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# THE NEW JERSEY REGISTER

Vol. 2—No. 6

NEW JERSEY, THURSDAY, JUNE 4, 1970

2 N.J.R. 45



## 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, JUNE 4, 1970

## NOTICE OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

The following digests, notices, and texts of rules, regulations and orders 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

#### STATE HOUSE COMMISSION

##### Local Emergency Aid Act is Implemented

On May 20, 1970, the State House Commission, pursuant to authority of N.J.S.A. 40:47A-7, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted regulations implementing the Local Emergency Aid Act of 1969, N.J.S.A. 40:47A-1.1 et seq., as follows:

#### FOREWORD

The Local Emergency Aid Act of 1969, c. 94, P.L. 1969 as amended by c. 23, P.L. 1970 created a Local Emergency Aid Fund and appropriated \$2,000,000 to that Fund. The law designated the State House Commission as the agency for authorizing payments to any municipality from the Fund.

Any municipality within the State of New Jersey which experienced an emergency as defined in the act and regulations promulgated pursuant thereto may apply for reimbursement of any sums expended by emergency expenditures in dealing with an emergency.

An "emergency" is defined in the Local Emergency Aid Act to be "an unusual conditions caused by civil disturbance whereby the safety of the public is endangered or imperiled". In addition, such emergency must have occurred on or after January 1, 1969 and prior to January 1, 1970.

The State House Commission pursuant to its authority under the Local Emergency Aid Act of 1969, as amended, has designated the Division of Local Finance, Department of Community Affairs as the State agency responsible for receiving and reviewing applications for reimbursement prior to authorization of payment by the State House Commission. All inquiries concerning the Act and filings required by the Act or regulations should be directed to the Director, Division of Local Finance, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

SS  
 NJ c.1

Requests for application forms and a copy of the regulations by any municipality which desires to apply for reimbursement from the Fund shall be filed no later than July 15, 1970. Any municipality applying for such reimbursement shall file its application no later than August 31, 1970. No extensions of time for filing shall be granted.

#### I. GENERAL REGULATIONS

A. Chapter 94, Laws of 1969, the Local Emergency Aid Act, creates a Local Emergency Aid Fund which shall consist of sums as the Legislature may appropriate and such additional sums as may be granted or donated to the Fund from any public or private source. The Local Emergency Aid Act contains an appropriation of \$2,000,000 to the Local Emergency Aid Fund.

B. The State House Commission may authorize payment to any municipality out of the Fund for reimbursement to such municipality:

1. in an amount equal to 75% of the actual expenditures made by a municipality, pursuant to emergency appropriations adopted in dealing with an emergency within its borders, or

2. in an amount equal to 100% of the expenditures incurred by a sending municipality and provided for by an emergency appropriation, in instances where said municipality is asked to provide and render assistance to a neighboring municipality in an emergency by supplying fire or police aid, or both, and does provide such assistance.

C. In the event that the total of eligible requests for reimbursement exceeds the total amount of the fund, the State House Commission shall prorate and distribute the Fund on the basis of the total of all eligible requests received.

D. "Emergency" as used herein shall mean any unusual conditions caused by civil disturbances whereby the safety of the public is endangered or imperiled. The occurrence of such an emergency shall be determined within the sole discretion of the officer, board or official having charge of the police or fire department in any municipality. The emergency must have occurred on or after January 1, 1969 and prior to January 1, 1970.

E. The State House Commission shall review every application and may cause further investigation or inquiry to be made to verify the accuracy of statements made therein and to establish the eligibility of the municipality to receive payment pursuant to the provisions of the Local Emergency Aid Law.

F. The State House Commission has designated the Division of Local Finance, Department of Community Affairs as the State agency responsible for receiving and reviewing applications for reimbursement from the Fund prior to authorization of payment by the State House Commission. All requests for information, application forms, and copies of the regulations, and all completed applications shall be filed with the Director, Division of Local Finance, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

G. Payments to any municipality out of the Local Emergency Aid Fund shall be made by the State Treasurer to said municipality upon certification by the State House Commission and warrant of the Director of the Division of Budget and Accounting.

#### II. FISCAL AND BUDGETARY REGULATIONS

A. Every municipal application for reimbursement pursuant to Chapter 94, Laws of 1969 shall include the following information:

1. A signed statement from the officer, board or official having charge of the police or fire department containing a narrative description of the causes or chain of events which led to the declaration of an emergency, the dates and duration of the emergency, and a description in summary form of the events which transpired during the course of the emergency.

2. A detailed statement enumerating the number of police and fire personnel utilized, the number of other public employees utilized and specific data setting forth the number of hours of overtime for each group of employees.

3. A copy of any emergency appropriations passed by the governing body of the municipality to finance extraordinary expenditures incurred during the time of emergency.

4. A specific description of any outside services contracted for and a copy of each contract or agreement.

5. A certified itemized listing from the chief fiscal officer of the municipality of the cost, if any, for rental or purchase of additional equipment necessary to meet the specific emergency for which reimbursement is requested.

6. The total amount of money expended by the municipality to meet each emergency, separately itemized for each emergency appropriation.

7. A statement setting forth the steps which have been taken to alleviate the causes of the emergency for which reimbursement is requested.

B. Where a municipality requests reimbursement for expenditures incurred in dealing with more than one emergency situation, the municipality shall assemble and collate the narrative and fiscal material relating to each emergency separately.

C. Pursuant to its administration of this act, the State House Commission may request such additional information from a municipal applicant as it deems necessary.

An order adopting the above regulations was filed May 20, 1970 as R. 1970 d.56 (Exempt, Exempt Agency Rules), to be effective June 4, 1970.

Leon S. Wilson  
 Director of Administrative Procedure  
 Department of State

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(b)

### BANKING

#### THE COMMISSIONER

##### Extension of Construction Mortgage Loan Maturity (Banks)

On May 6, 1970, James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-65B, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revised rule concerning the extension of construction mortgage loan maturity by banks substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 29(d).

An order adopting this revised rule was filed and effective May 11, 1970 as R. 1970 d.52.

Leon S. Wilson  
 Director of Administrative Procedure  
 Department of State

(c)

### BANKING

#### THE COMMISSIONER

##### Extension of Construction Mortgage Loan Maturity (Savings Banks)

On May 6, 1970, James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-191(R), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning the extension of construction mortgage loan maturity by savings banks, substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 30(a).

An order adopting this revised rule was filed and effective May 11, 1970 as R. 1970 d.53.

Leon S. Wilson  
 Director of Administrative Procedure  
 Department of State

(a)

**BANKING****THE COMMISSIONER****Sales of Federal Funds**

On May 6, 1970, James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.C.A. 17:9A-62H, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning sales of federal funds, substantially as proposed in the Notice published April 9, 1970 as 2 N.J.R. 30(b).

An order adopting this rule was filed and effective May 11, 1970 as R. 1970 d.51.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(b)

**COMMUNITY AFFAIRS****THE COMMISSIONER****Proposed Amendments  
To State Plumbing Code**

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-21, 52:27C-54, and 13:1B-7, proposes to amend the Plumbing Code of New Jersey, which constitutes Part E of the Standard Building Code of New Jersey. In addition to making certain technical changes in the Plumbing Code, the amendments will set minimum standards for the use of welded red brass water tube, welded red brass drainage tube, hubless cast iron soil pipe and fittings, and stainless steel tubing.

The proposed amendments have been approved by the Commissioner of Health pursuant to N.J.S.A. 26:3-69.1(2) for adoption by reference by local boards of health.

A copy of the complete text of the proposed amendments is available upon application to the Deputy Director, Division of Housing and Urban Renewal, P.O. Box 2768, Trenton, New Jersey 08625. Interested persons may present statements or arguments in writing relevant to the action proposed to the Division of Housing and Urban Renewal on or before June 26, 1970. The Commissioner of Community Affairs may thereafter adopt the above amendments substantially as proposed without further notice.

Edmund T. Hume  
Commissioner  
Department of Community Affairs

(c)

**COMMUNITY AFFAIRS****THE COMMISSIONER****Processing Applications and Contracts  
For Financial Assistance Programs**

On April 22, 1970, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted certain amendments to N.J.A.C. 5:4-1.1 et seq., the rules governing the processing of applications and contracts for State aid grants and other financial assistance programs administered by the Department, as follows (additions in bold face thus; deletions indicated in brackets [thus]):

**5:4-1.10 Effect of Commission's Approval.**

An approved Contract Authorization Request shall authorize the director of the agency to execute a contract with the applicant, subject to the following limitations:

- The contract work program and line item budget shall be substantially the same as the authorized work program and the line item budget.
- The total contract amount shall be not less than 75% nor more than 105% of the authorized amount.
- The contract must be fully executed within [90] 60 days of the date of authorization; however, the Director of Administration may waive this requirement in the event of unavoidable delays in the preparation of the contract.

**5:4-1.14 Approval by the Attorney General.**

All contracts for an amount in excess of \$500 must be reviewed and approved by the Deputy Attorney General assigned to the Department. He shall indicate his approval by signing the contract below a statement indicating that the contract has been reviewed and approved as to form, and indicating, by name, the Attorney General and the Deputy Attorney General under whose authority the approval has actually been given. Such approval by the Deputy Attorney General indicates that:

- both the subject matter and the form of the contract do not violate any provision of the State Constitution or any State law or regulation,
- the terms of the document will constitute a valid and binding contract when executed by both parties, and
- the text and form of the contract accurately express the intention of the Department.

**5:4-1.15 Suspension and Termination of Contracts.**

A. The director of the originating agency, or the Deputy Attorney General at the request of the director, may suspend a contract for not more than 90 days upon the failure of the applicant to comply with any material provision of the contract. The applicant shall be notified of such suspension in writing, specifying the effective date of the suspension, the reasons therefor, and

the conditions upon which the contract will be reinstated.

B. Acting upon the advice of the Deputy Attorney General, the Commissioner may terminate any contract upon the failure of the applicant to comply with any material provision thereof. The applicant shall be notified of such termination in writing, specifying the effective date of the termination and the reasons therefor.

An order adopting the above amendments was filed April 28, 1970 as R. 1970 d.45 (Exempt, Practice Rules), to be effective May 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(d)

**COMMUNITY AFFAIRS****DIVISION OF STATE AND  
REGIONAL PLANNING****Proposed Federal-Aid Project  
Notification and Review System**

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, proposes to repeal Chapter 42 of Title 5 of the New Jersey Administrative Code and to adopt therefor a new Chapter 42, governing the Federal-aid Project Notification and Review System as follows:

**CHAPTER 42. FEDERAL-AID PROJECT NOTIFICATION  
AND REVIEW SYSTEM****FOREWORD:**

One of the major trends in the past decade has been the increasing number of federal-aid programs for such local and state projects as highways, park and recreational facilities, and educational and institutional buildings.

Very often these facilities have a significant impact on surrounding areas: large numbers of people may have to be relocated; traffic, air and noise pollution, or other problems may seriously affect a community and its surrounding area. Therefore, selecting the proper location for these projects is vitally important.

A further complication often stems from the conflicts that may occur between such projects. For example, federally-aided sewer projects occasionally have interfered with federally-aided local streets, renewal projects or parks. As these projects have multiplied, so have the possibilities for conflicts, thus increasing the need for review and coordination of applications.

In New Jersey, the Division of State and Regional Planning, Department of Community Affairs, has been responsible for reviewing the capital projects of State agencies and the federally-aided projects of municipal and county agencies.

Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 required review of certain federally-aided projects by both a metropolitan planning agency and the State. The procedure for this review was set forth in the U.S. Bureau of the Budget Circular A-82, as revised on January 10, 1969.

In addition, the provisions of Title IV of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), have considerably broadened the scope of project review and the range of interests to be consulted. Title IV, among other things, directs the President to "establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development."

The basic objectives of this mandate center on the importance of sound and orderly development of urban and rural areas to the economic and social development of the nation. Section 401(b) of the Act requires that "all viewpoints—national, state, regional, and local—shall, to the extent possible, be taken into account in planning Federal or federally assisted development programs and projects." Moreover, Section 201(c) states that "to the maximum extent possible, consistent with national objectives, all Federal-aid for development purposes shall be consistent with and further the objectives of state, regional, and local planning."

Under the Act, the Bureau of the Budget issued Circular A-95 (superseding Circular A-82) on July 24, 1969. Circular A-95 sets forth a new review process called the Project Notification and Review System (PNRS). The procedures which follow are required to meet these federal directives in New Jersey.

The new system is designed to encourage the establishment of a network of state, metropolitan, and non-metropolitan planning and development clearinghouses. These agencies will review and help coordinate the variety of federal, state, regional and local programs dealing with social, economic, and physical development planning in an effort to promote orderly growth and development.

The system also implements the requirements of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 for metropolitan areas within that network.

**5:42-1 Administration of Project Notification and  
Review System.**

A. Under provisions of the Intergovernmental Cooperation Act of 1968, the Governor has directed that the Project Notification and Review Procedures will be administered in New Jersey through the designated State Clearinghouse, the metropolitan clearinghouses, the non-metropolitan (regional) clearinghouses, and the Central Receiving House. On March 18, 1970, Governor William T. Cahill designated the Division of State and Regional Planning as New Jersey's State Clearinghouse. The Di-

vision performs this function through its Director of State Review Coordinator.

B. The metropolitan clearinghouses are metropolitan areawide agencies designated by the Federal Bureau of the Budget to implement Section 204. There are five such clearinghouses in New Jersey: the Tri-State Transportation Commission (TSTC) for the following counties: Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union; the Delaware Valley Regional Planning Commission (DVRPC) for the following counties: Burlington, Camden, Gloucester, and Mercer; the Wilmington Metropolitan Area Planning Coordinating Council (WILMAPCO) for Salem County; the Atlantic County Planning Board for Atlantic County; and the Cumberland County Planning Board for Cumberland County.

C. The non-metropolitan clearinghouses are non-metropolitan areawide agencies with general planning capability. The regional clearinghouse function has been designated by the Governor to the county planning boards in the following five counties: Cape May, Hunterdon, Ocean, Sussex, and Warren.

D. The Central Receiving House function for New Jersey has been assigned to the Bureau of the Budget in the Department of the Treasury. It is to this agency that all federal departments and agencies will send notification of action taken (approved or rejected) on application for federal grants-in-aid. The State Bureau of the Budget will see that all of the forwarded information is transmitted to the appropriate agencies within the State.

E. A list of the names and addresses of the individuals representing the clearinghouses is available upon application to the Director, Division of State and Regional Planning, P.O. Box 1978, Trenton, New Jersey 08625.

**5:42-2 Federal Projects Subject to Review.**

Presently, 47 categories of federal programs and projects are subject to this process. The projects include a variety of functions ranging from open space acquisition to library construction. A complete list of these projects is presented in Appendix A, available from the Division of State and Regional Planning. Any changes in this list will be announced.

**5:42-3 Notice to Clearinghouse.**

Prior to filing an application for federal financial assistance for projects authorized under Section 204 or Title IV, an agency of local government, organization, or individual must follow the following procedure:

1. Notify (a) the appropriate metropolitan clearinghouse or non-metropolitan clearinghouse and (b) the State Clearinghouse of its intention to apply for assistance.

2. Include a summary description of the project for which assistance will be sought. The summary description should contain the following information, when appropriate:

- (A) Identity of the official applicant agency or organization, plus the name and address of the individual to contact in reference to the project.

- (B) The geographic location of the project to be assisted (a map showing the location of the project).

- (C) The federal program(s) and agency(ies) under which assistance will be sought.

- (D) The estimated date by which the applicant expects formally to file an application.

- (E) A brief description of the project, its purpose, its general size or scale, estimated cost, financing, number of users, relocation requirements or other characteristics which will enable the clearinghouse to identify agencies of state, regional or local governments having plans, projects, or programs which might be affected by the project.

- (F) A statement as to conformance with municipal master plans and facilities plans, if any, by the planning agency of the municipality where the project is located

3. Submit three copies of the summary description to the metropolitan or non-metropolitan clearinghouse, and five copies to the State Clearinghouse.

**5:42-4 Clearinghouse Review Procedure.**

Once the State Clearinghouse and the metropolitan or non-metropolitan clearinghouse receives a written notification and a summary description of the project, the review procedures begin and the following steps are taken

1. The metropolitan or non-metropolitan clearinghouse notifies the following agencies and requests them to report their interest, if any:

- (A) The appropriate county planning board and other appropriate county agencies acting on behalf of the county board of freeholders.

- (B) Other local governments (and interstate agencies when appropriate) whose interest might be affected by the proposed project.

- (C) When the clearinghouse is either TSTC, MAPCO, or the DVRPC, these organizations may also either notify the local governments affected as state in (B) or have the county planning board notify such local governments and ask them to report their interest if any, to the clearinghouse.

2. The State Clearinghouse notifies the following agencies and asks them to report their interest, if any:

- (A) The Division of Local Finance, New Jersey Department of Community Affairs, in the case of a local public agency capital project.

- (B) The appropriate State agencies which may have an interest in the project.

- (C) Other agencies which may have an interest in the project.

3. The interest of any or all of the above is reported to the appropriate clearinghouse.

4. If no interest is expressed, steps 5 through 8, which follow, are omitted.

5. If interest is expressed, the clearinghouse may arrange for conferences to be held between the review agencies which have expressed interest and the applicant within 30 days of notification.

6. Conferences are held to:  
 (A) Explore the project in greater detail; and  
 (B) Identify conflicts or mutuality of interest.

7. The applicant and appropriate review agencies may cooperate in developing the application to:  
 (A) Resolve conflicts; and  
 (B) Strengthen the project.

8. In cases where issues identified are not resolved, the review agencies inform the appropriate clearinghouse which in turn notify the applicant that comments by such agencies will accompany the application.

9. The applicant submits the application, together with a certification as to its identity with or changes from the original project summary description, to the appropriate metropolitan or non-metropolitan clearinghouse in addition to the State Clearinghouse for review and comment. This review period may last for as long as 30 days; however, projects subject to "204" review may be reviewed for a period of 60 days.

10. The clearinghouses transmit any formal comments of their own in addition to those provided by other review agencies to the applicant.

11. The applicant submits the application to the federal agency along with:

- (A) Any comments made by or through clearinghouses, as well as a statement that such comments have been considered prior to submission of the application; or  
 (B) A statement that the project notification procedures have been followed and that no comments have been received.

12. The federal agency informs the State Receiving House (New Jersey Bureau of the Budget) and the appropriate clearinghouses of action taken (approval or rejection).

The Receiving House informs the appropriate agency of federal action taken.

5:42—APPENDIX A Federal Projects Subject to Review  
 NOTE: 5:42—APPENDIX A lists the federal aid programs subject to review under Circular A-95 of the Federal Bureau of the Budget and indicates which programs have been added pursuant to Title IV of the Intergovernmental Cooperation Act of 1968.

Copies of Appendix A are available upon written request to the Division of State and Regional Planning at the address below.

Interested persons may present statements or arguments in writing relevant to the proposed action before June 26, 1970 to:

Division of State and Regional Planning  
 Department of Community Affairs  
 Post Office Box 1978  
 Trenton, New Jersey 08625

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)

## COMMUNITY AFFAIRS

### OFFICE OF COMMUNITY SERVICES

#### Recruitment and Training Program Rules

On May 11, 1970, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as N.J.A.C. 5:61-1.1 et seq., rules governing the recruitment and training program in the Office of Community Services, substantially as proposed in the Office of Community Services, substantially as proposed in the Notice published March 5, 1970 at 2 N.J.R. 23(a).

An order adopting these rules was filed March 13, 1970 as R. 1970 d.55, to be effective May 15, 1970.

Leon S. Wilson  
 Director of Administrative Procedure  
 Department of State

(b)

## COMMUNITY AFFAIRS

### HOUSING FINANCE AGENCY

#### Proposed Rule Governing Rentals

The New Jersey Housing Finance Agency, pursuant to authority of N.J.S.A. 55:14J-34(f), proposes to adopt the following rule governing rentals:

##### RENTALS

A qualified housing sponsor may, with the approval of the Executive Director, fix maximum rentals per dwelling unit to be charged tenants or cooperators. The Executive Director, upon his own motion, or upon application by the qualified housing sponsor or of a stockholder, lien holder, a creditor, or any other person or organization with an interest in the qualified housing sponsor, may vary such rentals from time to time so as to secure, together with all other income of the sponsor, sufficient income for it to meet within reasonable limits all necessary payment, to be made by the sponsor, of all expenses including

fixed charges, debt service of the Housing Finance Fund requirement, reserves and dividends on equity investment as authorized by the Executive Director. Letting, subletting or assignment of leases of apartments at greater rentals than those approved by the Executive Director shall be unlawful.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 21, 1970 to:

New Jersey Housing Finance Agency  
 101 Oakland Street  
 Trenton, New Jersey 08618

The New Jersey Housing Finance Agency, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as proposed without further notice.

Thomas V. Seessel  
 Executive Director  
 New Jersey Housing Finance Agency  
 Department of Community Affairs

(c)

## CONSERVATION AND ECONOMIC DEVELOPMENT

### DIVISION OF SHELL FISHERIES

#### Conservation Order Amendment

Joseph T. Barber, Acting Commissioner of Conservation and Economic Development, pursuant to authority of N.J.S.A. 13:1B-45, has executed an amendment to the Conservation Order dated March 16, 1970, which was published April 9, 1970 at 2 N.J.R. 30(d).

The amendment reads as follows:  
**AMENDMENT TO CONSERVATION ORDER**  
 DATED March 16, 1970

WHEREAS, the Commissioner of the Department of Conservation and Economic Development by Conservation Order dated March 16, 1970 and numbered 107 opened certain seed beds in the tidal waters of the State of New Jersey to the taking of seed oysters with the exception of certain existing sanctuaries; and

WHEREAS, further study now reveals that in the interest of conservation it is necessary to further restrict the taking of seed oysters in certain beds above what is commonly known as the Southwest Line; and

WHEREAS, the Maurice River Cove Council resolved at its regular meeting held April 7, 1970 that amendments be made to the sanctuaries listed in Conservation Order No. 107;

IT IS THEREFORE ORDERED that the Conservation Order dated March 16, 1970 and numbered 107 be, and the same is hereby, amended to restrict the taking of seed oysters from below a line drawn in a southwesterly direction from Nantuxent Point to Red Buoy No. 32 located in the Delaware Bay;

IT IS FURTHER ORDERED that the said Conservation Order be, and the same is hereby, amended to preclude the taking of seed oysters from the following existing sanctuaries:

The old Cohansey Sanctuary  
 The old Shell Rock Sanctuary  
 The old Bennies Sanctuary

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

This Order shall take effect May 11, 1970.

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

NOTE: A copy of the above Amendment was filed April 13, 1970 as a document not subject to codification.

(d)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Changes in Education Of Handicapped Children

Carl L. Marburger, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:46-1 et seq., proposes to amend the rules relating to Classes and Facilities for Handicapped Children (N.J.A.C. 8:28-1 et seq.).

The purpose of N.J.A.C. 8:28-1 et seq. is to provide rules and regulations which give direction to local school districts in the carrying out of their responsibilities for the education of handicapped children as set forth in N.J.S.A. 18A:46-1 et seq.

The rules and regulations set forth in N.J.A.C. 8:28-1 et seq. specifically define the process of identification of handicapped children, the procedures for classification of these children, the definition of each category, the approval procedures for the reimbursement to local school districts of State Aid, the approval of classes and programs, the length of the school day and year, the definition and approval of individual and supplementary instruction, the approval of instructional programs provided in other than public school facilities, the promotion and school articulation of handicapped pupils and the procedure for the approval of educational programs for the handicapped provided by a school or organization other than a public school board of education.

##### Major Changes

The major changes included in the proposed revision are as follows:

##### 8:28-2 Identification

The listing of the categories of the handicapped have been removed from this section and placed under 8:28-3 Classification.

##### 8:28-3 Procedures for Classification

The classification "Potentially Severe Learning Disabilities" has been removed. The category "Neurologically or Perceptually Impaired" has been designated as two categories instead of one.

In addition, the procedures for classification have been described once for all handicaps instead of separately for each category.

The basis for exclusion of children from a local school district educational program has been extended to include children whose behavior or multiple handicaps make learning impossible in a school setting.

##### 8:28-4 Approval Procedure for Reimbursement Purposes

The list of possible reimbursable items was replaced by a descriptive procedure to be followed by local districts in applying to the State for reimbursement.

##### 8:28-5 Approval of Special Classes

Emphasis has been shifted from providing classes for children with the same handicap to educational programs which are directed toward individual needs and provide for integration with so-called normal children.

##### 8:28-6 Length of School Day and Year

The revised rules permit extending the school year when necessary for the promotion or graduation of the handicapped pupil.

##### 8:28-7 and 8 Approval for Individual Instruction, Supplemental Instruction, Instruction in Place of Confinement

Approval for individual instruction at home has been extended to include those children who cannot attend school for reasons other than physical inability. Such approval must originate with the child study team. The school year of handicapped children receiving home instruction may be extended when necessary for promotion or graduation.

##### 8:28-11 and 12 Sending Children to Private Schools

These two sections have been combined and the local board of education is restricted in payment to nonpublic schools. Such payment is limited to the educational costs not to exceed the maximum tuition cost figure established by the State Board of Education for the school year considered from the time the local board of education records the action in its minutes until the placement is terminated by the local board of education, the private facility, or the parents of the child. Tuition payments can only be made for the current school year and retroactive only to the time the local child study team had determined the need for such a program.

Each board of education shall establish a written contract with the eligible nonpublic school for each school year or portion of the school year the student is attending an eligible educational program at a non-public school.

Monies paid by a board of education to an eligible nonpublic school are for services already rendered. No prepayment of any kind may be made by either a parent or board of education; nor can a parent pay any money toward the educational portion of the program in the nonpublic school.

##### 8:28-12.1 Special Education Programs in Non-Public Schools

In order to be eligible to receive pupils from a sending district pursuant to the provisions of N.J.S.A. 18A:46-1 et seq., a non-public school which provides special facilities and educational programs may not charge a tuition rate which exceeds the maximum day class cost of education per pupil in similar special education classes in New Jersey public schools as determined according to a formula prescribed by the Commissioner with the approval of the State Board of Education.

##### 8:28-13 Procedures for a Jointure Commission

No revision or amendment proposed.

##### Background

The responsibility for providing suitable educational programs for handicapped children between the ages of five and twenty is placed on local boards of education. Local boards of education may assume such responsibility for children below the age of five and beyond their twentieth birthday. Approval of such educational programs is placed in the office of the Commissioner of Education.

Local school districts are required (1) to identify children who show characteristics of being handicapped and (2) to examine those children and make proper determinations as to their classification.

Local boards of education shall employ a basic child study team consisting of a school psychologist, a learning disabilities specialist, and a school social worker. The basic child study team shall act jointly and in consultation with a physician to determine the classification of handicap of the pupils so designated, and shall, with other school personnel such as a school nurse, administrator, speech correctionist, guidance counselor, and remedial reading teacher, plan a special education for the handicapped child.

The classifications of handicap which qualify a pupil for special education programs for which special State Aid is given to local school districts are as follows: mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted and multiply handicapped.

Classification shall be based on data which include the results of a comprehensive physical examination, a psychological examination, an educational assessment and a social case study.

**Education of Handicapped—continued**

Children classified as "neither educable nor trainable" and those classified as "not able to profit from prescribed instructional programs" may be refused admission or excluded from the educational program of a public school district upon the review and approval of the Commissioner of Education. Re-examination shall be made annually of such classified children.

Local boards of education may, with the approval of the Commissioner of Education, employ approved clinics, or individuals in private practice to serve in lieu of a basic child study team or to complement a basic child study team in the classification of handicapped children.

The educational placement of handicapped pupils shall be the responsibility of the chief school administrator and shall be based on the recommendations of the child study team or the findings of the approved clinic whose services are purchased by the local board of education.

Special education programs available to handicapped pupils may include the following:

A. Instruction at school supplementary to the other programs in the school whenever, in the judgment of the board of education with the consent of the Commissioner, the handicapped pupil will best be served thereby. Teacher aides, under the direction of appropriately certified teachers, may provide instruction supplementary to special class or other special programs.

B. A special class or program in the district including a class or program in hospitals, convalescent homes, or other institutions.

C. A special class in the public schools of another district in this state or an adjoining state.

D. Joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts.

E. A jointure commission program.

F. A State of New Jersey-operated program.

G. Sheltered workshops in conjunction with other educational programs in the local district. Such sheltered workshops shall be approved by the New Jersey Rehabilitation Commission and the Bureau of Special Education and Pupil Personnel Services.

H. Sending children capable of benefiting from a day school instructional program to privately operated non-profit day classes in New Jersey or a nearby state within four hundred (400) miles of Trenton, New Jersey, the services of which are nonsectarian, whenever in the judgment of the board of education with the consent of the Commissioner it is impracticable to provide services pursuant to subsections A., B., C., D., E., F., or G., otherwise.

I. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the Commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsections A., B., C., D., E., F., G., or H., otherwise.

Children classified as handicapped shall not be denied, because of such handicap, participation in extracurricular, intramural, and interscholastic activities as well as health, recreation and social services activities.

Handicapped pupils who successfully complete the prescribed secondary educational program shall receive the secondary school diploma of the local district.

Local school districts shall establish and put to use criteria to evaluate the effectiveness of their program for the education of the handicapped. Such criteria and evidence of their use shall be subject to review by the Bureau of Special Education and Pupil Personnel Services.

The size of the classes for handicapped pupils is restricted. Similarly, the age range of children in these classes is also restricted. Exceptions, for experimental purposes, may be granted by the Commissioner of Education.

The local board of education shall furnish daily transportation within the state to handicapped regardless of distance, upon the recommendation of the basic child study team or school physician subject to the approval of the chief school administrator of the district and the county superintendent of schools.

Full school day educational programs shall be provided for handicapped pupils except when so recommended by the local child study team, the local chief school administrator and the Commissioner of Education.

Children confined to home instruction may have their school year extended beyond the normal school period when such instruction is necessary for promotion or graduation.

Children under the age of six, enrolled in an approved special education program shall be in daily attendance for a minimum period of 2½ hours.

Children enrolled in the public schools shall receive instruction at home, school, or place of confinement on the advice of the school physician as a result of physical disability or illness contagious to others or on the recommendation of the basic child study team because of psychological or psychiatric considerations. The instruction shall not be less than five (5) hours per week except when so recommended by the child study team or school physician. The instruction shall be given in no less than three (3) daily visits by the teacher.

A system of records shall be maintained by each local school district and made available for review by appropriate personnel of the New Jersey Department of Education.

The New Jersey Department of Education shall review and appropriately approve the applications of evaluation centers, clinics and professionals in private practice for approval to function in lieu of, or to supplement local child study team personnel and to receive reimbursement by local boards of education for such services.

The New Jersey Department of Education shall review and appropriately approve the applications of private non-

sectarian, nonprofit schools to provide special education programs for handicapped pupils and to receive reimbursement for such instructional programs by local boards of education.

The Bureau of Special Education and Pupil Personnel Services of the New Jersey Department of Education shall have the responsibility of reviewing and approving local school district special education programs. The New Jersey Department of Education shall provide each school system with suggested guides for program operation and evaluation.

Copies of the complete revision are on file in the office of the Commissioner of Education and are available on request. Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed, to Clyde E. Leib, Office of the Commissioner, New Jersey State Department of Education, 225 West State Street, Trenton, New Jersey, telephone (609) 292-4040, before 4:00 P.M. June 23, 1970.

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

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

**(a)****EDUCATION****STATE BOARD OF EDUCATION****Apportionment of State Aid**

On May 8, 1970, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and 18A:58-8, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to N.J.A.C. 8:21-85 "Limit of Apportionment of State Aid (formerly Rule 1414, Rules of the Commissioner)," substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 30(e).

An order adopting this amendment was filed and effective May 13, 1970 as R. 1970 d.54.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

**(b)****ENVIRONMENTAL PROTECTION****DIVISION OF FISH, GAME AND SHELL FISHERIES****Proposed 1970-71 Game Code**

The Fish and Game Council of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to authority delegated in N.J.S.A. 13:1B-30 et seq., proposes to adopt the Game Code for the 1970-71 hunting seasons.

Copies of the proposed Game Code have been supplied to newspapers throughout the State. The proposed Code states when, under what circumstances, in what localities, by what means and in what amounts and numbers game birds, game animals and fur-bearing animals may be pursued, taken, killed or had in possession.

Copies of the full text of the proposed Game Code may be obtained from: Division of Fish, Game and Shell Fisheries, Post Office Box 1809, Trenton, New Jersey 08625.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the Auditorium, 1st Floor, State Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey, on Tuesday evening, June 23, 1970 at 8:00 P.M.

Written comments regarding the proposed Code may be filed on or before June 23, 1970 with the New Jersey Fish and Game Council, Division of Fish, Game and Shell Fisheries at the above address.

After full consideration of all submissions respecting the proposed Code, the New Jersey Fish and Game Council, upon its own motion or at the instance of any interested party may thereafter adopt the Code substantially as proposed without further notice.

L. G. MacNamara  
Director  
N.J. Div. of Fish, Game and Shell Fisheries  
Department of Environmental Protection

**(c)****ENVIRONMENTAL PROTECTION****DIVISION OF FISH, GAME AND SHELL FISHERIES****Proposed Revision of Public Shooting And Fishing Grounds Regulations**

The Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9, proposes to revise two subsections of its Regulation No. 4 pertaining to the use of Public Shooting and Fishing Grounds (Fish and Wildlife Management Areas) to read as follows:

**3. Outboard Motors**

Only electric motors are permitted on any fresh water area. On Prospertown Lake, only manually operated boats and canoes are permitted.

This regulation does not affect tidal water areas.

12. Snowmobiles, Motorbikes, Motorcycles, Trail bikes and other off-road motor vehicles.

It is unlawful to operate any type of snowmobile, snow cruiser, motorbike, motorcycle, trail bike or off-road motor vehicle, on any of these areas at any time.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 23, 1970 to:

Fish and Game Council  
Division of Fish, Game and Shell Fisheries  
P.O. Box 1809  
Trenton, New Jersey 08625

The Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt the above revision substantially as proposed without further notice.

L. G. MacNamara  
Director  
N.J. Div. of Fish, Game and Shell Fisheries  
Department of Environmental Protection

**(d)****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, proposes to amend the Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

**2900 APPENDIX VI  
Complaints, Appeals and Fair Hearings  
Hearing Officer**

All fair hearings will be conducted by direction of the Commissioner of Institutions and Agencies who may designate the Director of Public Welfare and/or his representatives to conduct the hearing [and to render a decision thereon, but such representative will be selected for impartiality and non-participation in the particular matter under consideration]. The hearing officer will not have been involved, in any way, with the action being appealed. The term "hearing officer" refers to the [person] person(s) conducting the hearing.

**Appellant's Right to be Represented and to Review Evidence**

Note: The following paragraph originally appeared under the section of this Appendix entitled "Conduct of Fair Hearing."

Only those persons will be admitted to the hearing whose testimony and presence are necessary to a full and fair determination, but the client may exercise a right to be assisted in his presentation by a relative or friend, or to be legally represented by a lawyer of his choosing. The hearing officer will employ all reasonable and available means to secure attendance of persons who may assist the client in the presentation of his case. However, funds will not be made available either through the county welfare board or the State Division of Public Welfare for legal fees or other expense incident to preparing for or attending the hearing.

**Accessibility of Records**

The client and/or his legal representative will be given opportunity, upon request, to examine, prior to hearing and/or at the hearing, all documents and records, or parts thereof, which are used as evidence at the hearings. Such material shall be made available, upon request, prior to the hearing but not prior to notification by this Division of the date a hearing is scheduled. In addition, the Welfare Board at its discretion, may make such material available for the purpose of facilitating adjustment on an informal basis of the matters in question, following acknowledgement by this Division of request for hearing. Such review does not accord a right to examine client's entire file.

**Conduct of Fair Hearing**

The fair hearing shall in all respects be informal and conducted in an atmosphere conducive to the full development of facts, but shall be subject to the requirements of due process. Formal rules of evidence will not be applied and an effort will be made to conduct the hearing in such manner that all parties will feel free and able to present all relevant aspects of the situation. All parties will be given opportunity to offer evidence and to question witnesses.

At the beginning of the hearing the client will be given the opportunity of making a statement of the situation as he sees it. The hearing officer will then state the point at issue, subject to amendment or correction by the client or any of the other parties concerned.

The hearing will be concerned only with such facts as are relevant to the point(s) at issue, but the circumstance may be considered both as they existed at the time of request for hearing and at the time of hearing. If it develops that the real issue differs from that on which the request for hearing was based, then the hearing will not abate but the real point(s) at issue will be considered subject to adjournment as may be necessary for proper development of the new question presented.

When the hearing involves medical issues, a medical assessment other than that of the person or person involved in making the original decision may be obtained and made a part of the record if the hearing officer or the appellant considers it necessary.

[All parties will be given the opportunity to offer evidence and to question witnesses. The client will be given opportunity to examine all documents and records, or parts thereof, which are used as evidence at the hearings.]

At any time during the proceedings the hearing officer, at his discretion, may declare an adjournment or adjournments. The total of all adjournments shall not exceed forty days, unless a greater extension of time is requested by the client and approved by the hearing officer.

**Report of Hearing and Official Record**

An official report will be prepared by the hearing officer summarizing who appeared and what transpired at the hearing and his evaluation of testimony and comments on conflicting statements. [ , and a] A copy of such report will be incorporated in or attached to each copy of decision when rendered and forwarded to the parties concerned. Each report of the hearing, [together with any] and all papers, [and] requests, or exhibits filed in the proceeding, and the decision as rendered, will constitute the official and complete record of the fair hearing.

An official and complete record of each fair hearing will be maintained in the files of the State office for at least one year after the date decision is rendered. During this one year period, an appellant or his legal representative may review, upon appointment, all or any part of the official and complete record of his fair hearing.

**Decision on Fair Hearing**

[The] A decision [of the hearing officer] based on the evidence produced at the hearing will be rendered in writing [within thirty days after conclusion of the hearing, and within ninety days] with reasonable promptness. The official standard for reasonable promptness will be within sixty days of the date of the receipt of the appeal unless delay in the proceedings has been occasioned by (1) failure of the client to appear at a scheduled hearing, or (2) request of the client for excessive adjournment. [Such] The decision [when approved by the Director of Public Welfare] will represent the determination of a Decisional Panel consisting of the Hearing Officer, the Director of Public Welfare or his designated alternate, and the Commissioner of Institutions and Agencies or his designated alternate. The decision shall be mandatory and binding upon all parties concerned, but is subject to appeal to the Superior Court, Appellate Division.

Every decision [of the hearing officer] shall be so written as to set forth in summary form the material issue or issues in question, the principal and relevant facts developed at the hearing, the pertinent provisions in law and in agency policy, and the reasons upon which the decision is based. A decision requiring action by the local agency may apply either prospectively with regard to future action by the agency or retroactively to the date an incorrect action was taken. If the decision results from mutual agreement of the parties at the hearing, it shall be so stated.

Copies of the decision will be forwarded simultaneously to the client, his legal representative, if any, and to the local office responsible for carrying out the decision. The copy to the client shall be accompanied by notice of his right to inspect the official and complete record at any reasonable time, and of his right to judicial review.

The State Division of Public Welfare will arrange publication of summary editions of all decisions, edited by deletions to insure confidentiality, which will be forwarded to each county welfare board and will be available for inspection at the welfare board, upon request by the public.

The State Division of Public Welfare will take such steps as may be necessary to assure [itself] that the decision has been carried out. Corrective or remedial measures ordered by a hearing decision, which by their nature are capable of being so implemented, will be implemented by the welfare board within a thirty-day period after receipt of the decision. The Director of the State Division of Public Welfare will be assured by designated Divisional staff unit(s) that the decision has been implemented within the required time period.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 28, 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, proposes to amend the Division of Public Welfare Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

**2911. Notice to Client**

**3. Adjustment in Grant**

[Notification to a recipient whose grant has been adjusted shall include the following:

- a. A statement of the amounts of both previous and new grants;
- b. An explanation of the reason for the adjustment;
- c. An identification of the payment, or payments, with which the adjustment will take effect.]

**a. Increases in Amount of Assistance Payment**

Notification to a recipient whose grant has been or is being increased, whether for a specified or indefinite per-

iod, shall include the following:

- 1) A statement of the amounts of both previous and new grants;
- 2) An explanation of the reason for the increase;
- 3) An identification of the payment with which the increase will take effect;
- 4) An explanation of the period of time, whether specified (such as one or more months) or indefinite, during which the increased amount will apply.

**b. Reductions in Amount of Regular Assistance Payment**  
1) Notice of Intention to Reduce Amount of Regular Assistance Payment

Recipients of assistance are entitled, prior to reduction of any regular amount of assistance previously granted for monthly payment for an unspecified period, to be afforded:

a) Timely notice in fact and confirmed in writing, and in no case less than ten (10) days before the date on which the individual would otherwise reasonably expect to receive the next regular payment, setting forth the specific reason(s) for the decision to reduce the amount of such regular payments, including the citation to any statutory provisions or official regulations pertinent thereto, and stating the proposed effective date of reduction which shall be not less than ten (10) days from the day of notice.

b) Notice that he will be afforded, if he so wishes and requests, an opportunity to be heard before the effective date of reduction, which informs him how he may make such request, and which allows reasonable opportunity for him to exercise such right prior to the effective date of reduction. The recipient shall be allowed not less than three (3) working days after receiving notice to inform the County Welfare Board, whether by visit, by telephone or in writing, that he wishes to be heard.

c) The exercise of such opportunity to be heard before personnel of the agency other than the recipient's particular caseworker, or such caseworker's immediate supervisor, which shall mean an opportunity to state and discuss his case with some one or more staff or Board members of the local agency occupying positions superior to that of the caseworker and the caseworker's immediate supervisor.

d) The right at such hearing to appear in person and to be informed of the reasons, and the nature and sources of any supporting evidence, upon which the proposed reduction of assistance is based; the right to present any proofs or witnesses as to issues of facts; and the right to be represented by an attorney if he so chooses and arranges, and/or to be accompanied by friends.

e) A notice in writing, subsequent to any such hearing, explaining the reasons for the reduction of assistance payments if the resulting decision is to so reduce, and re-informing the recipient of his right to a Fair Hearing in a proceeding before the Division of Public Welfare, Department of Institutions and Agencies.

f) The elements of notice and hearing prior to reduction thus specified are not to be construed as affording recipients a right to a pre-reduction proceeding that will be identical with or embrace all of the formal or structural elements of the statutory "Fair Hearing" which is otherwise afforded to recipients after reduction of assistance has in fact occurred.

**b. 2) Notice of Reduction of Assistance**  
Notification to a recipient, the amount of whose regular assistance payment has been reduced, shall include:

- a) A statement of the reason(s) for reduction.
- b) A statement of the date that the first assistance payment in the reduced amount has been or will be issued.
- c) A statement of the individual's right to file a request for a Fair Hearing.

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

(b)

**INSTITUTIONS AND AGENCIES**  
DIVISION OF PUBLIC WELFARE

**Proposed Changes in the General Assistance Manual**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq., proposes to amend the Division of Public Welfare General Assistance Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

**G.A. 2.300A**

**X. Variable Needs**

**7. Medical Care Needs**

- g. Patient Care (Chronically Ill)
- 2) Patient Care Rate and Budget Allowances

a) Licensed Nursing Home  
NOTE: Delete the existing language under both Subsection (1), "Maximum Basic Rate" and Subsection (2), "Alternate Plan - Inclusive Patient Care Rate" and substitute therefor the following:

- (1) The maximum allowable monthly rate for patient care in a licensed nursing home shall be established by the Commissioner, Department of Institutions

and Agencies. Rate for a specific nursing home may be obtained directly from the Bureau of Local Operations, Division of Public Welfare.

**b) Public Medical Institution (Chronically Ill)**

The maximum allowable monthly rate for patient care in an eligible public medical institution shall be [whichever of the following is the least:

- (1) one twelfth of the annual per capita cost; or
- (2) \$290 plus, when applicable, the monthly allowance authorized in accordance with G.A. 2.300A, Attachment #6, Increase in Monthly Allowance Related to Minimum Wage Payment. The rates for individual institutions are established by the Division through a specified procedure.

The maximum allowable monthly rate shall be understood to include all items included in the maximum basic rate for patient care in licensed nursing homes (see a), (1), above), and shall also include all prescribed drugs, physician's services, and any laboratory, diagnostic, x-ray, dental or other services which are available for all patients in the public medical institution.] established by the Commissioner, Department of Institutions and Agencies. Rate for a specific public medical institution may be obtained directly from the Bureau of Local Operations, Division of Public Welfare.

Budget allowances for clients who are patients in public medical institutions shall include the allowance for patient care, clothing and personal incidentals as needed, and special medical care items or service as authorized in this subsection 7, b. and c., above and g. below, other than those included in the patient care rate. [as specified in this subsection.]

Attachment #6 "Increase in Monthly Allowance for Nursing Home Care Related to Minimum Wage Payment"  
NOTE: Delete all the existing language under Attachment #6.

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

(c)

**INSTITUTIONS AND AGENCIES**  
DIVISION OF PUBLIC WELFARE

**Categorical Assistance**  
Budget Manual Amended

On April 29, 1970, 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 amendments to the Categorical Assistance Budget Manual substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 33(b).

An order adopting these amendments was filed and effective May 1, 1970 as R. 1970 d.49.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(d)

**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. 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendment to the Medical Assistance for the Aged Manual substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 34(a).

An order adopting this amendment was filed and effective May 1, 1970 as R. 1970 d.48.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(e)

**INSTITUTIONS AND AGENCIES**  
DIVISION OF PUBLIC WELFARE

**Termination of Assistance Procedure**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as part of the Division of Public Welfare Manual of Administration, rules governing the termination of assistance procedure substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 34(b).

An order adopting these rules was filed and effective May 1, 1970 as R. 1970 d.50.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(a)

**INSTITUTIONS AND AGENCIES**

**STATE BOARD OF CONTROL**

**Minimum Bed Requirements  
For Hospitals Adopted**

On April 22, 1970, Lloyd B. Wescott, President of the State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised regulations concerning minimum bed requirements for a hospital facility, substantially as proposed in the Notice published February 5, 1970 at 2 N.J.R. 15(a).

An order adopting these revised regulations was filed April 28, 1970 as R. 1970 d.44.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(b)

**LAW AND PUBLIC SAFETY**

**DIVISION OF  
ALCOHOLIC BEVERAGE CONTROL**

**Proposed Amendment  
On Election Day Activity**

Richard C. McDonough, Director of the Division of Alcoholic Beverage Control, pursuant to authority delegated in N.J.S.A. 33:1-39, proposes to amend N.J.A.C. 13:2-215 (Rule 2 of Division Regulation No. 20) of the rules of the Division of Alcoholic Beverage Control concerning alcoholic beverage activity during elections as follows (additions indicated in bold face thus, deletions indicated within brackets [thus]):

13:2-215 (Rule 2 of Division Regulation No. 20). Elections.

No licensee shall sell or offer for sale at retail or deliver to any consumer any alcoholic beverage, or allow, permit or suffer the consumption of any alcoholic beverage in or upon the licensed premises while the polls are open for voting in any municipality in which [any of the following elections] an election is being held [(1) general election, (2) primary election, (3) any special election pursuant to the Election Law (Title 19 of the Revised Statutes), (4) any election for municipal officials, (5) any election for adoption of or change in the form of municipal government, (6) any other election during which sales] and the sale of alcoholic beverages [are] is prohibited during such election by municipal ordinance [in the particular municipality].

Interested persons may present statements or comments concerning the proposed action at a public hearing to be held on Thursday, June 25, 1970 at 10:00 A.M. at the Division of Alcoholic Beverage Control, Room 101, 1100 Raymond Boulevard, Newark, New Jersey, 07102 or may present or mail statements in writing relative to the proposed amendment on or before June 25, 1970 to the Director, Division of Alcoholic Beverage Control, 1100 Raymond Boulevard, Newark, New Jersey 07102.

After full consideration of all matters respecting the proposed amendment, the Division of Alcoholic Beverage Control, upon its own motion, or at the instance of any interested party, may thereafter adopt the proposed amendment substantially as set forth without any further notice.

Richard C. McDonough, Director  
Division of Alcoholic Beverage Control  
Department of Law and Public Safety

(c)

**LAW AND PUBLIC SAFETY**

**DIVISION OF LAW  
BUREAU OF SECURITIES**

**Proposed Amended Rules**

The Bureau of Securities in the Department of Law and Public Safety pursuant to authority of N.J.S.A. 49:3-67 proposes to amend its rules by adding a new section (d) to rule 13:13-2, as follows, and to adopt a new rule, 13:13-73 relating to a form for Customer Acknowledgment of Unsolicited Sale of Stock, as follows:

13:13-2. Financial Reports and Statements

NOTE: Letter the three existing paragraphs as "(a)", "(b)" and "(c)".

(d) The analysis of the trading and investment inventories required by subsection (c) shall have attached thereto and made a part thereof a statement under oath by the broker-dealer which statement shall set forth those securities within said trading and investment inventories which have not been registered under the Securities Act of 1933, or which are not subject to, or exempted from the registration requirements of the Securities Act of 1933 and the rules and regulations thereunder, other than by reason of section 3(a) of such act and the rules and regulations under said section 3(a).

13:13-73. Form — Customer Acknowledgment of Unsolicited Sale of Stock

The provisions of "The Uniform Securities Law (1967)" prohibit the offer or sale of any security which is not:

(1) Registered pursuant to the provisions of the Federal Securities Act of 1933, or the Uniform Securities Law (1967); or

(2) Exempted from the registration requirements of the aforesaid acts.

The offer or sale by a broker-dealer or its registered agents of any unregistered or non-exempt security as set forth above is subject to the penalties contained in N.J.S.A. 49:3-70.

Accordingly, no broker-dealer or its agents may execute any purchase order for a customer of any unregistered or non-exempted security unless said broker-dealer shall have the customer(s) execute the following form and file said form with the Bureau of Securities not later than ten (10) business days after the execution of the purchase order:

**CUSTOMER ACKNOWLEDGMENT  
OF  
UNSOLICITED SALE OF STOCK  
STATE OF NEW JERSEY:**

ss.  
COUNTY OF \_\_\_\_\_  
(Name or Names) \_\_\_\_\_  
\_\_\_\_\_ being duly sworn according to law upon his (her, their) oath depose(s) and say(s):

1. I (we) reside at \_\_\_\_\_ (Number and Street) \_\_\_\_\_ in \_\_\_\_\_ (Municipality) \_\_\_\_\_, New Jersey.

2. On \_\_\_\_\_ (Date) \_\_\_\_\_, 19\_\_\_\_ I (we) purchased \_\_\_\_\_ (Amount) \_\_\_\_\_ shares of the \_\_\_\_\_ (Type) \_\_\_\_\_ stock of \_\_\_\_\_ (Name of Security) \_\_\_\_\_.

3. My (our) purchase order of the aforesaid stock was executed by \_\_\_\_\_ (Name of Broker-Dealer) \_\_\_\_\_ by its agent \_\_\_\_\_ (Name of Salesman) \_\_\_\_\_.

4. Neither said broker-dealer nor its said agent solicited my (our) purchase order of the aforementioned stock.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

Sworn and Subscribed to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_.

This form shall be filed by the broker-dealer with the Bureau of Securities of the State of New Jersey not later than ten(10) days after the execution of the purchase order.

Interested persons may present statements or arguments in writing relevant to the proposed action before 4 p.m., June 26, 1970, to:

Bureau of Securities  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The Bureau of Securities, upon its own motion or at the instance of any interested party, may thereafter adopt the revised regulations substantially as set forth without further notice.

Joseph F. Krupsky, Chief  
Bureau of Securities  
Department of Law and Public Safety

(d)

**LAW AND PUBLIC SAFETY**

**DIVISION OF PROFESSIONAL BOARDS**

**BOARD OF EXAMINERS OF  
ELECTRICAL CONTRACTORS**

**Proposed Rule on Inspection Authorities**

The Board of Examiners of Electrical Contractors in the Division of Professional Boards of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:5A-6, proposes to adopt as N.J.A.C. 13:31-11, a rule relating to inspection authorities.

The following is the complete text of the proposed rule:

13:31-11. Approved Inspection Authorities

An approved inspection authority within the meaning of N.J.S.A. 45:5A-16 shall meet the following requirements:

The inspection authority must have a centrally located business office in the State of New Jersey, properly manned during business hours, with a full time working staff.

Inspection must be made by full time inspectors with a minimum of five years electrical experience and all inspection must meet the standards of the National Electrical Code then in effect and the standards, if any, of the municipality wherein such work is performed. The inspection authority must provide forms of application for inspection with all necessary data therein, including the standard fees. The inspection authority must have sufficient personnel to insure job inspection within three days of the receipt of an application for inspection. The inspection agency must have a minimum of one level of review for the appealing of inspectors' decisions. All inspectors, operating in the State of New Jersey, must have a designated time, and place, and phone number, in the State of New Jersey, where they may be reached. The inspection authority must have facilities to inspect and certify an entire electrical installation.

The inspection authority must keep records for a minimum of three years and such records must be readily available in its office and must have printed forms for all correspondence with contractors, including forms of application and violation forms.

All employees of the inspection authority must be covered by liability insurance in the amount of at least \$1 million.

Interested persons may present statements or arguments in writing relevant to the proposed action on or

before June 26, 1970, to Board of Examiners of Electrical Contractors, 1100 Raymond Boulevard, Newark, New Jersey 07102.

The Board of Examiners of Electrical Contractors, upon its own motion or at the instance of any interested party may thereafter adopt the proposed rule substantially as set forth without further notice.

George P. McDonough  
Secretary-Treasurer  
Board of Examiners of  
Electrical Contractors  
Department of Law & Public Safety

(e)

**LAW AND PUBLIC SAFETY**

**DIVISION OF PROFESSIONAL BOARDS**

**BOARD OF NURSING**

**Proposed Rule on Intravenous Catheters**

The New Jersey Board of Nursing in the Division of Professional Boards of the Department of Law and Public Safety, pursuant to authority delegated in N.J.S.A. 45:11-24(d), proposes to adopt as N.J.A.C. 13:37-6.3, a rule relating to the insertion or removal of intravenous catheters.

The following is the complete text of the proposed rule: 13:37-6.3. Insertion or Removal of Intravenous Catheters

A professional nurse may insert or remove an intravenous catheter within the meaning of N.J.S.A. 45:9-21(k) in the absence of a regularly licensed physician provided:

(a) The procedure is performed at the specific written direction of a licensed physician.

(b) The nurse has received specific training concerning this procedure.

(c) The employing agency has adopted a policy permitting professional nurses to perform this procedure.

An intravenous cut-down may not be performed by professional nurse.

Interested persons may present statements or arguments in writing relevant to the proposed action to the New Jersey Board of Nursing, 1100 Raymond Boulevard, Newark, New Jersey 07102 on or before June 26, 1970.

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

Donald L. Snover, Executive Secretary  
New Jersey Board of Nursing

(f)

**LAW AND PUBLIC SAFETY**

**DIVISION OF STATE POLICE**

**Proposed Changes in Rules  
For Use of Breathalyzer**

George F. Kugler, Jr., Attorney General, pursuant to authority of N.J.S.A. 39:4-50.3, proposes to adopt the following amendments to N.J.A.C. Section 13:15-21 of the Rules and Regulations of the Division of State Police governing chemical breath testing as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

13:15-21 APPROVED METHODS AND INSTRUMENTS:

(b) The Breathalyzer as invented by Professor Robert Borkenstein, Director of Indiana University Traffic Institute, Bloomington, Indiana.

[The proper method of operating a Breathalyzer is indicated by a check list issued by the manufacturer, Stephenson Corporation, Red Bank, New Jersey, which contains the following information:]

A check-off list may be used with the test and may be prepared by either the manufacturer or the organization using the instrument. The check-off list, if used, shall contain at least the following information:

Preparation:

1) Turn switch to "ON", wait until THERMOMETER shows 50 degrees centigrade, plus or minus 3 degrees.

2) Gauge REFERENCE AMPOULE and place in left hand holder.

[2] 3) Gauge TEST AMPOULE, open, insert BUBBLER and connect to OUTLET.

Purge:

[3] 4) Turn to TAKE, flush, turn to ANALYZE.

5) When RED empty signal appears, wait 1-1/4 minutes, turn on LIGHT, BALANCE.

Analysis:

[4] 6) Set SCALE POINTER on start line.

[5] 7) Turn to TAKE, take breath sample, turn to ANALYZE.

[6] 8) When RED appears, wait 1-1/4 minutes, turn on LIGHT, BALANCE.

[Note -] 9) Record answer, dispose of test ampoule, turn to "OFF".

(c) [The Alcometer Model D1 as developed and perfected by Keyes Scientific Corporation, Cambridge, Massachusetts.

The proper operating method is as follows:

Preparation:  
1) Connect electricity, turn key to ON, gauge reference ampoule and insert into retainer.

2) Gauge test ampoule, break ampoule neck, insert into retainer and connect inserted ampoule bubbler.

Purge:

Although purged at completion of previous test, this phase is added as a safety factor and to allow the operator to testify that he purged prior to analysis.

3) Press start button, wait until pumping (Purge) is completed.

Analyze:

5) Set indicator dial to zero (balance).

6) Press sample, then have subject blow into attached mouth piece.

7) Release sample button, press start button.

Note—After pressing Start button pump will force trapped breath into reagent and continue to pump, then purging system for about 3.7 minutes. At end of pumping, test result is registered automatically on dial.

Record results, dispose of test ampoule, bubbler and attached mouthpiece. Use of recording device is optional. Turn key to record and results will be printed on chart paper automatically.]

The Dominator Albreath manufactured by the Stephenson Company which also manufactures the Borkenstein Breathalyzer. Both instruments contain similar parts, use the same principle and theory of operation and apply the same chemicals. The basic difference is the placement of the operating controls.

The steps of operation in the check-off list applicable to the Breathalyzer (subsection (b)) shall also apply to the Dominator Albreath.

(d) The Alco-Tector manufactured by Decatur Electric Co., Decatur, Illinois. In basic operating principle, it is similar to the Borkenstein Breathalyzer and uses the same chemicals.

The operational check-off list issued by the manufacturer is a satisfactory outline of the method of operation. Any organization using this instrument may prepare its own check-off list, provided the list contains at least the information required by the following steps:

Preparation:

1) Turn switch to "ON", depress STANDBY button, wait for THERMOMETER to reach operating temperature of 120 to 130 degrees Fahrenheit.

2) Gauge REFERENCE ampoule and place in left holder.

3) Gauge TEST ampoule, open, insert BUBBLER, connect to OUTLET.

Purge:

4) Depress PURGE button #1 for flush, WAIT 30 to 45 seconds, depress BUBBLER button #2.

5) When RED empty signal appears, wait 1-1/2 minutes, depress BALANCE button #3 and balance.

Analysis:

6) Set blood alcohol POINTER on START line.

7) Depress SAMPLE button #4, take breath sample, depress BUBBLER button #5. (Record time).

8) When RED empty signal appears, WAIT 1-1/2 minutes, depress READ button #6 and BALANCE.

9) Record answer, dispose of test ampoule, depress #1 button for 30 to 45 seconds, depress #2 button until RED light appears, depress STANDBY button.

Interested persons may present statements or arguments in writing relevant to the proposed action at the office of the Superintendent of State Police, Post Office Box 68, West Trenton, New Jersey, 08625, before 4:00 P.M., June 26, 1970.

After full consideration of all statements and arguments presented, the Attorney General, upon his own motion or at the instance of any interested party, may thereafter adopt the revised regulations substantially as set forth without further notice.

George F. Kugler, Jr.  
Attorney General  
Department of Law and Public Safety

(a)

**TREASURY**

**DIVISION OF TAXATION**

**MOTOR FUELS BUREAU**

**Proposed Amendment On Rebates, Allowances, Lotteries and Games**

Sidney Glaser, Acting Director of the Division of Taxation, Department of the Treasury, pursuant to authority delegated in N.J.S.A. 56:6-6, proposes to amend N.J.A.C. 18:19-14C and D, of the Rules of the Motor Fuels Tax Bureau concerning rebates, allowances, lotteries and games of chance to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

N.J.A.C. 18:19-14. Rebates, Allowances, Lotteries and Games of Chance:

A. A retail dealer must not sell motor fuel at any other price than the price, including tax, so posted. Any such price when posted shall remain posted and in effect for a period of not less than twenty-four (24) hours.

B. No retail dealer shall sell motor fuel at a price which is below the net cost of such motor fuel to the retail dealer plus all selling expenses.

C. No coupons, discounts, giveaways, bargain sales or other rebates, allowances, concessions or benefits [may] shall be given, directly or indirectly, so as to permit any person to obtain motor fuels from a retail dealer below the posted price or at a net price lower than the posted price applicable at the time of the sale or so as to have the principal purpose of effecting for the participating dealer an immediate increase in motor fuel sales, to the detriment of his competitors' business.

D. It [is] shall be unlawful for any retail dealer to use lotteries, prizes, wheels of fortune, punch-boards or other games of chance, in connection with the sale of motor fuels or to participate in any way, directly, or indirectly, in the promotion, advertisement or conduct of contests, giveaways or other programs which are not clearly incidental to and customarily found in connection with the principal use of the retail dealer's place of business and which would have the principal purpose of effecting for

the participating dealer an immediate increase in motor fuel sales, to the detriment of his competitors' business.

Cross Reference: N.J.S.A. 56:6-2.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed on or before June 24, 1970 to:

Motor Fuels Tax Bureau  
Division of Taxation Building  
State and Willow Streets  
Trenton, New Jersey 08625  
Telephone: (609) 292-5125

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

Sidney Glaser  
Division of Taxation  
Acting Director  
Department of the Treasury

(b)

**TREASURY**

**DIVISION OF TAXATION**

**SALES TAX BUREAU**

**Proposed Rules Governing Coin-Operated Vending Machine Sales**

Sidney Glaser, Acting Director of Taxation, Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24(1), proposed to adopt as N.J.A.C. 18:24-37, rules governing the taxation of receipts from coin-operated vending machine sales under the Sales Tax Act and to repeal all prior rules affecting sales of this type, as follows:

N.J.A.C. 18:24-37. Coin-Operated Vending Machines.

The following Rule is promulgated to clarify the taxable status, pursuant to the provisions of the New Jersey Sales and Use Tax Act, of receipts from coin-operated vending machine sales, and supersedes all prior rulings affecting sales of this type.

1. In general, receipts from sales of taxable tangible personal property and receipts from sales of taxable food and drink are subject to the New Jersey Sales Tax even though the tax is not reimbursed to the vendor by the purchaser where such sales are in the amount of less than eleven (11) cents.

**A. GENERAL RULES**

(1) Vendors operating vending machines in the State of New Jersey must register with the New Jersey Sales Tax Bureau to engage legally in the business of selling tangible personal property at retail, including, also, food and drink of a kind the receipts from which are subject to the sales tax. One Sales Tax Registration Number is sufficient for all machines of one vendor.

In a conspicuous place, upon each vending machine, there shall be affixed a statement in substantially the following form:

This vending machine is operated by  
.....  
Name of Vendor  
.....  
Place of Business of Vendor  
New Jersey Sales Tax Registration Number .....

(2) Vendors operating vending machines which dispense tangible personal property, including, also, food and drink, must report and pay to the State the tax upon the gross receipts from all sales of such items made through such machines, subject to the exemptions set forth in the Sales and Use Tax Act.

(3) Receipts from sales of food and drink exempted from the tax by subsection 8(b) are allowable deductions from gross receipts.

(4) There is no exemption for items subject to the tax pursuant to subsection 3(c), such as carbonated beverages, hot drinks, sandwiches, and other prepared foods.

(5) Adequate records must be kept by the vendor, showing:

- (a) The location or locations of each machine operated by him,
- (b) the serial number of each machine operated by him,
- (c) purchases and inventories by physical units of merchandise bought for sale through all such machines,
- (d) the unit prices charged by the vendor,
- (e) the gross receipts derived from the operation of each machine at each location,
- (f) the receipt from exempt sales,
- (g) the cost of all tangible personal property, food and drink which the vendor purchased for resale, and
- (h) the cost of all supplies of which the vendor is deemed to be the ultimate consumer.

(6) A vendor may purchase tangible personal property, food or drink for sale through coin-operated vending machines without payment of the sales tax provided he issued to his supplier a Resale Certificate, Form ST-3.

(7) The owner or operator of vending machines is responsible for the remittance of the Sales Tax. He must pay the tax on the total receipts, subject to statutory exemptions, without any deduction whatsoever for any expense incident to the conduct of the business, such as a commission to the proprietor of the premises in which the equipment is located.

(8) In order to comply with the provisions of subsection 14(d) of the Act, every item offered for sale must show that portion of the charge which is for the tangible personal property, for the food, and for the drink, and that

portion of the charge applicable to the sales tax. For example, a vending machine dispensing soda at 20 cents per bottle must have affixed to it showing the charge for the soda to be 19 cents and the sales tax charge to be one cent, for a total of 20 cents. The tax to be remitted to the State of New Jersey by the vendor is the amount of the actual tax collected from all taxable sales, or five percent of the taxable sales, whichever amount is greater.

**B. SPECIAL RULES FOR VENDORS WHO SELL TANGIBLE PERSONAL PROPERTY THROUGH VENDING MACHINES AT 10 CENTS OR LESS.**

N.J.S.A. 54:32B-8(i) provides that the following receipts shall be exempt from the sales tax:

"Tangible personal property sold through coin-operated vending machines at \$0.10 or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the director."

(1) The phrase "primarily engaged in making such sales", as used in N.J.S.A. 54:32B-8(i), refers to vendors engaged in making sales through coin-operated vending machines, and for this subsection to be applicable the vendor must show that more than half of the total receipts from his business are derived from sales through coin-operated vending machines.

(2) In addition to the filing of Form ST-50 (Quarterly Return) and/or Form ST-51 (monthly remittance statement), a vendor who seeks to exempt a portion of his gross receipts pursuant to N.J.S.A. 54:32B-8(i) shall report quarterly to the Sales Tax Bureau on Form ST-3229 the following information:

- (a) The total receipts of his business,
- (b) The total receipts from sales through coin-operated vending machines,
- (c) The total receipts from exempt sales, including:
  - (1) Receipts from sales of cigarettes,
  - (2) Receipts from sales of tangible personal property through coin-operated vending machines at ten cents or less, per item. (These receipts do not include any portion of the receipts from the sale of any item in excess of ten cents.),
  - (3) Receipts from any other exempt sales.
- (d) The total taxable receipts, calculated by subtracting the exempt sales set forth in (c) above from total receipts of the vending machine company set forth in (a) above.
- (3) The amount of New Jersey Sales Tax payable is the net taxable receipts [(d) above] multiplied by .05 to effectuate application of the five percent tax rate, or the actual tax collected, whichever is the greater.

N.J.A.C. 18:24-97.6 is repealed simultaneously with the adoption of N.J.A.C. 18:24-37.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before June 24, 1970, to:

Sales Tax Bureau  
Division of Taxation Building  
State and Willow Streets  
Trenton, New Jersey 08625  
Telephone: (609) 292-6636

The Division of Taxation, Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter adopt the above rules without further notice.

Sidney Glaser  
Acting Director  
Division of Taxation  
Department of the Treasury

(c)

**TREASURY**

**STATE INVESTMENT COUNCIL**

**FHA Insured Mortgages**

The State Investment Council, pursuant to authority delegated in N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has adopted the following amendment to its regulation 16:3-28.120 and 16:3-28.130 concerning Federal Housing Administration insured mortgages, and adopted a new regulation concerning Federal Housing Administration insured construction mortgages as follows (additions indicated in bold face thus):

Reg. 16:3-28.120 Limitations.

(d) Prior to the purchase of any mortgage, the Director [shall] may designate a qualified consultant to inspect the property and general area and render a report of the feasibility of the purchase including his opinion of value. His fee shall be paid by the borrower.

(e) No mortgage application for a mortgage on real property located outside of the State of New Jersey shall be considered except upon the recommendation of the Real Estate Department of a bank with capital stock, surplus and undivided profits totaling at least \$40 million, engaged in the purchase of FHA insured multi-family mortgages which shall review among other things:

(f) No mortgage application for a mortgage on real property located within the State of New Jersey shall be considered except upon the recommendation of:

- (1) a New Jersey corporation presently servicing mortgages worth over \$30 million, or
- (2) a bank chartered by the federal government and whose principal office is located in New Jersey and is presently servicing mortgages worth over \$30 million.
- (g) Said New Jersey corporation or bank shall take the following factors into consideration in making its recommendations:

Treasury—continued

- (1) the net worth of the borrower;
- (2) the adequacy of the Federal Housing Administration escrow arrangements;
- (3) the saleability of the property;
- (4) the income productivity of the property at the levels designated in the Federal Housing Administration documentation;
- (5) the feasibility report of the consultant designated by the Director.

Reg. 16:3-28.130 Legal Papers.

(c) a servicing agreement in such form as the Attorney General may direct, entered into with the [major bank] bank of New Jersey corporation recommending the mortgage.

**ARTICLE 29. TITLE II  
FEDERAL HOUSING ADMINISTRATION  
INSURED CONSTRUCTION  
MORTGAGES—MULTI-FAMILY**

Reg. 16:3-29.100 Definition.

As used in this article, a "Federal Housing Administration Insured Multi-Family Construction Mortgage" (hereinafter referred to as a "construction mortgage") shall mean a mortgage on a multi-family dwelling insured or to be insured by the Federal Housing Administration as authorized under Title II of the National Housing Act and more specifically described under the following sections:

- 207
- 220
- 221D3
- 221D4

Reg. 16:3-29.110 In general.

Subject to the limitations contained in this article, the Director may invest and reinvest the moneys in any pension and annuity group fund in Title II Federal Housing Administration Insured Construction Mortgages — Multi-Family.

Reg. 16:3-29.120 Limitations.

- (a) Any investment in any construction mortgage shall be not less than \$1 million nor more than \$4.5 million.
- (b) The book value of construction mortgages and those purchased under Articles 15, 19, 20, 28 and 29 shall not exceed 20% of the assets of any pension and annuity fund at any one time.
- (c) No construction mortgage shall be made except in conjunction with a mortgage and under the limitations contained in Article 28 of these regulations.
- (d) No construction mortgage application shall be considered unless said mortgage is to be on real property located within the State of New Jersey.
- (e) A New Jersey corporation or bank qualified under Article 28 must recommend the construction mortgage, but must as a condition of their recommendation arrange for a bank located in New Jersey to act as a principle in said construction mortgage for an amount not less than 10% and not more than 30% of the total amount of the construction mortgage. Said principal bank shall in all cases be approved by the Director.
- (f) No construction mortgage shall be recommended for purchase to the pension funds unless approved by a majority of the members of a Mortgage Advisory Committee created within the Division of Investment to advise the Director with respect to mortgage applications. The Committee shall be composed of five members serving without compensation who reside in New Jersey and are experienced in the purchase of mortgages. The Committee will meet whenever sufficient material is available to warrant a meeting and three members of the Committee shall constitute a quorum. Whenever practical, an agenda will be mailed to each Committee member in advance of the meeting. A copy of the agenda and analysis sheets (describing the construction mortgage offerings in detail), as well as a copy of the minutes summarizing the action taken, will be mailed to all five members and will be attached to such recommendation as the Director may make to the pension funds.

(g) Whenever practical, an agenda will be mailed to each Committee member in advance of the meeting. A copy of the agenda and analysis sheets (describing the construction mortgage offerings in detail), as well as a copy of the minutes summarizing the action taken, will be mailed to all five members and will be attached to such recommendation as the Director may make to the pension funds.

Reg. 16:3-29.130 Legal Papers.

Prior to issuance of any commitment to purchase, the Director shall have obtained and approved:

- (a) a current Credit Report on the borrower;
- (b) a current photograph of the property, or plans and specifications of proposed construction, and a survey of the property;
- (c) a copy of FHA Commitment;
- (d) a copy of FHA Mortgagee's application for Insurance, completed in its entirety;
- (e) all other pertinent FHA documents and approvals including, but not limited to, project analysis and breakdown of reserves for replacements;
- (f) the breakdown of the estimated cost of construction;
- (g) a participation agreement executed between the principal bank and the pension or annuity fund;
- (h) builder's qualifications, including but not limited to, recent financial statements and past experience on similar projects;

Subsequent to the time of closing, the Director shall obtain:

- (a) such documents as the Attorney General shall determine were required to effect the investment;
- (b) a written approving opinion from the Attorney General to the effect that all such documents and opinions received by the Director are satisfactory as to form and substance.

An order adopting the above rule was filed May 21, 1970 as R. 1970 d.57 (Exempt, Internal Rule).

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(a)

**HACKENSACK MEADOWLANDS  
DEVELOPMENT COMMISSION**

First Stage of Master Plan  
Adopted and Now in Effect

On April 23, 1970, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the First Stage of the Master Plan for the comprehensive development of the Hackensack Meadowlands District, substantially as proposed in the Notice published November 27, 1969 at 1 N.J.R. 17(b).

An order adopting this First Stage of the Master Plan was filed and effective May 1, 1970 as R. 1970 d.46.

The four resolutions comprising the First Stage of the Master Plan, summarized in the Notice published January 8, 1960 at 2 N.J.R. 8(b), were the subject of public hearings on January 6, 1970 in Bergen County Court House, Hackensack, and on January 7 in Hudson County Court House, Jersey City. After full consideration of all written and oral submissions respecting the four resolutions the Commission adopted the resolutions.

The four resolutions establish:

1. The objectives, standards and principles embodied in the various interlocking portions of the First Stage of the Master Plan;
2. interim zoning regulations;
3. subdivision regulations; and
4. a building code and supplemental code for building foundations.

The Legislature authorized the Commission to adopt its Master Plan in portions, and the Commission feels that the First Stage now adopted will enable the orderly development of portions of the district while the remainder of the plan is formulated. The First Stage concentrates on the needs of the next two years, within which period the Commission expects to adopt the Second Stage of the Master Plan.

It is anticipated that the second and subsequent stages will include the following, with principal concentration on the first item:

1. Comprehensive Land-Use Plan.
2. District Zoning Regulations.
3. Final Reclamation and Drainage Plans.
4. Pollution Abatement Program.
5. Solid Waste Disposal Program.
6. Transportation Plan.
7. Housing and Redevelopment Plan.
8. Natural Resources Conservation Plan.
9. Capital Improvements and Public Facilities Program.
10. Recreation and Open Space Plan.
11. Other plans, programs and standards deemed appropriate by the Commission.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(b)

**HACKENSACK MEADOWLANDS  
DEVELOPMENT COMMISSION**

Fee Schedule Implementing  
Stage I of Master Plan

On April 23, 1970, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a fee schedule implementing Stage I of its Master Plan which provides for the payment of certain fees for approvals by the Commission, as follows:

Fee Schedule Implementation  
of Stage I Master Plan

ACTIVITY	REGULATION CITATION	FEE
<b>I. Building Code</b>		
All permits except:	Building Code	\$.002 per cubic ft.
(a) demolitions		
(b) repairs or alterations, or		
(c) additions under \$2,500		
Demolition	Building Code	\$25
Repairs or alterations	Building Code	None
Additions under \$2,500	Building Code	None
<b>II. Subdivisions</b>		
Sketch Plat		
(a) Major	Article 5	None
(b) Minor	Article 5	\$35.
Preliminary Plat for major subdivision	Article 5	\$50. + \$15 per lot
Final Approval of major subdivision	Article 5	None
Improvement Inspection	Article 8	1/2 of 1% of value of improvement
Waivers	Article 10	\$50.

ACTIVITY	REGULATION CITATION	FEE
<b>III. Zoning</b>		
Certificate	Article 13	\$50.
Signs	Article 9	None
Site Plan	Article 12	\$50.
Variance	Article 13	\$50.
Special Use	Article 13	\$35.
Occupancy	Article 13	None

This Fee Schedule shall not be applicable to the federal government, state, county or municipality, or any instrumentality thereof. Any fee, or portion thereof, provided for herein, may be waived by the Office of Chief Engineer, consistent with provisions of the Stage I Master Plan Resolutions.

This Fee Schedule shall become operative on May 1, 1970. An order adopting the above fee schedule was filed and effective May 1, 1970 as R. 1970 d.47 (Exempt, Practice Rule).

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

**OF PUBLIC INTEREST**

**MANAGEMENT INFORMATION SYSTEM  
SET UP IN EDUCATION DEPARTMENT**

State Education Commissioner Carl L. Marburger has announced the appointment of Dr. William H. Lucow as director of the Department of Education's management information system, together with the awarding of a \$55,000 contract to survey and provide detailed plans for the system.

The contract was awarded to the System and Computer Technology Corporation, West Chester, Pa.

Dr. Marburger said the two actions are steps toward establishment of the Office of Management Information within the Department's Division of Research Planning and Evaluation headed by Assistant Commissioner Stanley J. Salett.

As director of the information system Dr. Lucow will be in charge of the present sections of data processing, statistics and evaluation.

For the past six years, Dr. Lucow has held a similar position with the Canadian federal government as director of research in the education division of the Dominion Bureau of Statistics. He describes this as a "miniature U.S. Office of Education".

Dr. Lucow, who holds five degrees, received his Ph.D. from the University of Minnesota.

Functions of the new Office of Management Information will include: conducting special studies to span data gaps; providing the Department with the capacity for assessing educational performance by designing and field-testing systems of evaluation; developing procedures for collecting, editing, and reporting data related to needs of new programs and new activities shortly to become part of the work of the department; and, in general, to generate statistical and other informational reports on the status of public education in New Jersey.

Dr. Lucow comes to New Jersey with long experience in education, research, and government service. He is a public school teacher (mainly chemistry and mathematics) for 20 years and has been vice-principal and principal. He was visiting professor of education at the University of Kansas for three consecutive summers, and an associate professor of education at the University of Manitoba for eight years.

He has been with the Canadian Federal Government the past six years. During the past year, he also has acted as consultant to System Development Corporation in Santa Monica and to the New Jersey State Department of Education. He has had experience with all three generations of computers and has taught graduate courses in data processing in education research.

**VACATION GUIDE TO STATE  
COVERS VARIED INTERESTS**

"What you don't know about our resorts would fill a book!"

This provocative assertion graces the color-picture cover of a guide to New Jersey's year-round vacation areas just made available by the State Division of Economic Development.

A message of welcome in the booklet from Governor William T. Cahill invites the reader to visit the magnificent beach resorts, lakes, forests, parks and various tourists attractions throughout New Jersey.

For the benefit of sportsmen, a section of the brochure lists choice fishing spots, both inland and along the coast, together with a map of New Jersey Public Hunting and Fishing Grounds.

Special reference is made to the State's 127 miles of superb ocean beaches. A listing of Long Beach Island resorts features specific attractions awaiting visitors.

Individual sections are devoted to the lake country, summer theatres, boating, flat racing and harness racing, historic sites, the Garden State Parkway Arts Center, skiing, and state forests and parks.

Also included in the 40-page, full-color booklet are recommended places of interest in all sections of the State, highlighting their visitor attractions.

Free copies of the 1970 Vacation Guide may be obtained from New Jersey State Promotion, Division of Economic Development, P.O. Box 400, Trenton, N.J. 08625.