and of the local planning agency.

"local planning agency" shall mean the municipal planning board, county planning board, or other planning body performing planning functions for the local jurisdiction. If the local governing body has contracted with a private planning consultant to perform all planning functions, such consultant shall be the local planning agency.

"local program" shall mean a program conducted by a local planning agency pursuant to this subchapter.

"planning expenditure goal" shall mean the amount agreed upon by the local governing body and the Director as the minimum annual expenditure required to maintain a local program.

###### 5:41-2.2. Financial Assistance.

Under the 50/40 Program the State makes advances to communities on a diminishing basis. For the first year, the State will advance up to 50% of the amount set as the planning expenditure goal. In the second year, the State will advance up to 40% in the third year, the State will advance up to 40%; in the fourth year, the State will advance up to 20%; and in the fifth year, the State will advance up to 10% of the planning expenditure goal. In the sixth year, if the local governing body maintains the entire planning expenditure itself, all advances will be considered grants and need not be repaid. State financial aid to a local jurisdiction with a population of less than 50,000 will not exceed \$3,000 in any one year. A county, regional unit or municipality with a population of 50,000 or more may receive up to \$5,000 in any one year.

###### 5:41-2.3. Initial Inquiry.

A local planning agency may indicate its interest in participating in the 50/40 Program by writing to the Director. The Director will arrange a meeting in Trenton for members of the local governing body and the local planning agency at which time the program procedures will be described and the elements of the local program will be outlined.

###### 5:41-2.4. Selection of Planning Goals.

At the initial meeting, the Director will discuss the local program goals with the members of the local planning agency and the local governing body. These goals, and the progress of the local planning agency toward reaching them, shall constitute the principal basis for the approval of all applications and annual reports. Applicants are encouraged to develop their own goals from an analysis of their local problems. Planning goals should be related to problems of local importance in which progress can be achieved. Worthwhile goals which are impossible to achieve are not acceptable.

###### 5:41-2.5. Required Goals.

The following goals must be present in every local program:

- 1) Preparation or revision of a housing element suitable to meet the requirements of section 2.7.
- 2) Preparation or annual updating of a capital improvement program.

###### 5:41-2.6. Optional Goals.

In addition to the required goals, the local planning agency may select any of the items suggested below or propose other items which are of local importance for inclusion in the program:

- 1) adoption or amendment of a master plan or elements thereof,
- 2) preparation of specific revisions to the zoning or subdivision ordinance,
- 3) adoption or amendment of other development codes, such as the housing or building code,
- 4) development and implementation of a citizen participation program,
- 5) adoption or amendment of the official map,
- 6) coordination with county, regional and state planning activities on specific programs or projects,
- 7) development and implementation of a low and moderate income housing program, including the preparation of a municipal resolution of need, or of an application for State or Federal housing assistance,
- 8) specific locational studies for municipal or county facilities.
- 9) preparation of a workable program for community improvement,
- 10) initial elements in the preparation of an urban renewal program,
- 11) preparation of an analysis of the local government structure to find ways of delivering services more efficiently, or
- 12) other specific goals tailored to meet local problems.

###### 5:41-2.7. Housing Element.

Each participant in the 50/40 Program shall prepare a housing element similar to the housing element required pursuant to the federal Comprehensive Planning Assistance Program, commonly known as the 701 Program. An initial housing element shall include a statement of previous and future housing planning activities to be undertaken by the local governing body. This statement should be supported by a statement of (1) housing and housing related problems, including those of low income and minority groups, (2) obstacles to the solution of housing problems, (3) annual housing objectives tailored to the needs of the planning jurisdiction, and (4) previous and future governmental actions to implement housing plans. To continue to be eligible for assistance, every local planning agency must undertake the housing planning activities identified in its initial housing element. In addition, every local planning agency must periodically refine and update its evaluation of housing problems, obstacles, objectives, planning activities, and implementing actions.

###### 5:41-2.8. Formal Application.

Following the initial meeting, the local planning agency may submit a formal application to the Director. Two copies of the completed application shall be prepared on forms prescribed by the Director. The Director shall review the application and, if he approves it, he shall submit a summary of the application to the Commissioner with his recommendation that assistance be made available.

###### 5:41-2.9. Contract with Local Planning Agency.

Subject to the approval of the Commissioner, the Director will contract for a six-year period with a local planning agency stipulating a five-year schedule of payments to be advanced by the State, and a planning expenditure goal to be maintained locally. Before the contract is fully executed, the local planning agency shall obtain a resolution from the local governing body authorizing the agency to participate in the 50/40 Program.

###### 5:41-2.10. Approval of Planning Consultant Contracts.

All subcontracts between any recipient of 50/40 Program funds and any planning consultant for any portion of the local program shall be subject to the prior review and approval of the Director. The scope of such review shall include the professional qualifications of the proposed planning consultant, the consistency of the proposed contract with the purposes of the local program, and such other factors as the Director may deem relevant.

###### 5:41-2.11. Annual Report to Division.

At the conclusion of each year of a local program, the local planning agency shall make a report to the Division. A copy of the report shall be submitted to the local governing body, and it shall be available to the public. This report shall summarize the activities undertaken by the local planning agency to achieve the previously stated goals. Achievements, setbacks, and problems should be explained. The report shall include the following items:

- 1) A report of local planning agency activities provided under the local program, including two copies of all technical professional reports prepared by the local planning agency, a list of the meetings attended by the local planning agency, and other appropriate descriptions of the type and extent of the services by any private planning consultants.
- 2) Certification of expenditures and appropriations for continuation of the local program by the local planning body.
- 3) Description of the proposed goals for the local program in the coming year.

The Director shall review the report and notify the local planning agency in writing of his approval, conditional approval, or disapproval. In cases of conditional approval or disapproval, conditions and reasons will be provided in detail. State aid payments will be made annually, subject to the approval by the Director of the Annual Report.

###### 5:41-2.12. Conversion of Advances into Grants.

In the sixth year, although no State funds will be advanced, approval by the Director of the annual report will be the basis for converting all previous State advances into a grant.

###### 5:41-2.13. Scope.

This subchapter shall apply to all local programs initiated on or after January 1, 1966. These regulations shall be optional for all local programs approved prior to that date.

##### SUBCHAPTER 3. Impact Planning Program.

###### 5:41-3.1. Definitions.

As used in this subchapter, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

"Applicant" shall mean any municipality, region, county, municipal planning agency, regional planning agency, or county planning agency which submits a letter of inquiry to the Director pursuant to Section 3.2 of this subchapter.

"Application" shall mean an application for an Impact Planning Grant which has been submitted to the Director pursuant to Section 3.4 of this subchapter.

"Project" shall mean an Impact Planning Program conducted, or to be conducted, pursuant to this subchapter.

"Tentative Agreement" shall mean an agreement reached between the Director and an applicant pursuant to Section 3.3 of this subchapter.

###### 5:41-3.2. Letter of Inquiry.

Any municipality, region, county, or any municipal, regional, or county planning agency, which has reason to believe that any present or planned State or Federal development or construction activity will have a substantial impact upon the present or future population subject

Community Affairs — continued

to its jurisdiction, may submit a letter of inquiry to the Director to request technical and financial assistance to conduct a planning project pursuant to this subchapter.

5:41-3.3. Tentative Agreement.

Upon receipt of a letter of inquiry from an applicant, the Director shall arrange for a meeting or a series of meetings with the applicant to reach a tentative agreement upon the following subjects:

- 1) The total cost of the project;
- 2) The State share of the total cost;
- 3) The scope of the project;
- 4) The distribution of planning work required among the Division, the applicant, and any planning consultant retained by the applicant;
- 5) The planning consultant, if any, to be retained by the applicant;
- 6) The duration of the project; and
- 7) The local agency or individual to be responsible for the administration of the project.

5:41-3.4. Application for an Impact Planning Grant.

After a tentative agreement has been reached with the Director, a formal application for an Impact Planning Grant shall be prepared by the applicant, containing such information as the Director may require.

5:41-3.5. Priority to Certain Applications.

Subject to the availability of State-aid funds, applications shall be processed in the order in which they are received by the Division; however, the Director shall give priority to applications in which the impact of the proposed State or Federal activity will detrimentally affect either:

- a) a comprehensive plan which has been adopted by the applicant, or
- b) the range and variety of adequate housing available in the region in which the activity will take place.

5:41-3.6. Approval by Commissioner.

Subject to the provisions of Section 3.5, the Director shall review each application and if he approves it, he shall submit a summary of the application to the Commissioner with his recommendation that assistance be made available.

Upon approval of the application by the Commissioner, the Director shall enter into a contract with the applicant to make State financial aid available to the applicant for the project. Before the contract is fully executed, the applicant shall obtain a resolution from the appropriate governing body or agency, authorizing participation by the applicant in the Impact Planning Program.

5:41-3.7. Approval of Planning Consultant Contracts.

All subcontracts between any recipient of State Impact Planning funds and any planning consultant for any portion of the impact planning project shall be subject to the prior review and approval of the Director. The scope of such review shall include the professional qualifications of the proposed planning consultant, the consistency of the proposed contract with the purposes of the project, and such other factors as the Director may deem relevant.

Interested persons may present statements or arguments in writing relevant to the proposed action to the Division of State and Regional Planning, Post Office Box 1978, Trenton, New Jersey 08625, on or before May 29, 1970.

The Commissioner of Community Affairs, upon his own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

Edmund T. Hume  
Commissioner  
Department of Community Affairs

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Changes in High School  
Equivalency Instructional Programs

Carl L. Marburger, Commissioner of Education, pursuant to authority delegated in N.J.S.A. 18A:4-15 and 4-16, proposes to amend NJAC 8:17-7 of the rules relating to State Reimbursement for High School Equivalency Instructional Programs as follows (additions in bold face thus; deletions indicated in brackets [thus]):

(a) Authorization and Application for Funds

(1) School districts may apply to the Commissioner of Education for funds equal to 1/3 of the annual costs to operate high school equivalency instructional programs for out-of-school youths and adults who meet State age and residency requirements for the high school equivalency examinations.

(2) School districts may contract with and delegate responsibility to other non-profit educational agencies with the approval of the Commissioner of Education.

(3) In order that the Commissioner may estimate by November 15 the amount necessary to be appropriated to carry out the provisions of this act for the succeeding [school] fiscal year, all plans for the succeeding [school] fiscal year shall be received by September 1. All such plans when received will be reviewed within a reasonable time. No plan will be rejected in whole or in part without prior consultation with the applying school district.

(b) Plan Requirements

(1) Staffing pattern which adheres to local school district requirements [and which includes at least one full-time high school equivalency teacher].

(2) Schedule of proposed classes together with stated instructional objectives for each class.

(3) Budget detailing the following reimbursable costs: teachers' salaries, materials, consumable supplies, and other equipment necessary to operate the program.

(4) Description of recruiting and student diagnostic testing program.

(c) Fiscal Control and Program Management

(1) Local school districts will be reimbursed for the 2/3 share of program costs at the same time and in the same manner as other State aid under section 18A:58-15 of the New Jersey Statutes.

(2) The local school district shall maintain such records and accounts, including personnel, financial, and students' information and evaluation records, as are deemed necessary by the Commissioner of Education. Such records shall be submitted to the Department of Education on prescribed forms on a monthly basis.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed before 4 P.M. on June 23, 1970 to Clyde E. Leib, Office of the Commissioner, New Jersey State Department of Education, 225 West State Street, Trenton, New Jersey 08625. Telephone (609) 292-4040.

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

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

(b)

HEALTH

PUBLIC HEALTH COUNCIL

State Sanitary Code — Refuse

Disposal and Dumps

On April 13, 1970 the Public Health Council, pursuant to authority delegated in N.J.S.A. 26:1A-7, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revision of Chapter VIII of the State Sanitary Code concerning refuse disposal and dumps, substantially as set forth in the Notice published February 5, 1970 at 2 N.J.R. 13(b).

An order adopting the above revision was filed April 16, 1970 as R.1970 d.42, to become effective July 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(c)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Additional Rules for Appeals

To the Chancellor

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:6-26, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has adopted certain new rules of practice governing appeals to the Chancellor, in addition to those rules of practice published December 25, 1969 at 1 N.J.R. 29(a).

The new rules read as follows:

1:2.1 Appointment of a Hearing Officer

When the Chancellor appoints a Vice Chancellor or other hearing officer to hear an appeal, he shall inform all parties of the appointment within twenty (20) days of the receipt of respondent(s) answer.

1:16.1 Transcript of Oral Proceedings

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

1:17.1 Determination of Hearing Officer

When a hearing officer is designated by the Chancellor as the presiding officer, his recommended report and decision containing recommended findings of fact and conclusions of law shall be filed with the Chancellor and delivered or mailed to the parties of record; and an opportunity shall be afforded each party of record to file exceptions and replies thereto, and to present argument to the Chancellor, either orally or in writing, as the Chancellor may order. The Chancellor shall adopt, reject or modify the recommended report and decision. The recommended report and decision shall be a part of the record in the case.

1:17.2 Written Decision

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

1:17.3 Effective Date of Decision

Except where otherwise provided by law, the administrative adjudication of the Chancellor shall be effective

on the date of delivery, or on the date of mailing, of the final decision to the parties of record, whichever shall occur first, or shall be effective on any date after the date of delivery or mailing, as the agency may provide by general rule or by order in the case. The date of delivery or mailing shall be stamped on the face of the decision.

An order adopting the above new rules of practice was filed January 23, 1970 as R. 1970 d.15 (Exempt, Practice Rules).

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(d)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Amended Rules

For Appeals to the Board

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:6-26, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has adopted certain amendments to the rules of practice governing appeals to the Board of Higher Education; which rules were published at length December 25, 1969 at 1 N.J.R. 28(e).

The amended rules read as follows (additions indicated in bold face thus):

2:4 Filing and Service of Points of Appeal

Within twenty (20) days after the appeal has been taken, the appellant shall file with the Secretary of the Board of Higher Education eighteen (18) copies of the points upon which he relies, which shall contain accurate references to the evidence and authorities, if any, in support of said points, and shall serve upon the respondent or his counsel one copy thereof. Within twenty (20) days thereafter, the respondent shall file eighteen (18) copies of his answering points and references to the evidence and authorities with the Secretary of the Board and shall serve one copy thereof upon the appellant or his counsel. The Secretary of the Board shall forthwith transmit the copies of points so filed, but not as part of the record, to the Chairman of the Board, who shall thereafter fix a time and place for the hearing of the appeal, if either party, by notice filed with and prefixed to his points, shall request an oral hearing. The time allowed for presentation of an oral argument shall be set at the discretion of the chairman of the appeals committee. Further memoranda or briefs may be received by the Chairman at his discretion at or subsequent to the hearing.

2:4.1 Transcript of Oral Argument

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

An order adopting the above amendments was filed January 23, 1970 as R. 1970 d.16 (Exempt, Practice Rules).

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND  
PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Proposed Rules for Licensing  
Nursing Home Administrators

The State Board of Control of the Department of Institutions and Agencies, pursuant to authority delegated in Chapter 356, P.L. 1968 (N.J.S.A. 30:11-11) proposed at its April 22, 1970 meeting to adopt rules and regulations for the licensure of nursing home administrators.

The proposed rules and regulations set forth minimum standards for the training, experience and education of individuals acting as administrators of convalescent homes and private nursing homes to be licensed pursuant to N.J.S.A. 30:11-11, et seq.

The proposed rules and regulations shall be retroactively to January 1, 1970 and shall be applicable to all existing and new facilities licensed as nursing or convalescent homes under the provisions of N.J.S.A. 30:11-1 et seq.

Copies of the complete text of the proposed rules and regulations may be obtained from:

Office of the Commissioner  
Department of Institutions and Agencies  
135 West Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action to the Office of the Commissioner, Department of Institutions and Agencies at the above address, on or before May 27, 1970.

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

Lloyd B. Westcott  
President  
State Board of Control  
Department of Institutions and Agencies

(a)

**INSTITUTIONS AND AGENCIES****DIVISION OF PUBLIC WELFARE****Categorical Assistance Budget Manual**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments to the Categorical Assistance Budget Manual as proposed in the Notice published March 5, 1970 at 2 N.J.R. 24(e).

An order adopting these amendments was filed March 30, 1970 as R. 1970 d.34, to become effective April 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(b)

**INSTITUTIONS AND AGENCIES****DIVISION OF PUBLIC WELFARE****Food Stamp Program Manual**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendment to the Food Stamp Program Manual as proposed in the Notice published March 5, 1970 at 2 N.J.R. 24(f).

An order adopting these amendments was filed March 30, 1970 as R. 1970 d.32, to become effective April 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(c)

**INSTITUTIONS AND AGENCIES****DIVISION OF PUBLIC WELFARE****Medical Assistance for the Aged Manual**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revision of the Medical Assistance for the Aged Manual as proposed in the Notice published March 5, 1970 at 2 N.J.R. 24(g).

An order adopting these amendments was filed March 30, 1970 as R. 1970 d.33, to become effective April 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(d)

**INSTITUTIONS AND AGENCIES****DIVISION OF PUBLIC WELFARE****Proposed Changes in the****Categorical Assistance Budget Manual**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:10-3 and 44:7-6, proposes to amend the Categorical Assistance Budget Manual as follows (additions indicated in bold face thus; deletions indicated within brackets (thus)):

NOTE: In Section 309.4, delete the existing language and substitute therefor the following:

309.4 In an active ADC case, when the family budget unit becomes enlarged by the addition of a new spouse or person in a spousal relationship, and such newly-added person has prior-incurred indebtedness, it shall be considered that eligibility of the client is being newly established within the meaning of Section 309.2-a., and therefore such prior-incurred indebtedness shall be recognized to the extent authorized within all of the conditions and limitations of Section 309.2 and 309.3.

**10.2 PREMIUMS INCLUDED IN THE ASSISTANCE BUDGET**

a. The actual amount of premiums on policies in existence at the time eligibility is established may be included in the budget as a special circumstance allowance only if all of the following conditions are met:

1. [for] the policy covers only client or family budget unit members [age eighteen] who are 18 years of age or over (except where children under 18 are included in a Family policy), and
2. [for] the insurance is a whole life policy or the equivalent, unless the insurance company's underwriting rules prevent conversion to [the cheaper such a plan; and
3. [for] life insurance with a face value not exceeding \$1000 per person unless the reduced life expectancy because of poor health results in a decision that the insurance should not be reduced. (See Section 407.5-b.-3.); [the policy has a face value not exceeding \$1000 per person (see Section 407.5-b.); and
4. [if (except in the AB program)] as applicable, in all programs except AB, the policy is either assigned to the

County Welfare Board; or other equivalent arrangements satisfactory to the County Welfare Board are made (i.e. — provision for burial).

b. A recurring allowance equal to the actual cost of premiums of authorized life insurance [(except as indicated in 310.3)] shall be included in the budget. [In certain situations an allowance] Allowance for premiums may be made on a nonrecurring basis [Budgeting the cost of premiums on a nonrecurring basis shall be limited to] in situations of special cause where the client himself has requested this arrangement and where this arrangement is essential in the judgment of the County Welfare Board.

[310.3] 1. Premiums for existing policies shall be recognized in the budget of persons 18 and over until [recommendations for adjustment have been received.] determinations regarding adjustment have been made.

**314. TRANSPORTATION**

314.2 When Section 314.1 is not applicable, a [A] client [because of] who has a medically verified illness, infirmity, or physical handicap may himself need expenses of transportation:

- a. to clinic, hospital or doctor;
- b. to public or private medical institution;
- c. to school;
- d. to church;
- e. for shopping.

A recurring allowance equal to the estimated average monthly cost of the minimally required transportation or a non-recurring allowance equal to the actual cost shall be included in the budget.

314.6 When a member of the family budget unit is receiving institutional care in which it is a required part of the treatment plan prescribed by the professional staff of the institution that he receive periodic visits from parent or spouse, cost of the most economical means of transportation for the verified number of visits required shall be included in the budget.

NOTE: Delete Section 406. and Section 407.5.

**407.5 INSURANCE AS A POTENTIAL RESOURCE**

a. Life insurance with a face value not exceeding \$1000 on any individual in the family budget unit, and group or term insurance shall not be considered potential resources affecting eligibility or subject to liquidation.

1. Situations in which premiums for life insurance may be considered as a special circumstance are defined in Section 310.

b. Life insurance with a face value exceeding \$1000 on any individual shall be considered a potential resource except in the following situations:

1. It has been medically verified that the individual has a reduced life expectancy;
2. the insured is receiving disability income under the insurance policy, or it is anticipated that the insured may be eligible for disability benefits under the insurance policy within a reasonable length of time;
3. the client has a Family policy in the smallest amount available and a member of the family budget unit is uninsurable;
4. the client has a family policy in the smallest amount available and the number of eligible and ineligible children under 21 would make the premium cost of individual policies equal to or greater than the cost of the family policy;
5. the situation is such that the insured is likely to be a recipient of assistance for less than six months;
6. the individual is undergoing a planned program of vocational rehabilitation;

c. All life insurance policies with a face value exceeding \$1000 on any individual shall be submitted to the County Welfare Board for review during the first thirty days of the receipt of assistance. In OAA and DA programs, insurance policies must be assigned to the County Welfare Board. (See Section 310.2-a.-4.)

1. Determinations regarding the policy as a potential resource and the feasibility of adjustment to whole life insurance (with face value not exceeding \$1000 on any individual) shall be made by the County Welfare Board. The following shall be considered in making such determinations:

- reduced life expectancy;
- current or potential disability benefits;
- future insurability of insured person; (see 407.5-b.-4.)
- other insurance in force.

In the event the County Welfare Board is unable to arrive at a decision, the insurance policy may be referred to the State office for final determination.

2. When additional information is necessary, a request for such information shall be submitted to the home office of the insuring company using Form INS-PMI for all companies except John Hancock (see subsection b. below). This step should be omitted when there is sufficient information at hand to make an adjustment determination.

a. When an adjustment is found to be necessary, the agency shall notify the home office of the insuring company, using Form INS-PM2 for all companies except John Hancock (see subsection b.) and shall follow such instructions as the home office provides.

b. For John Hancock policies, either or both of the above functions can be accomplished in a single submittal of Form INS-JH.

412.1 g. [in ADC, for any adult who is a member of the family budget unit because he occupies a spousal relationship without proof or claim of ceremonial marriage, deduct allowance for monthly medical costs as specified in Section 406. and/or the actual amount of payments being made toward prior indebtedness as specified in Section 309.4;]

in ADC, for an adult newly added to the family budget unit who is a spouse or who occupies a spousal relation-

ship without proof or claim of ceremonial marriage, deduct the actual amount of payments being made toward allowable prior indebtedness as specified in Section 309.4;

606.2-9 (1) Need exists if the available income (refer to Chapter 400.) of all members of the family budget unit is less than the sum of basic and special circumstance requirements for all such members [; however, the amount of the grant shall not exceed the sum of the basic and special circumstance requirements for the eligible child(ren) and the natural or adoptive parent(s) and their spouses, or needy parent-person(s) and their spouses].

(2) Need does not exist if the available income of the family equals or exceeds the sum of the basic and special circumstance requirements for all family members.

(3) Income as referred to herein specifically means such income as is in fact available for immediate expendable use by or for the eligible adults and/or children. The existence of such income shall not be assumed or presumed, but when such existence is established the amount thereof shall be entered as income in the family unit budget and shall, for all purposes (including allowance of disregards and exemptions), be considered income available to the family unit collectively (except for modifications with respect to particular individuals required by Section 606.5) unless subsection (4) below applies.

(4) At any time that the County Welfare Board determines, based on unequivocal and conclusive evidence, that such income or any identified portion thereof is in fact not being made available for the benefit of the family, such income or portion thereof so determined to be not available shall not be entered as income in the family unit budget.

(5) If any such withholding of income from collective use constitutes a wrongful failure or refusal, on the part of the family member so withholding, to make contribution for his own maintenance and/or the maintenance of other family members for whom he is responsible, the agency shall take appropriate action within 30 days in accordance with available procedures to secure judicial determination of the issues presented.

(6) Applicants and recipients shall be informed about the identity and amount of all income which is considered in determining eligibility and the amount of the grant. They shall be afforded opportunity to assert and demonstrate any error, including particularly the opportunity to demonstrate the non-availability of withheld income as referred to in subsections (3), (4), and (5) above and the opportunity to be informed of the particular kinds of evidence that could be presented to make such a demonstration. When any such evidence is presented, indicating that income known to be existent is not in fact being made available to the family, there shall be a full exploration of the situation to assemble all possible evidence upon which a final finding may be made with respect to the issue of availability.

608.1 h. In the ADC program, the monthly assistance payment, shall be limited in accordance with the Administrative Ceiling (Section 615.).

1. When the family budget unit includes a member who has incurred a penalty of ineligibility for money payment, the amount of the payment to the family shall be the amount determined in accordance with Section 615. reduced by the ineligible person's per capita share of such amount.

615.2 b. 5. [if applicable, for a spouse newly added to the family budget unit, the actual amount of payments being made toward prior indebtedness as specified in Section 309.4;]

If applicable, for an adult newly added to the family budget unit who is a spouse or who occupies a spousal relationship without proof or claim of ceremonial marriage, the actual amount of payments being made toward allowable prior indebtedness as specified in Section 309.4.

[6. if applicable, for any adult who is a member of the family budget unit because he occupies a spousal relationship without proof or claim of ceremonial marriage, allowance for monthly medical costs as specified in Section 406. and/or the actual amount of payments being made toward prior indebtedness as specified in Section 309.4.]

**Appendix V****F. SCHEDULE I — METHOD FOR DETERMINING SPECIFIED RELATIVES' CAPACITY TO SUPPORT**

1. The capacity of the relatives as identified in a, b, c, and d below to contribute to the support of person or persons for whom he is legally responsible is determined by Schedule I and the rules relating to the use of this Schedule as set forth in Chapter 600. and Appendix V — A, B, C [and], D and E.

[b] a. With respect to ADC, the LRR is the child(ren)'s natural or adoptive parent who is not living in the same household with the client;

[a] b. The LRR has no dependents other than the client and is living in the same household as the client, but this LRR is [not] neither the head of the household nor spouse of the client;

c. [In DA, AB, MA and MAA, the LRR is the spouse of the client and the client is purchasing patient care in a medical institution and client and spouse had customarily living together.]

In all categorical programs except ADC, the LRR is the client's spouse living with the client but is not a member of the family budget unit. (See Section 606.1)

d. In all categorical programs except ADC, the LRR is the spouse of a client who is purchasing patient care in a medical institution, and client and spouse had customarily been living together.

**Institutions and Agencies — continued**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 27, 1970 to:

Division of Public Welfare  
129 East Hanover Street  
Trenton, New Jersey 08625

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

Lloyd W. McCorkle  
Commissioner  
Department of Institutions and Agencies

(a)

**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 of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, proposes to amend the Division of Public Welfare Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

**2280. FACTORS APPLICABLE IN ASSISTANCE FOR DEPENDENT CHILDREN ONLY**

**3 Establishing Relationship of Child to Enumerated Relative**

The specific relationship of the child to a natural parent or other enumerated relative (as defined in 2101.15) shall be established in the validation process by the use of documentary or non-documentary sources of evidence.

a. Documentary sources of evidence present factual information recorded at some previous date by some disinterested party and filed as part of the record. Examples: birth certificates, marriage certificate.

b. Non-documentary sources of evidence may be accepted when documentary sources are not available. However to be valid, such evidence must be identified as [a] factual [statement] statements secured from reliable individuals. Examples: school authorities, other relatives, etc. Other acceptable sources are listed in 2200 Appendix I, Sources of Evidence of Age.] or from sources such as:

- 1) Church Records — baptismal, membership, first communion, confirmation, marriage, and the like;
- 2) Census Records — local, State or Federal;
- 3) School Records — first school attended or any subsequent schools attended;
- 4) Military Service Records — allotments, dependents, next of kin;
- 5) Welfare Agency Records — other in-state or out-of-state public or private agencies;
- 6) Medical Records — hospital, clinic, physical, midwife;
- 7) Other — relatives, personal records, affidavits or other acceptable sources as listed in 2200 Appendix I, Source of Evidence of Age.

Note: In the table which accompanies Section 2712, "Required Forms", a double asterisk shall precede Forms PA-6A, PA-22 and PA-22B, with the following notation below the table "not required for validation".

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 27, 1970 to:

Division of Public Welfare  
129 East Hanover Street  
Trenton, New Jersey 08625

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

Lloyd W. McCorkle  
Commissioner  
Department of Institutions and Agencies

(b)

**INSTITUTIONS AND AGENCIES**  
**DIVISION OF PUBLIC WELFARE**

**Proposed Changes in the Medical Assistance for the Aged Manual**

Lloyd McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, proposes to adopt certain amendments to the Medical Assistance for the Aged Manual.

The proposed amendments include up-dating the Manual in order to conform with hospital insurance benefits under Part A and certain medical services under Part B of Title XVIII of the Federal Social Security Act, as follows (additions indicated in boldface thus; deletions indicated with brackets [thus]):

**3120. PROCESS OF ESTABLISHING ELIGIBILITY**

**2 Simplified Process for Establishing Initial Eligibility for Hospitalization**

Most persons 65 years of age and older are eligible for hospital insurance benefits under Part A and certain medical services under Part B of Title XVIII, Federal Social Security Act.

Currently, such hospital insurance benefits provide for 90 days of hospital care in a participation hospital for each

"spell of illness" subject to payment of a [44] \$52 deductible covering the first 60 days and [11] \$13 per diem coinsurance for the next 30 days. In addition, with respect to hospital care furnished after December 31, 1967, each individual will have a "lifetime reserve" of 60 days of additional coverage of hospital care after the 90 days covered in a "spell of illness" have been exhausted. Coinsurance of [\$22] \$26 per day will be applicable to these added days of coverage.

g. The caseworker will prepare a recommendation for agency decision (see 3125.) subject to supervisory review and approval (see 3126.).

1) If the client is otherwise eligible, the amount of medical assistance to be granted shall be the total of the following items, if applicable: [44] \$52 for the first 60 days of hospital care; [11] \$13 per diem for the next 30 days of such care; and physician's services up to the amount of \$40 (80% of the \$50 deductible) if the client has Supplementary Medical Insurance Part B and if such payment is necessary to satisfy the deductible, or 80% of the reasonable charges if the client does not have such coverage.

The proposed amendments also include increasing the monthly income eligibility for nursing home care of single persons from \$375 or less to \$410 or less, and increasing the combined monthly income eligibility for nursing home care of married persons from \$600 or less to \$650 or less.

Copies of the full text of the proposed amendments may be obtained from:

Division of Public Welfare  
129 East Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 26, 1970 to the Division of Public Welfare at the above address.

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

Lloyd W. McCorkle  
Commissioner  
Department of Institutions and Agencies

(c)

**INSTITUTIONS AND AGENCIES**  
**STATE BOARD OF CONTROL**

**Proposed Licensing Policy For Long-Term Care Hospital Units**

The State Board of Control, pursuant to authority delegated in N.J.S.A. 30:11-1 et seq., proposed at its March 25, 1970 meeting to adopt a policy of issuing licenses for the operation of long-term care units in hospital facilities. The proposed policy, which shall be applicable to all new and existing licensed hospitals in the State, is as follows:

If a hospital and long-term care facility have the same corporate body and administration and if members of the hospital's medical staff have been assigned responsibility for the medical care of patients admitted in each facility, the long-term care facility shall be considered an integral part of the hospital for licensure purposes regardless of whether it is physically established as a distinct part of the hospital, as a separate structure on the hospital premises, or as a separate structure on property distant from the hospital. Under such circumstances, only one license shall be issued to the hospital to cover each facility, with the stipulation that the allocation of bed capacities not be changed except by approval of the Hospital Licensing Board.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1970 to:

Office of the Commissioner  
Department of Institutions and Agencies  
135 West Hanover Street  
Trenton, New Jersey 08625

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

Lloyd B. Westcott, President  
State Board of Control  
Department of Institutions and Agencies

(d)

**INSURANCE**

**THE COMMISSIONER**

**Proposed Regulation On Examination And Auditing of Insurance Policies**

The public hearing in connection with the Insurance Department's proposed regulation concerning examination and auditing of insurance policies originally scheduled for April 30, 1970 has been adjourned until May 26, 1970 at 10 a.m. in room 438, State House Annex, Trenton, New Jersey.

Written comments, suggestions and recommendations concerning the proposed regulation and any other proposals respecting additions or modifications to the proposed regulation are to be filed not later than May 22, 1970 with:

W. Morgan Shumake  
Deputy Commissioner  
Department of Insurance  
State House Annex  
Trenton, New Jersey 08625

Robert L. Clifford  
Commissioner  
Department of Insurance

(e)

**INSURANCE**

**NEW JERSEY REAL ESTATE COMMISSION**  
**Proposed Regulation Concerning Fingerprinting of Applicants**

The New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-16 and 45:15-17, proposes to adopt a regulation requiring the filing of a fingerprint card with all renewal or original applications for licenses for brokers and salesmen as follows:

**REGULATION NO. 29 — FINGERPRINTING**

I. The applicant, if a natural person, shall also submit in connection with his or her renewal or original application for a salesman, broker-salesman or broker's license, one (non-criminal) State Police fingerprint card with impressions taken by a recognized law enforcement agency.

II. The applicant, if a corporation or partnership (general or limited), shall also submit with application one (non-criminal) State Police fingerprint card with impressions taken by a recognized law enforcement agency for each officer, director, controlling person or partner.

III. This Regulation shall apply to all applicants who are applying as residents or non-residents and shall be effective as of July 1, 1970.

Written comments, suggestions and recommendations concerning the proposed regulation and any other proposals respecting additions or modifications to the regulation are to be filed on or before May 27, 1970 with:

Philip L. Manganaro  
Secretary-Director  
The New Jersey Real Estate Commission  
1100 Raymond Boulevard  
Newark, New Jersey 07102

A public hearing will be held on Thursday, May 28, 1970 at 10 A.M. in the New Jersey Real Estate Commission Hearing Room, Second Floor, 1100 Raymond Boulevard, Newark, New Jersey, at which time and place comments, suggestions, recommendations, additions, and modifications to the proposed regulation and evidence with respect thereto will be received for the record.

The time and date of any subsequent hearing, if such is determined to be necessary, will be announced at the May 28, 1970 hearing. However, no notice of any such subsequent hearing will appear in the New Jersey Register.

After full consideration of all submissions respecting the proposed regulation, the New Jersey Real Estate Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the regulation substantially as proposed without further notice.

Philip L. Manganaro  
Secretary-Director  
New Jersey Real Estate Commission  
Department of Insurance

(f)

**LABOR AND INDUSTRY**

**BUREAU OF ENGINEERING AND SAFETY**

**Maintenance, Construction And Demolition Operations**

On April 8, 1970, Charles Serrano, 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, adopted Chapter 116, Maintenance, Construction and Demolition, of Title 12 of the New Jersey Administrative Code substantially as proposed in the Notice published October 30, 1969 at 1 N.J.R. 11 (d).

An order adopting the above chapter was filed April 10, 1970 as R. 1970 d.38, to become effective September 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(g)

**LABOR AND INDUSTRY**

**BUREAU OF ENGINEERING AND SAFETY**

**Mechanical Power Transmission Guarding**

On April 8, 1970, Charles Serrano, 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, repealed Chapter 145 of Title 12 of the New Jersey Administrative Code, Safeguarding of Mechanical Power Transmission Apparatus (formerly designated as Safety Regulation No. 4) and adopted a new Chapter 145 entitled Mechanical Power Transmission Guarding, as proposed in the Notice published October 30, 1969 at 1 N.J.R. 11(c).

An order repealing the former Chapter 145 and adopting the new Chapter 145 was filed April 10, 1970 as R. 1970 d.39, to become effective September 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(a)

**LABOR AND INDUSTRY**

**BUREAU OF ENGINEERING AND SAFETY**

**Plan Filing for Places of Employment**

On April 8, 1970, Charles Serraino, 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, adopted the revision of Chapter 110 Title 12 of the New Jersey Administrative Code, entitled "Plan Filing, substantially as set forth in the Notice published October 30, 1969 at 1 N.J.R. 14(b).

An order adopting this revision was filed April 10, 1970 as R. 1970 d.36, to become effective September 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(b)

**LABOR AND INDUSTRY**

**BUREAU OF ENGINEERING AND SAFETY**

**Registration of Industrial Establishments**

On April 8, 1970, Charles Serraino, 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, adopted the rules governing registration of places of employment substantially as proposed in the Notice published October 30, 1969 at 1 N.J.R. 11(b). These rules, formerly designated as Proposed Safety Regulation No. 13, are now designated as Chapter 111, Registration, of Title 12 of the New Jersey Administrative Code.

An order adopting these rules was filed April 10, 1970 as R. 1970 d.37, to become effective September 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(c)

**LABOR AND INDUSTRY**

**BUREAU OF ENGINEERING AND SAFETY**

**Proposed Building Code**

Charles Serraino, Commissioner of Labor and Industry, pursuant to authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Chapter 115, Building Code, of Title 12 of the New Jersey Administrative Code.

The purpose of this Chapter is to establish reasonable requirements to protect the life, health and safety of employees. More specifically, the purpose of this Chapter is to establish reasonable standards for the design, location, construction, erection, alteration, repair, maintenance, occupancy, use, removal and demolition of buildings and structures and their service equipment, which are or will be used as places of employment, to protect the life, health and safety of employees. This Chapter is necessary to implement the purposes of the Worker Health and Safety Act.

This Chapter establishes standards for or places limitations upon building use and type of construction, general area and height limitation restrictions within and outside of a fire zone, means of egress, lighting, heating, ventilation, air conditioning, refrigeration, structural design, fire safety, special use and occupancy, safeguards during demolition and construction, signs and outdoor displays, elevators, escalators, dumbwaiters, lifts, conveyor equipment, plumbing, sanitation and electric wiring and equipment.

Copies of the proposed Chapter may be obtained without charge upon written request to the Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box 709, Trenton, New Jersey 08625.

Interested persons may present statements or arguments, orally or in writing, relevant to the proposed action at a Public Hearing in Room 1204, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10:00 a.m., Tuesday, June 2, 1970.

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

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

The Commissioner proposes to adopt this Chapter to become effective January 1, 1971.

Charles Serraino  
Commissioner of Labor and Industry

(d)

**LABOR AND INDUSTRY**

**BUREAU OF ENGINEERING AND SAFETY**

**Proposed Occupational Noise Exposure Regulations**

Charles Serraino, Commissioner of Labor and Industry, pursuant to authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Regulations governing noise in places of employment to be designated as Chapter 173, Occupational Noise Exposure, of Title 12 of the New Jersey Administrative Code.

This Chapter is the first edition of a regulation on the subject of noise in places of employment. With the revision in 1969 of regulations adopted by the Federal Government under the provisions of the Walsh-Healey Public Contracts Act to include requirements on occupational noise exposure, it is appropriate that at the State level we have similar employee safety requirements.

Accordingly, this Chapter includes the same requirements as the Federal regulations and, in addition, certain other requirements that are necessary for enforcement purposes. The purpose of this Chapter is to establish reasonable requirements to protect the health and safety of employees. This Chapter is necessary to implement the purposes of the Worker Health and Safety Act.

The proposed Chapter 173 reads as follows:

**SECTION 1  
GENERAL PROVISIONS**

**1.1 TITLE AND CITATION**

1.1.1 This regulation may be cited as Chapter 173, Occupational Noise Exposure of Title 12 of the New Jersey Administrative Code.

**1.2 PURPOSE.**

1.2.1 The purpose of this Chapter is to provide for the practical protection of employees from the hazards arising from noise induced by machinery, equipment and operations.

**1.3 SCOPE.**

1.3.1 This Chapter applies to all places of employment subject to the Worker Health and Safety Act, P.L. 1965, Chapter 154; N.J.S.A. 34:6A-1 et seq.

**1.4 EFFECTIVE DATE.**

1.4.1 This Chapter shall take effect on January 1, 1971.

**1.5 VALIDITY.**

1.5.1 Nothing in this Chapter shall be construed to prevent the enforcement of other Chapters of Title 12 of the New Jersey Administrative Code which prescribe more restrictive requirements.

1.5.2 Should any section, paragraph, sentence, or word of this Chapter be declared invalid, such decision shall not affect the remaining portions of this Chapter.

**SECTION 2  
DEFINITIONS**

**BUREAU** The Bureau of Engineering and Safety, Division of Labor, Department of Labor and Industry, State of New Jersey.

**COMMISSIONER** Commissioner of the Department of Labor and Industry or his authorized representative.

**dB** Decibels measured on the A-weighted scale.

**DECIBEL (dB)** A dimensionless unit expressing the logarithmic ratio of two amounts of pressure, power or intensity, between a measured quantity and a referenced quantity.

**DEPARTMENT** Department of Labor and Industry.

**EMPLOYEE** Any person engaged in service to an employer for wages, salary or other compensation.

**EMPLOYER** Any person or corporation, partnership, individual proprietorship, joint venture, firm, company or legal entity, who engages the services of an employee and who pays his wages, salary or other compensation; and any person exercising supervision of employees on an employer's behalf.

**FREQUENCY (IN CYCLES PER SECOND OR HERTZ)** The time rate of repetition of a periodic phenomenon. The frequency is the reciprocal of the period.

**HEARING CONSERVATION PROGRAM** The prevention or minimizing of noise-induced deafness through the use of hearing protection devices and the control of noise through administrative or engineering methods.

**IMPACT** A single collision of one mass in motion with a second mass which may be either in motion or at rest.

**N.J.A.C.** New Jersey Administrative Code.

**NOISE** Any undesired sound. By extension, noise is any unwarranted disturbance within a useful frequency band, such as undesired electric waves in any transmission channel device. Noise is an erratic, intermittent, or statistically random oscillation.

**NOISE LEVEL** The level of noise, the type of which must be indicated by further modifier or context. For airborne sound, unless specified to the contrary, noise level is the weighted sound pressure level called sound level, the weighting of which must be indicated.

**OCTAVE** An octave is the interval between two sounds having a basic frequency ratio of two.

**OCTAVE BAND ANALYSIS** Measurement of sound pressure level as a function of frequency.

**PLACE OF EMPLOYMENT** Any building or other premises occupied by an employer in or about which an employee is suffered or permitted to work.

**SHALL** Indicates a mandatory requirement.

**SOUND LEVEL** A weighted sound pressure level obtained by the use of metering characteristics and the weighting specified in approved sound level meters.

**SOUND LEVEL METER** An instrument used to measure sound pressure level or weighted sound pressure level, constructed in accordance with General Purpose Sound Level Meters, ANSI S1.4-1961.

**SECTION 3  
NOISE CONTROL**

**3.1 PERMISSIBLE NOISE LEVEL.**

3.1.1 Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table 3.1.1 when measured on the A scale of a standard sound level meter at slow response, except as provided in 3.1.3.

3.1.2 When noise levels are determined by octave band analysis, the equivalent A-weighted sound level may be determined as provided in 3.2.

**TABLE 3.1.1  
PERMISSIBLE NOISE EXPOSURES (1)**

Duration Per Day Hours	Sound Level dBA at Slow Response
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
¾	110
¼ or less	115

Note to Table: When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions:  $C_1/T_1 + C_2/T_2 + \dots + C_n/T_n$  exceeds unity, then, the mixed exposure should be considered to exceed the limit value.  $C_n$  indicates the total time of exposure at a specified noise level, and  $T_n$  indicates the total time of exposure permitted at that level.

3.1.3 Audible alarms, such as those used on traveling cranes or industrial trucks, shall be exempt from the requirements of 3.1.1.

**3.2 EQUIVALENT SOUND LEVEL CONTOURS.**

3.2.1 Octave band sound pressure levels may be converted to the equivalent A-weighted sound level by plotting them on a graph, which shall be a part of this Section, noting the A-weighted sound level corresponding to the point of highest penetration into the sound level contours. This equivalent A-weighted sound level, which may differ from the actual A-weighted sound level of the noise, shall be used to determine exposure limits from Table 3.1.1.

**3.3 CONTROL PROCEDURES.**

3.3.1 When employees are subjected to sound levels exceeding those listed in Table 3.1.1, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table 3.1.1, personal protective equipment shall be provided and used to reduce sound levels within the levels of Table 3.1.1.

**3.4 CONTINUOUS NOISE.**

3.4.1 If the variations in noise level involve maxima at intervals of one second or less, the noise level shall be considered continuous.

**3.5 HEARING CONSERVATION PROGRAM.**

3.5.1 In all cases where the sound levels exceed the values shown in Table 3.1.1, a continuing, effective hearing conservation program shall be administered.

**3.6 IMPACT NOISE.**

3.6.1 Exposure to impulsive or impact noise shall not exceed 140 dB peak sound pressure levels.

Interested persons may present statements or arguments, orally or in writing, relevant to the proposed action at a Public Hearing in Room 1204, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10:00 A.M., Tuesday, June 2, 1970.

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

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

The Commissioner proposes to adopt this Chapter to become effective January 1, 1971.

Charles Serraino  
Commissioner of Labor and Industry

(a)

**LABOR AND INDUSTRY**

**BUREAU OF ENGINEERING AND SAFETY**

**Proposed Flammable and Combustible Liquids Regulations**

Charles Serraino, Commissioner of Labor and Industry, pursuant to authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Regulations governing the storage, handling and use of flammable and combustible liquids to be designated as Chapter 133, Flammable and Combustible Liquids, of Title 12 of the New Jersey Administrative Code (formerly designated as Proposed Safety Regulation No. 51.)

The purpose of this Chapter is to establish reasonable requirements to protect the life, health and safety of employees. More specifically, the purpose of this Chapter is to provide reasonable standards for the storage, handling and use of flammable and combustible liquids for the protection of the life, health and safety of employees. This Chapter is necessary to implement the purposes of the Worker Health and Safety Act.

This Chapter provides reasonable safety standards concerning tank storage; piping, valves and fittings; container and portable tank storage; industrial plants; bulk plants; service stations; processing plants; dry cleaning plants; plants manufacturing organic chemicals; loading and unloading tank vessels; oil burning equipment; protection of tanks containing flammable or combustible liquids in locations that may be flooded; abandonment or removal of underground tanks; wharves, spray finishing; and dip tanks.

Copies of the proposed Chapter may be obtained without charge upon written request to the Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box 709, Trenton, New Jersey, 08625.

Interested persons may present statements or arguments orally or in writing, relevant to the proposed action at a Public Hearing in Room 1204, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10:00 a.m., Tuesday, June 2, 1970.

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

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

The Commissioner proposes to adopt this Chapter to become effective January 1, 1971.

Charles Serraino  
Commissioner of Labor and Industry

(b)

**LAW AND PUBLIC SAFETY**

**NEW JERSEY RACING COMMISSION**

**Proposed Harness Racing Rule Changes**

The New Jersey Racing Commission, pursuant to authority of N.J.S.A. 5:5-30, proposes to adopt the following amendments and additions to the rules and regulations governing harness racing in New Jersey as follows (additions indicated in bold face thus; deletions indicated with brackets [thus]):

**Wheel Discs**

"In harness" shall mean that the horses participating are attached to a sulky. Jog carts shall not be used for racing. All sulkies used in a race must be equipped with [wheel discs] unicolored or colorless wheel discs on the inside and outside of the wheels, of a type approved by the Stewards or by the Racing Commission.

**WHIPPING RULES**

**USE OF GOADING DEVICES**

The possession or use of a goading device, chain or mechanical device or appliance, other than the ordinary whip or [blunt spur] crop upon any horse in any race shall constitute a violation of this rule. Taking the lines in one hand and whipping the horse is forbidden. The brutal use of a whip or [blunt spur, kicking a horse with a foot, striking a horse on the legs with a whip under the seat of the sulky] crop or indiscriminate use of a whip or [blunt spur may] crop shall be considered a violation and shall be punished by a fine not to exceed \$100.00 or by suspension.

**ATTIRE**

Every driver in a race shall be attired in white pants. A violation of this rule will subject a driver to a fine or suspension.

The New Jersey Racing Commission will conduct a pub-

lic hearing to receive written and oral statements regarding the amendments under consideration.

Interested persons are invited to attend the hearing at the offices of the New Jersey Racing Commission at 28 West State Street, Trenton, New Jersey 08625 on Thursday, May 28, 1970 at 11 A.M.

Persons desiring to present statements at this hearing must request an opportunity to do so in writing, on or before Monday, May 25, 1970.

Written statements received at any time prior to June 8, 1970, as well as statements presented at the public hearing, will be considered by the Commission in connection with the above proposals.

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

John J. Reilly, Secretary  
New Jersey Racing Commission  
Department of Law and Public Safety

(c)

**STATE**

**ATHLETIC COMMISSION**

**Changes in Rules**

On April 8, 1970, Morris Mogelever, Acting State Athletic Commissioner, pursuant to authority of N.J.S.A. 5:2-5, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revisions of certain provisions of "Rules Governing Boxing, Wrestling and Sparring Exhibitions and Performances" as proposed in the Notice published March 5, 1970 at 2 N.J.R. 27(a).

An order adopting these revisions was filed and became effective April 8, 1970 as R. 1970 d.35.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(d)

**TREASURY**

**DIVISION OF BUILDINGS AND CONSTRUCTION**

**Created As New Office for Department**

The upgrading of the construction function in the State Department of the Treasury was announced April 17 by Joseph M. McCrane, New Jersey State Treasurer.

Supervision of the several million dollars of annual construction work handled by the Department will be shifted to a newly-formed Division of Buildings and Construction. The former Office of Architecture, Engineering and Construction will be shifted out of the Division of Purchase and Property to assume division status.

Mr. McCrane also announced that Donald A. Sullivan, for the past three years assistant vice president for construction and maintenance at Rutgers-The State University, is the director of the new division. It will handle all planning, construction, reconstruction, improvement and repair of public buildings.

Sullivan, 45, has had a life-time career in the construction field, having served in supervisory posts also with Walter Kidde Constructors, Inc., New York City, Stevens Institute of Technology, Hoboken, N. J. and the Port of New York Authority. He is a 1945 mechanical engineering graduate of Stevens, is married and the family with five children live in Bridgewater Township, N. J.

(e)

**TREASURY**

**DIVISION OF INVESTMENT**

**STATE INVESTMENT COUNCIL**

**Commercial Paper Amendments**

On December 19, 1969, the State Investment Council pursuant to authority of N.J.S.A. 52:18A-89, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments to its regulations numbered 16:3-13.100, 16:3-13.110 and 16:3-13.140 concerning commercial paper, as proposed in the Notice published November 27, 1969 at 1 N.J.R. 24(b).

An order adopting the above amendments was filed and became effective December 19, 1969 as R. 1969 d.32.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(f)

**TREASURY**

**DIVISION OF INVESTMENT**

**STATE INVESTMENT COUNCIL**

**Temporary Reserve Group**

On March 3, 1970, the State Investment Council pursuant to authority of N.J.S.A. 52:18A-89, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendment to its regula-

tion numbered 16:3-5.140, "Temporary Reserve Group," as proposed in the Notice published February 5, 1970 at 2 N.J.R. 19(b).

An order adopting the above amendment was filed and became effective March 3, 1970 as R. 1970 d.20A.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(g)

**TREASURY**

**DIVISION OF PENSIONS**

**Police and Firemen's Retirement System**

On February 16, 1970, the Board of Trustees of the Police and Firemen's Retirement System, pursuant to N.J.S.A. 43:16A-1(9) and based on the recommendation of the Consulting Actuary, approved a resolution changing the rate of regular interest with reference to N.J.S.A. 43:16A-13(15) which provides:

On the basis of such tables recommended by the actuary as the board of trustees shall adopt and regular interest, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this act.

N.J.S.A. 43:16A-13(14) defines the manner in which the Board of Trustees shall set the rate of regular interest as follows:

The board of trustees from time to time shall set the rate of regular interest at such per centum rate compounded annually as shall be determined by the board with the advice of the actuary to be equitable both to members and to the taxpayers of the State, such rate to be limited to a minimum of 2% and a maximum of 4%, with the rate of 3% applicable until changed by the board.

Having stated that the earnings of the investments of the System have improved in recent years and are expected to continue to improve, the Board of Trustees resolved:

That in the actuarial valuation, commencing with the valuation to be prepared as of June 30, 1969, of all liabilities of the Funds of the System and in determination of the reserve transferable from the Pension Accumulation Fund when a member retires, regular interest shall mean interest at 4 per cent per annum compounded annually, and be it further resolved, that for the purpose of computing actuarial equivalent benefits under the System, regular interest shall mean interest at 3 per cent per annum compounded annually.

An order approving the foregoing resolution was filed February 25, 1970 pursuant to N. J. Const. Art. V, Sec. IV, Para. 6 as a document not subject to codification.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(h)

**TREASURY**

**DIVISION OF PENSIONS**

**TEACHERS' PENSION AND ANNUITY FUND**

**Participation in the Program**

On March 3, 1970, the Board of Trustees of the Teachers' Pension and Annuity Fund, pursuant to authority of N.J.S.A. 18A:66-56, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted N.J.A.C. 17:3-20.1, "Participation in the Program", as proposed in the Notice published December 25, 1969 at 1 N.J.R. 32(b).

An order adopting the above rule was filed and became effective March 5, 1970 as R. 1970 d.21A.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(i)

**TREASURY**

**DIVISION OF TAXATION**

**Emergency Transportation Tax Return**

Emergency Transportation Tax Return  
On March 28, 1970, Sidney Glaser, Acting Director of Taxation, pursuant to authority of N.J.S.A. 54:8A-19b, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule of the Division of Taxation, Emergency Transportation Tax Bureau concerning the obligation to file the Annual New Jersey Emergency Transportation Tax Return, as proposed in the Notice published March 5, 1970 at 2 N.J.R. 28(c).

An order adopting the above rule was filed and became effective March 28, 1970 as R. 1970 d.30.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State