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THE NEW JERSEY REGISTER

A Publication of the State of New Jersey

WILLIAM T. CAHILL, Governor
Paul J. Sherwin, Secretary of State
Albert E. Bonacci, Director of Administrative Procedure
Melvin E. Mounts, Rules Analyst
John K. Barnes, Editor

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THURSDAY, SEPTEMBER 10, 1970

NOTICE OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

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

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH Hog Cholera Regulations

Phillip Alampi, Secretary of Agriculture, and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-106, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to certain regulations governing hog cholera control in Title 2 of the New Jersey Administrative Code, substantially as proposed in the Notice published July 9, 1970 at 2 N.J.R. 53(a).

An order adopting these amendments was filed and effective July 31, 1970 as R. 1970 d. 89.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY Milk Marketing Order No. 63-1

On July 28, 1970, W. W. Moffett, Jr., Director, Division of Dairy Industry in the New Jersey Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in conformance with the Memorandum of Agreement between the United States Department of Agriculture and the Director of the New Jersey Office of Milk Industry (now Division of Dairy Industry), issued two successive orders amending Milk Marketing Order No. 63-1 which regulates the handling of milk in New Jersey Milk Marketing Areas 2 and 3.

The first order, corresponding to a similar order, amending and merging 7 C.F.R. Parts 1003, 1004 and 1016, issued

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on June 19, 1970 by Richard E. Lyng, Assistant Secretary, United States Department of Agriculture, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601, et seq), and the applicable rules of practice (7 C.F.R. Part 900), was published in the Federal Register on June 24, 1970 (35 F.R. 10273-10285).

The second order, corresponding to a correction and order terminating certain provisions of 7 C.F.R. Part 1004 as amended and merged by the first order, signed on July 13, 1970 by Richard E. Lyng, Assistant Secretary, United States Department of Agriculture, was published in the Federal Register on July 17, 1970 (35 F.R. 11455).

Copies of these orders were filed July 31, 1970 as R.1970 d.90.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

Note: Copies of the complete Milk Marketing Order No. 63-1 are on file for public inspection at the Office of the Division of Dairy Industry, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

(c)

AGRICULTURE

DIVISION OF MARKETS Proposed Revised Rule Concerning Grade Certificates for Eggs

Phillip Alampi, Secretary of Agriculture, pursuant to N.J.S.A. 4:10-6, proposes to revise N.J.A.C. 2:31-4 "Certificates of Grade" in order to increase the cost of certification services to be in line with present day costs and to explain in greater detail those inspection services subject to charge. The proposed revised rule reads as follows:

2:31-4 Certificates of Grade
For the inspection or classification of shell eggs and the issuance of a certificate of the grade or other classification of such product, the fee shall be computed at the rate of \$7.20 per hour and shall include time required to perform the grading, waiting time, travel time and any clerical costs involved in issuing a certificate. When these services are rendered on Saturdays, Sundays, or government authorized holidays, the fee shall be computed at the rate of \$10.80 per hour. Information on government authorized holidays is available from the supervisor.

Interested persons may present statements or arguments in writing, orally or in person or by telephone, relevant to the proposed action, before October 1, 1970, to:

John J. Repko, Director
Division of Markets
New Jersey Department of Agriculture
Post Office Box 1888
Trenton, New Jersey 08625
Telephone: (609) 292-5536

The Secretary of Agriculture, upon his own motion or at the instance of any interested party, may thereafter adopt the revised rule as set forth without further notice.

Phillip Alampi
Secretary
Department of Agriculture

(d)

BANKING

THE COMMISSIONER Banking Department Reorganization

James C. Brady, Jr., Commissioner of Banking, pursuant to authority of P.L. 1970, c. 11 (N.J.S.A. 17:1B-1 to 17:1B-3), as supplemented by P.L. 1970, c. 88 (N.J.S.A. 17:1B-3a), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has adopted a rule reorganizing the Department of Banking.

The reorganization consists of the establishment within the Department of the Division of Banking, the Division of Savings and Loan Associations, the Division of Administration and Operations, and the Bureau of Consumer Credit. Each Division shall be in charge of a deputy commissioner appointed by the Commissioner of Banking. The functions of the various Divisions and Bureau shall be as follows:

1) DIVISION OF BANKING

In general, exercises supervision and regulation of all banks and savings banks licensed under the laws of this State and execution of all laws pertaining to said institutions. In connection therewith, the Division is responsible for the operations of each of the institutions it supervises and regulates, with respect to the laws of this State, applicable Federal laws and regulations, and its certificate of incorporation, with particular emphasis on safety to its depositors, other creditors, stockholders and the general public. Conducts examinations of and receives regular reports from all State-chartered banks. Conducts field surveys and advises the Commissioner on the banking factors pertaining to, among other things, branch, holding company, merger and charter applications. Takes possession of and maintains control over any State-chartered banks

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and savings banks whose operations have been suspended because of unsafe practices or unsound financial conditions. Advises the Commissioner on matters submitted by State-chartered banks and savings banks that require his approval.

2) DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

In general, exercises supervision over the operations of all State-chartered savings and loan and building and loan associations. Responsible for the execution of all laws pertaining to said associations. Conducts examinations of all State-chartered savings and loan associations. Acts on applications and decisions with regard to, among other things, mergers, bulk sales, branch applications, principal and branch office relocations. Acts on changes of association by-laws and constitutional changes. Reviews and makes decisions on pension plans. Investigates complaints received from the public. Confers with Federal authorities and association management concerning supervisory problems, as well as offering guidance and recommendations for improvement of operating problems. Advises the Commissioner on matters submitted by state-chartered savings and loan associations that require his approval.

3) DIVISION OF ADMINISTRATION AND OPERATIONS

In general, exercises supervision over the administration and enforcement of the statutes regulating the work programs and other activities of the Department of Banking. Responsible for the conduction of hearings on new charter and branch applications for banks, savings and loan associations and consumer credit agencies, and submits the reports and recommendations to the Commissioner for final disposition. Coordinates statistical data, analyzes present and future trends and economic conditions required for development of new policies and legislation required to insure the continued viability of the banking, savings and loan and consumer credit industries. Prepares studies and reports of the financial community

Banking Department Reorganization—continued

for the Commissioner of Banking. Formulates and executes the fiscal and personnel policies for the Department. Advises the Commissioner on matters submitted by State-chartered banks, savings banks and savings and loan associations that require his approval.

4) BUREAU OF CONSUMER CREDIT

Under the jurisdiction of the Division of Banking, the Bureau of Consumer Credit is, in general, responsible for the examination and administration of various statutes, which include chartering, regulating or licensing of various organizations by the Department, periodic (statutory) examinations of certain organizations by Consumer Credit Bureau examiners, the filing of annual reports by certain organizations and the investigation of consumer credit complaints and/or inquiries. Advises the Commissioner on matters pertaining to its licensees and possible legal action pertaining thereto.

An order adopting the above reorganization was filed and effective August 13, 1970 as R.1970 d.96 (Exempt, Internal Rule).

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(a)

BANKING**THE COMMISSIONER****Revised Procedural Rule Concerning Movement and Establishment of Offices**

James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has revised the Department of Banking's procedural rule concerning movement and establishment of offices which was filed and effective October 1, 1969 and published at 1 N.J.R. 11(a). The revised rule reads as follows:

Except as otherwise provided by law, the following procedures shall be utilized, effective immediately, in connection with the applications by banks, savings banks and savings and loan associations for the Commissioner's approval of new charters, branch offices, interchange of offices, main office relocations, branch office relocations and agencies (hereinafter called application).

1. Official Organs for Publication of Notice

The New Jersey Bankers Association and the Savings Banks' Association of New Jersey weekly bulletins and the New Jersey Savings League weekly application bulletin are hereby designated as the official organs in which the Department will publish notice of the application by banks, savings banks and savings and loan associations.

2. Departmental Notice to Official Organs

Upon the receipt by the Department of an application, the appropriate division in the Department shall send written notice of the receipt of the application to the New Jersey Bankers Association, Savings Banks' Association of New Jersey and to the New Jersey Savings League. Each such notice shall contain the following:

- The name of the applicant and municipality wherein its principal office is or is to be located;
- A brief statement of the nature of the application; and
- The location, as precisely as possible, of the site involved in the particular application.

3. Publication of Notice Information

The notice information described in paragraph 2 hereof shall be published in the weekly bulletins referred to in paragraph 1 hereof next following the receipt thereof by the New Jersey Bankers Association, Savings Banks' Association of New Jersey and the New Jersey Savings League. The publication of such notice shall be deemed sufficient notification to all banks, savings banks and savings and loan associations of an application filed with the Department. No further notice to a bank, savings bank or savings and loan association, other than the notice specified by law, shall be required.

4. Publication of Bank's, Savings Banks' and Savings and Loan Association's Right to Object and Request a Hearing

Each publication of the weekly bulletins referred to in paragraph 1 hereof shall include the following statement:

You are hereby advised that the right of a bank, savings bank and savings and loan association to object to any of the aforesaid applications and to request a hearing on any of the aforesaid applications is contingent upon receipt by the Department of a written objection disclosing the reasons therefore, within 20 days of the date of this bulletin. In addition, if the objector wishes a hearing on the application, he shall file a separate written request for such hearing within 20 days of the date of this bulletin.

5. Filing of Objection; Time Limitation

A written objection to an application may be filed with the Department within 20 calendar days of the date of the weekly bulletin in which notice of the application was published pursuant to paragraph 1 hereof.

6. Objection; Contents; Consideration

a. An objection to an application will not be considered filed with the Department unless the objection:

- is in writing;
- is received by the Department within the 20 calendar

day time limitation provided in paragraph 5 hereof; and

(3) discloses in detail the grounds therefore.

b. After filing an objection, an objector may be required by the Commissioner, Deputy Commissioner or Hearing Officer to:

- submit a detailed written statement or memorandum setting forth the factual and legal grounds and contentions which constitute the basis of objection; and
- submit such information and supporting data in connection with the objection as the Commissioner, Deputy Commissioner or Hearing Officer shall deem necessary.

7. Request for Hearing

A written request for a hearing may be filed with the Department within the 20 calendar days of the date of the weekly bulletin in which notice of the application was published pursuant to paragraph 1 hereof, and where the party requesting the hearing has previously filed a separate objection as hereinabove provided.

8. Hearing; Grant or Denial of Request

a. A public hearing shall be held in each case where a written objection and request for a hearing has been filed with the Department as hereinabove provided, except that where the Commissioner determines that a hearing is unwarranted, inapplicable, unreasonable, unnecessary, not required, or that the objector has not complied with the requirements or procedures established herein, he may dispense with a hearing.

- Upon the granting of a request for a hearing, notice shall be mailed to the applicant and the party requesting the hearing;
- Upon the denial of a request for a hearing, notice shall be mailed to the applicant and the party requesting the hearing with a statement of the reasons for the denial.

b. If there is no objection to an application or request for a hearing made to the Department, or when an objection and/or request for a hearing is not filed as provided in paragraphs 5, 6 and 7 hereof, the Commissioner or Deputy Commissioner shall determine whether a hearing is appropriate on a particular application.

9. Insufficiency of Data in Support of Application; Hearing

In any matter where the Commissioner, Deputy Commissioner or Hearing Officer shall find that the applicant has not filed sufficient data, information or material in support of the application, the applicant may be required to file supplementary data, information or material or submit to a hearing on the application, or both.

10. Notice of Hearing

If a hearing is to be held, the Commissioner, Deputy Commissioner or Hearing Officer shall notify the applicant and objector, if any, of the date, time, place, and nature of the hearing; of the legal authority and jurisdiction under which the hearing is to be held; of the particular sections of the statutes and rules involved; and of the matters asserted or issues involved. The notice of hearing may be combined with the notice granting the request for a hearing.

11. Hearing Officer; Public Hearings; Conduct

a. Any hearing pursuant to this Rule may be held before the Commissioner, or before any Deputy Commissioner, Hearing Officer or any employee of the Department authorized by the Commissioner for such purpose.

b. Every hearing shall be open to the public unless the Commissioner shall determine that a private hearing would be in the public interest. Hearings shall be conducted in accord with N.J.S.A. 17:1-8.1 to 8.11 and the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.).

12. Failure of the Party Requesting the Hearing to Appear at the Hearing

When the party requesting the hearing fails to appear at a scheduled hearing without sufficient reason therefore, such failure to appear may be treated as a withdrawal of the request for a hearing and the Commissioner, Deputy Commissioner or Hearing Officer may dispense with the hearing or adjourn the hearing to a future date, or take such action as may be just and proper under the circumstances.

13. Pre-hearing Conference

Prior to any hearing, the Hearing Officer may, in his discretion, direct all parties and counsel to appear before him for a pre-hearing conference for any or all of the following purposes:

- Simplification and clarification of the issues;
- Admissions and stipulations of fact and of the contents and authenticity of documents; and
- Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conference, in the discretion of the Hearing Officer, need not be recorded, but the Hearing Officer shall enter in the record an order signed by the parties, which recites the results of the conference. Such order, a copy of which shall be furnished to each party, shall include the Hearing Officer's rulings upon matters considered at the conference, together with appropriate directions, if any, to the parties; and such order shall control the subsequent course of the proceedings unless modified at the hearing for good cause shown, by appropriate order of the Hearing Officer.

14. Hearings; Rights of Parties

Where a public hearing is held pursuant to paragraphs 8 or 9 hereof, the applicant and objector shall have an opportunity to be heard, to introduce exhibits in evidence and to present and cross-examine witnesses.

15. Hearings; Evidence

At all hearings, all parties shall place in evidence an original and one copy of every exhibit to be relied upon in support of the application or objection.

16. Hearings; Access to Data

Upon request, any party to the proceeding shall be given access to the data and materials filed by any of the parties involved in the proceeding, provided such data and materials are not in the nature of confidential information.

17. Hearing Officer's Report and Recommendation

In any case where a Deputy Commissioner or any other person is authorized by the Commissioner to sit as a Hearing Officer, the Hearing Officer shall submit a written report of his findings and conclusions to the Commissioner together with a recommendation as to the disposition of the matter, unless the Commissioner directs otherwise.

18. Hearing Officer's Report and Recommendation; Submission to Commissioner and Parties; Exception; Reply

The Hearing Officer's report and recommendation shall be submitted to the Commissioner and by certified mail, return receipt requested, to all parties participating in the hearing. The parties to the hearing shall have 10 days from the receipt of such report to file written exceptions thereto with the Commissioner. The party filing an exception shall, at the time of filing same, send by certified mail, return receipt requested, a copy of the exception to all other parties participating in the hearing. Replies to an exception shall be in writing and filed with the Commissioner within 5 days from the receipt of the exception. The party filing a reply shall at the time of filing same, send by certified mail, return receipt requested, a copy of the reply to all other parties participating in the hearing. The Commissioner need not consider any exception or reply which is not filed within the time limitations expressed in this paragraph.

19. Final Determination

Upon receipt of the report and recommendation, exceptions and replies, if any, within the time limitations expressed in paragraph 18 hereof, the Commissioner shall issue a final determination adopting, modifying or rejecting the report and recommendation. This action by the Commissioner shall constitute the final determination by the Department in the matter.

20. Relaxation or Dispensation of Requirements of Rule

In any instance where the Commissioner shall determine that the foregoing requirements or procedures shall be unwarranted, inapplicable, unreasonable, unnecessary or not required, he may relax or dispense with the requirements or procedures established herein.

An order adopting the above revised procedural rule was filed and effective August 13, 1970 as R.1970 d.97 (Exempt, Practice Rule).

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS**DIVISION OF HOUSING AND URBAN RENEWAL
Proposed Rules Governing Limited-Dividend
And Nonprofit Housing Corporations and
Associations**

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-22 and 55:16-11, proposes to repeal all regulations previously adopted by the Public Housing and Development Authority, and to adopt therefor as Chapter 13 of Title 5 of the New Jersey Administrative Code, rules governing limited-dividend and nonprofit housing corporations and associations.

The proposed rules shall apply to all housing sponsors formed under the provisions of the Limited-Dividend Nonprofit Housing Corporations and Associations Law, P.L. 1949 c.184 (N.J.S.A. 55:16-1 et seq.); except, however, the provisions of the proposed Subchapter C shall apply only to housing sponsors as cooperatives financed under a FHA insured (Section 213) mortgage; and provided further that nothing in the proposed rules shall be construed to abrogate or set aside such regulatory agreements that have been approved by the Authority prior to the effective date of the proposed regulations insofar as the provisions thereof are not inconsistent with the proposed rules.

Copies of the full text of the proposed rules may be obtained upon request to:

Director, Division of Housing and Urban Renewal
Department of Community Affairs
Post Office Box 2768
Trenton, New Jersey 08625
Telephone: (609) 292-6107

Interested persons may present statements or arguments in writing relevant to the proposed action to the Director of the Division of Housing and Urban Renewal at the above address.

The Commissioner of Community Affairs, upon his own motion or at the instance of any interested party, may thereafter adopt the proposed rules without further notice.

Edmond T. Hume
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

**HOUSING FINANCE AGENCY
Rules Governing Rentals**

The New Jersey Housing Finance Agency, pursuant to authority of N.J.S.A. 55:14J-34(f), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule governing rentals, substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 17(b).

An order adopting this rule was filed July 29, 1970 as R. 1970 d.86.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(b)

EDUCATION

**STATE BOARD OF EDUCATION
Proposed Regulations Governing
Library Incentive Grants**

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:74-10, proposes to adopt regulations governing the receipt of Incentive Grants under the provisions of N.J.S.A. 18A:74-6 as follows:

**Chapter 68. State Library Assistance Programs
Subchapter B. Incentive Grant Program**

8:68-13. General Policy.

Pursuant to N.J.S. 18A:74-6 grants will be made only for cooperative activities including two or more municipalities which utilize the principles of inter-library cooperation to make possible better library services through the encouragement of the formation and development of larger units of service.

8:68-14. Projects Eligible for Grants.

(a) Grants will be made only to those libraries which are currently supported at a minimum 1/5th mill on the equalized valuation, or which can provide reasonable assurance of reaching this level within one year. For those municipalities providing both local and county tax support, the total amount will be used to ascertain this millage requirement.

(b) Grants will be made to those libraries which will cooperatively support at least 20% of their proposed project. In succeeding years, if the project warrants renewal, the following minimal local support will be required: first renewal 40%, second and final renewal 80%.

8:68-15. Ineligible Projects.

(a) Projects which have previously received an initial grant and two renewals are not eligible for additional grants.

(b) Funds provided through Incentive Grants may not be used for construction.

8:68-16. Inclusion of Area Library in Project.

When appropriate, the Area or Developmental Library should be a participant in the project.

8:68-17. Priorities For the Receipt of Grants.

(a) First priority—Projects for the formation and development of larger units of service pursuant to law as cited below. Grants shall be available for studies, planning, and other activities which shall eventuate in the formation of the following types of library units:

1. Joint Libraries pursuant to R.S. 40:54-29.3 to 26.
2. Federation of City-County Libraries pursuant to R.S. 40:9A.
3. Regional Libraries pursuant to R.S. 40:33-1A.

(b) Second priority—Projects, including studies, planning and implementation activities, which through contractual relationships, will provide additional library services or establish and maintain stronger units of service.

8:68-18. Evaluation and Recommendations of Applications.

(a) All applications for Incentive Grants will be evaluated by appropriate staff of the Public and School Library Services Bureau of the Division of the State Library, Archives and History, State Department of Education.

(b) Recommendations for approval will be forwarded by the State Librarian to the Commissioner of Education.

8:68-19. Notification of Applicants.

Applicants will be informed of approval or rejection as soon as possible.

8:68-20. Appeal Procedures.

Applicants whose projects have been rejected will be given, upon request, opportunity of an informal fair hearing before the State Librarian. In the event of an adverse decision after such informal hearing, applicants may request a formal hearing pursuant to R.S. 18A:6-24.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed before 4 p.m., October 6, 1970, to:

Clyde E. Leib
Office of the Commissioner
New Jersey State Department of Education
225 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4040

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

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

(c)

EDUCATION

**OFFICE OF EDUCATIONAL FOOD SERVICES
Policies for Free and Reduced-Price Meals**

On August 24, 1970, Carl L. Margurger, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:58-7.1, and in accordance with Section 4(c) of the Administrative Procedure Act (N.J.S.A. 52:14B-4(c)), adopted as an emergency rule revised policies designated N.J.A.C. 8:79-1.1 et seq. for the provision of free and reduced price lunches to certain children participating in the National School Lunch Program.

The statement of facts constituting such imminent peril as to require adoption of this emergency rule reads as follows:

"The Department of Education must issue policies for the provision of free and reduced price lunches to certain children participating in the National School Lunch Program. The issuance of Federal regulations pursuant to P.L. 91-248 by the U.S. Department of Agriculture was delayed for several weeks. It is now imperative that the State regulations be issued promptly in order that they be in effect by the beginning of the 1970-1971 academic year.

"The health and nutrition of approximately 200,000 New Jersey school children will be endangered if these regulations are not issued immediately."

The text of the Revised Policies reads as follows:

8:79-1.1 INTRODUCTION: Revised Policies for Free and Reduced-Price Meals

In accordance with new Federal regulations, the Office of Educational Food Services has established state-wide eligibility standards for free and reduced-price meals. Effective September 1, 1970, these standards will be employed by all New Jersey school districts which participate in the National School Lunch Program and the School Breakfast Program.

This introduction and following regulations outline the procedures to be used in all school districts for eligibility determination, application, appeal, preserving the anonymity of low-income students, and public announcement of the revised policies.

As in previous years, free and reduced-price meals must be provided to children unable to pay the full price of the meal. Under the new Federal regulations, a reduced-price lunch means a lunch sold for not more than 20 cents, but less than the full price of the lunch.

In order to facilitate the work of the local districts, the Office of Educational Food Services has developed a policy which is attached. It must be signed and returned to the Office of Educational Food Services not later than the end of the second calendar month for which any reimbursement can be claimed for meals served under the National School Lunch Program and School Breakfast Program.

For schools beginning in September, the deadline date is October 31, 1970. As in previous years this signed policy will become a part of the school district's School Feeding Agreement with the State Department of Education.

8:79-1.2 Eligibility

All children from families that receive public assistance from any Federal, State, or Local welfare program, such as Aid to Families with Dependent Children and the Food Stamp Program, will be automatically eligible for a free meal.

In addition, for those families not receiving any form of public assistance, two minimum family size/income scales have been prepared for use in New Jersey. Attached is a copy of the minimum scales to be used by all districts. A school district may elect to use only one scale for all needy children. In such cases, the school district must use the attached reduced-price scale as the income criteria for free meals.

8:79-1.3 Application

The attached application form — personalized with the district's name and address — is to be used by all school districts. It is a simple statement of family income, family size, participation in public assistance programs, and other hardship reasons for eligibility. A copy of the application form and the notice to parents is available in Spanish, on request, for use in those districts with a number of Spanish-speaking parents. A copy of the application form actually in the district must be submitted with the policy statement.

Upon receipt of the completed application by the school, the child's eligibility for a free or reduced-price meal must be determined from the information submitted on the form. The child must begin to eat as soon as the determination has been made. If the school has reason to challenge the information given, the child must continue to receive the free or reduced-price meal until this information is found to be incorrect by an established appeal procedure.

8:79-1.4 Appeal

The right of appeal must be granted to any parent whose child's application for a free or reduced-price lunch is denied by the school district. Hearing procedures for these appeals must be developed in accordance with the requirements outlined in the policy statement. A record of all applications and appeals, and the action taken by designated hearing officials, must be kept on file for the duration of the school year.

8:79-1.5 Anonymity

The identity of children receiving free or reduced-price meals must be protected at all times. The names of eligible children cannot be published, posted, or announced. As a condition of receiving a free or reduced-price meal, eligible children cannot be required to:

- a. use a separate lunchroom entrance or serving line;
- b. eat a different meal, or at a different time, or use a different medium of exchange from paying children;
- c. work for their meals. (Children may work in the lunchroom, but not as a condition of receiving the free or reduced-price meal.)

8:79-1.6 Public Announcement

Each school district is required to publicize the availability of free and reduced-price meals. Public announcement of the program will include community-wide publication of the family size/income scale, information on how families can apply for free and reduced-price meals and appeal procedures. These public announcements must be made twice during a school year, no later than September 30 and again in January. The following two methods must be used as a minimum:

- a. notice of the availability of free and reduced-price meals and an application form shall be sent home to all parents; and
- b. notice of the availability of free or reduced-price meals shall be published in the appropriate news media, such as the local newspaper.

Attached for your convenience are sample copies of these two methods of public announcement. A copy of the published news release and a copy of your notice to parents must be submitted with your policy statement.

The school district must also notify local governmental welfare and other major charitable agencies of its policy. A list of agencies so notified must be submitted with your policy statement.

8:79-1.7 Review and Evaluation

Your implementation of the free and reduced-price meal policy will be reviewed and evaluated through our Administrative Review process of the Office of Educational Food Services and by members of the Department of Education's Emergency Food Project. Reimbursements may be withheld from school districts not in compliance with State and Federal regulations.

School districts may not alter or amend standards set forth in their approved policy statement without advance approval from the Office of Educational Food Services, Department of Education.

8:79-1.8

**POLICY FOR DETERMINING ELIGIBILITY
FOR FREE AND REDUCED-PRICE MEALS
TO BE USED BY ALL DISTRICTS**

County _____

The _____ (Name of School District) _____ hereby assures the Department of Education that the school district named above will observe the following policy with respect to determining the eligibility of children for reduced price or free meals under the National School Lunch Program and/or the School Breakfast Program.

1. Criteria for determining eligibility of children for free or reduced price meals shall be:

- a. Children from families that receive public assistance from any federal, county, or local welfare program such as the Food Stamp Program, Aid to Families with Dependent Children, and children from families with comparable income levels will be eligible for a free meal.
- b. Children from families with income below the level of the family size-income scale established by the Department of Education.

c. Children who, in the judgment of appropriate school officials, have unmet nutritional needs. Such factors as number of children in the family, number of children attending school, temporary family emergencies, or local community emergencies shall be given consideration.

2. The title of the local school official or officials in such school who have been designated to determine which individual children are eligible for a free or reduced price meal under the established policy is:

Title of Individual	Name of School
_____	_____
_____	_____
_____	_____

(Attach additional sheet if needed)

3. The school district will provide application forms for free and reduced price meals to all parents and to any interested community groups and agencies who request them. Eligibility for a free or reduced price lunch must be determined from the information provided on the application form. (For example, if a family states on the application that it receives any form of Public Assistance or that its take-home pay falls below the level for its family size as shown on the statewide scale, its children are eligible.) Within seven days of receipt of an application, a decision regarding eligibility must be made, and parents are to be notified by mail in writing of that decision. If a positive determination is made, the child must begin to receive the free or reduced meal immediately.

4. If a child is found to be ineligible on the basis of the information provided on the application, a family is permitted to appeal the decision under the hearing procedures outlined below.

If at any time a school district wishes to challenge a child's eligibility for a free or reduced price meal, the opportunity for a hearing must also be extended to parents. In the event of such a challenge by the school district, the family shall have an opportunity, and a reasonable period

Free Lunch Policies—continued

in advance of the hearing, to review the information on which the challenge is based, and shall be informed of the source of the information.

However, any child who is eligible for a free or reduced price meal, based on the information on the application, must continue to receive a free or reduced price meal for the duration of any hearing proceedings.

5. At a minimum, the hearing procedure shall provide:
 - a. A simple, publicly—announced method for a family to make an oral or a written request for a hearing;
 - b. Assurance that a family which has requested an appeal will be informed of its rights and responsibilities a reasonable time in advance of the hearing;
 - c. An opportunity for the family to have the aid of others, including an attorney, in presenting its appeal;
 - d. That the hearing requested shall be held with reasonable promptness and convenience to the family;
 - e. That the hearing shall be conducted by, and the decision made by, a hearing official who did not participate in making the decision under appeal;
 - f. That the family requesting the hearing shall be notified in writing of the decision of the hearing official;
 - g. That a written summary record shall be maintained with respect to each hearing requested which shall include the basis of the appeal, the information used by the hearing official in arriving at his decision, and a copy of the notification of the decision of hearing official to the family;
 - h. A copy of these materials shall be submitted to the Department of Education for review within 10 days after the final decision has been rendered.
6. Appeals can be made to:

(Title of Official and Address)

7. The system of collecting payments from paying children and accounting for free or reduced price meals, that will protect the anonymity of the children receiving a free or reduced price meal, will be as follows:

8. The names of children determined to be eligible for reduced price or free meals will not be published, posted or announced in any manner.
9. Children receiving reduced price or free meals will not be required as a condition of receiving such meals:
 - a. To use a separate lunchroom, entrance, or serving line;
 - b. To eat a separate meal, or at a different time, or use a different medium of exchange than paying children; or
 - c. To work for their meals. (Children may work in the lunchroom, but not as a condition of receiving the free or reduced price meal).
10. The determining official will use the income scale established by the State Department of Education to determine the eligibility of children for reduced price or free meals. The determining official shall also consider such factors as:
 - a. Number of children in the family attending school
 - b. Illness in the family
 - c. Unusual expenses
 - d. Seasonal unemployment
11. Public announcement, including the family size-income scale, information on how eligible families can make application for free or reduced price meals, and appeal procedures, will be made twice during a school year, no later than September 30th and again in January, by both following methods:
 - a. A notice and application sent home to each parent either by mail or via the child; and
 - b. An article or announcement in a local newspaper that has wide coverage.
12. The school will notify local governmental welfare and other major charitable agencies of this policy.
13. The school will keep on file for the duration of the current school year a record of any application and appeals made and the action taken by the designated official.
14. The following supporting data are attached:
 - a. A copy of the application form used;
 - b. A copy of the published news release used in the informational media;
 - c. A copy of the notice sent home to parents; and
 - d. A listing of local welfare and private charitable agencies notified of this policy.

(Name of School District)

Secretary, Board of Education

Date

Note: 8:79-1.9 "Family Size-Income Scale For New Jersey To Be Used By All Districts", 8:79-1.10 "Application Form For New Jersey To Be Used By All Districts", 8:79-1.11 "Notice To Parents" and 8:79-1.12 "Press Release" are not reproduced.

Copies of the omitted material may be obtained from:

Clyde E. Lejb
Office of the Commissioner
State Department of Education
225 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4040

An order adopting the above rule was filed August 28, 1970 as R.1970 d.104 (Exempt, Emergency Rule), to be effective September 1, 1970.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(a)

EDUCATION

**STATE BOARD OF EDUCATION
Education of Handicapped Children**

On August 4, 1970, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:46-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amended rules relating to Classes and Facilities for Handicapped Children (N.J. S.A. 8:28-1 et seq.), substantially as proposed in the Notice published June 4, 1970, at 2 N.J.R. 47(d).

An order adopting these amended rules was filed and effective August 5, 1970 as R.1970 d.95.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

**DIVISION OF FISH, GAME AND SHELL FISHERIES
Proposed 1971 Fish Code**

The Fish and Game Council of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt the Fish Code for the 1971 fishing seasons. The proposed Code states when, under what circumstances, in what localities, by what means and in what amounts and numbers fresh water fish may be pursued, taken or had in possession.

After supplying copies of the proposed 1971 Fish Code to newspapers of general circulation throughout the State, a preliminary public hearing was held Friday, August 28, 1970 at 8 p.m. in the Auditorium, State Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

In order to comply with the Notice requirements of the Administrative Procedure Act, interested persons may present statements, orally or in writing, relevant to the proposed action at a subsequent public hearing to be held in the Auditorium, State Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey, on Friday, September 30, 1970 at 8 p.m.

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

Written comments regarding the proposed 1971 Fish Code may be submitted on or before September 30, 1970 to the Division of Fish, Game and Shell Fisheries at the above address.

After full consideration of all submissions respecting the proposed Fish Code, the 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
Division of Fish, Game and Shell Fisheries
Department of Environmental Protection

(c)

HEALTH

**THE COMMISSIONER
Proposed Revision of State Health Aid Act Administrative Manual**

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-15, proposes to revise certain sections of the Administrative Manual for the State Health Aid Act of 1966 (N.J.S.A. 26:2F-1 et seq.), to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

CHAPTER I ADMINISTRATION

1.2.2. Delete existing language and substitute therefor the following:

A local healthy agency that does not serve a population of 25,000 but employs a full-time Health Officer, may become eligible to apply for State Health Aid by contracting to supply Health Officer administrative direction, operational control and other optional health services to municipalities in order that the aggregate population will be at least 25,000.

1.3.2 Between existing sections 1.3.2 and 1.3.3, insert the following new section:

When a local health agency, or another agency provid-

ing the nursing direction, loses the services of its Nurse Director, State Health Aid will continue as long as the agency is certified as a Home Health Agency by the State Department of Health. In the event that a local health agency, or another agency providing the nursing direction, is not certified as a Home Health Agency, State Health Aid may be continued for not longer than six months. If a Director of Nursing is not secured within that time, State Health Aid for those Certified Health Services requiring nursing time will be discontinued. Balance in these services may be transferred to other Certified Health Services.

1.3.6 Delete existing sections 1.3.6 and 1.3.7 and substitute therefor the following:

The Civil Service title Graduate Nurse, (Public Health) may be substituted for the title Public Health Nurse within the personnel standards of the Certified Health Services.

1.4.1 Between existing sections 1.4.1 and 1.4.2, insert the following new section:

When a local health agency loses the services of its full-time Health Officer, State Health Aid may be continued for not longer than six months. If a full-time Health Officer is not secured within that time all State Health Aid will be discontinued.

1.4.4. Delete existing language and substitute therefor the following:

The full-time Health Officer may be assigned the responsibility for local welfare administration. Upon the presentation of acceptable justification for this assignment, the local health agency will qualify for State Health Aid. However, qualification will not extend to additional responsibilities that are not health-oriented.

1.5.3. Delete entire section.

1.7.2. Delete existing sections 1.7.2 and 1.7.3. and substitute therefor the following:

The District State Health office has the responsibility to conduct the audit with the cooperation of the Program Assistant and available Program Coordinators.

1.7.3. The audit will be scheduled at least four weeks in advance.

1.7.4. A post-audit report, sent to the local Health Officer by the District State Health Officer, will explain audit findings in detail and make appropriate recommendations. The report will schedule a follow-up plan for District consultation and assistance in the correction of audit deficiencies.

CHAPTER II APPLYING FOR STATE HEALTH AID

1.3. Intent to Become Eligible.

1.3.1. A local health agency, not eligible to participate as of October 15, may submit a "Resolution" indicating intent to become eligible for participation in State Health Aid during the ensuing year. Submission of the Resolution on or before October 15 will reserve State Health Aid for the ensuing year.

2.1. Delete existing sections 2.1, 2.2, 2.3, 2.4, and 2.4.1. and substitute therefor the following:

The municipal local health agency will use its proposed annual expenditures for health purposes for State Health Aid budget requirements. If additional expenditures are needed to meet the required local fair share, the municipality may use its prorated share of funds proposed by their County Board of Chosen Freeholders for new and expanded health services and/or support of a county health department. County expenditures, if used, will be identified in the State Health Aid budget (LHS-45).

2.2. The Regional Health Commission or a municipal local health agency contracting to provide health services will use its proposed annual expenditures for health purposes and in addition the proposed health expenditures of respective member municipalities for State Health Aid budget requirements. If additional expenditures are needed to meet the individual local fair shares, the Regional Health Commission or the municipal local health agency contracting to provide health services may use each member's prorated share of funds proposed by their County Board of Chosen Freeholders for new and expanded health services and/or support of a county health department. County expenditures, if used, will be identified in the State Health Aid budget (LHS-45).

2.3. The County Health Department which has participated in the State Health Aid program prior to July 1, 1969 will use the proposed annual expenditures for health purposes of the County for State Health Aid budget requirements. If additional expenditures are needed to meet the total local fair share of the members and/or the "distribution table", the County Health Department may use the proposed local health expenditures of the municipalities contracting for health services, and if used, will be identified in the State Health Aid budget (LHS-45).

2.4. The County Health Department that participates in the State Health Aid Program after July 1, 1969 will use only proposed monies budget by the county for the Health Department or for new and expanded health services. If additional expenditures are needed to meet the individual participant's local fair share and/or the "distribution table", the County Health Department may use the local proposed expenditures of the municipalities contracting for health services, and if used, will be so identified in the State Health Aid budget (LHS-45).

2.4.1. A contracting member of the County Health Department may use its prorated share of funds proposed by the County Board of Chosen Freeholders for support of the County Health Department if needed to assist in meeting its local fair share.

3. Instructions for Form LHS-35.

3.1. Section I — General Information

Potential Participants — List separately all municipalities that may contract with the local health agency within the coming year. A Resolution of Intent to Participate from each interested local health agency must accompany the application.

4.2. Detailed Information

4.2.1. Delete existing language and substitute therefor the following:

Section 1 — Local Health Agency, Date and Functional Activity — self-explanatory.

I - A — Budget Information.

1. Salaries and Wages — Enter in columns (1), (2), and (3) local expenditures, exclusive of State Health Aid, for all programs within the functional activity. Enter in columns (4), and (5) the amount of Basic and Equalized Aid applicable to the functional activity. Enter in column (6) the total of columns (3), (4), and (5). Personnel paid by voucher will NOT be included under salaries and wages; these expenditures will be entered under contracts in OTHER EXPENSES.

2. Other Expenses — Enter in columns (1), (2), and (3) local expenditures, exclusive of State Health Aid, for all programs within the functional activity. Enter in columns (4) and (5) the amount of Basic and Equalized Aid applicable to the functional activity. Enter in column (6) the total of columns (3), (4), and (5). (a)-Contracts, (b)-supplies, and (c)-equipment are self-explanatory. Voucher payments for professional services will be listed under contracts; payments for services of medical personnel must be contracted for on an hourly rate. Automobile radios and/or air conditioners may not be purchased with State Health Aid funds. (d) travel may include mileage, per diem at conferences and registration fees.

NOTE: State Health Aid is authorized only for conferences or training courses of no more than five days' duration. All expenditures pertaining to per diem for overnight conferences/meetings and registration fees shall be documented by receipts.

Miscellaneous may include fringe benefits, rent, electricity, telephone or custodial, etc. The total of column (6) must equal the respective functional activity total in column (7) on application form LHS-45.

B — Supplemental Budget Information

1. List contracting agencies such as VNA's, commissions, voluntary agencies, etc. and the amount of each contract.

2. List equipment items and proposed cost of each when over \$100.00.

3. List miscellaneous items and proposed cost of each when over \$100.00.

4.2.4 Delete existing language and substitute therefor the following:

Section 4 - Local Health Agency, Date and Functional Activity - self-explanatory.

IV - Two-Year Plan for Utilization of State Health Aid.

In a concise report state:

(1) Problems and needs within functional activity. For guidance in determining need, use list of "questions" distributed at May 1970 State Health Aid Conference, Point Pleasant, N.J.

(2) What the objectives are for a two-year period.

(3) How the objectives will be accomplished (plan of work).

(4) How the plan will be evaluated to determine what was accomplished and how well you met your objectives.

Continue, as needed, on 8 1/2" x 11" sheets preparing five copies for distribution - original plus three (3) to the State Department of Health and a work copy to be retained by the local health agency.

CHAPTER III CONTRACTS AND ACCOUNTING GUIDELINES

1.1.2. Delete existing language and substitute therefor the following:

Assistance with contracts - the State Health District staff and the Program Assistant are available to assist local health agencies in writing contracts for the provision of Certified Health Services. A copy of all contracts shall be sent to the State Health Aid Office and a copy to the District State Health Office.

1.2.1 Delete existing sections 1.2.1., 1.2.2. and 1.2.3. and substitute therefor the following:

Contracts may be written between two or more local health agencies to form an eligible health unit which will receive State Health Aid for all contracting health agencies. Each agency must contract for, as a minimum, the "administrative direction and operational control" by the full-time Health Officer. Administrative direction includes, but is not limited to: guidance for planning, budgeting, budget control, reporting and evaluation of the activities of the local health agency. Operational control includes supervision of all health employees and activities.

1.2.2. Contracts negotiated for the expansion or formation of eligible health units, e.g., County Health Department, Regional Health Commission or the municipality contract arrangement, must be approved by the State Department of Health.

1.2.3. When contracts that establish new or larger health units are received within the first half of the three-month quarter, State Health Aid will be payable for that whole quarter; if received within the second half of the quarter, State Health Aid payments will not include that quarter but will begin on the first day of the following quarter in the calendar year.

2.1.1. Delete existing sections 2.1.1 and 2.1.2 and substitute therefor the following:

A local health agency not eligible for State Health Aid may file an application or submit a Resolution indicating intent to participate not later than October 15. To encourage this type of participation, State Health Aid funds will be reserved for the local health agency and payments will be made on the first day of the quarter which follows the date that participation criteria were met. The guidelines in paragraph 1.2.3. above will be followed regarding payment amounts.

2.1.2. Larger health units, e.g., participating County Health Departments, Regional Health Commissions, and

Contracting Municipal Health Departments, may reserve State Health Aid funds for additional potential members by listing these municipalities in its application for State Health Aid. A Resolution indicating intent to participate from each listed municipality must accompany the application. When one or more of these municipalities contract with the larger health unit, State Health Aid payments will be made for new unit(s) on the first day of the quarter following receipt of the contract by the State Department of Health. Payment amounts will be made as stated in paragraph 1.2.3. above.

2.2.4. Application revisions or the transfer of funds for intrafunctional or interfunctional activities will not be permitted after December 15th.

2.3.2.1. Funds may be encumbered at the end of the calendar year for payment of the following items only:

Salaries and other personal services representing work performed prior to the first day of January.

Travel performed prior to the first day of January or specific trips incomplete as of December 31 for which travel has been authorized.

Entire costs of [tuition and] travel for a training period not to exceed [12 months] 5 days if the training is begun prior to the first day of January.

[Stipends for the period of training prior to the first day of January.]

Special contracts for services to be rendered that will enable the agency to reserve funds for payment in the succeeding year, i.e., contracts for special demonstration, pilot or research programs.

2.4.1. Delete existing language of sections 2.4.1. and 2.4.2. and substitute therefor the following:

The Department of Health, depending on the dollar volume and/or type of item reservation, will use its own discretion as to which local health agency will be obliged to report reserve fund activity. Forms (LHS-62A) shall be sent to the agency at the appropriate time.

2.4.2. This report will give the status of reserved funds. Please indicate under "remarks" any reason for delay in expenditure of funds. Restriction as to time allowance for the use of reserved funds is stated in paragraph 2.3.2.2.

2.5. Refund Procedures.

2.5.1. Funds not expended or not encumbered must be reserved through the fiscal officer at the close of the local health agency fiscal year.

2.5.2. Possible other credits due to the State. When the prior year's unliquidated encumbrances are cancelled, or the liquidated encumbrance results in a credit balance to the State Health Aid account of the previous year(s), the local health agency is obligated to return these monies to the State Department of Health.

Interested persons may present statements or arguments relevant to the proposed action at a public hearing to be held on October 1, 1970 at 10 a.m. in the auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Written comments may be presented prior to October 1 and for a period of two weeks thereafter to:

E. Powers Mincher
Administrative Practices Officer
Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

The State Commissioner of Health, upon his own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as proposed without further notice.

James R. Cowan, M.D.
Commissioner
Department of Health

(a)

HIGHER EDUCATION

EDUCATIONAL FACILITIES AUTHORITY Architects' Manual

The New Jersey Educational Facilities Authority, pursuant to authority of N.J.S.A. 18A:72A-5, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a "Manual for Architects" as the official operating procedure for construction projects to be financed by the authority.

A copy of the above Manual was filed August 21, 1970 as R.1970 d.100 (Exempt, Practice Rule).

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE COMMISSION FOR THE BLIND Proposed Amendments to State Plan for Vocational Rehabilitation of the Blind

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:6-11, proposes to amend the State Plan for Vocational Rehabilitation of the Blind.

The proposed amendments are intended to enhance the ability of the Commission to train or assist in any manner necessary a blind or near-blind individual to prepare for employment and be placed in employment.

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

Commission for the Blind
1100 Raymond Boulevard
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposed action to the Commission for the Blind at the above address, on or before October 1, 1970.

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE BUREAU OF CHILDREN'S SERVICES Proposed Manual of Standards For Children's Institutions

The State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-14 through 17, proposed at its July 22 meeting to adopt a Manual of Standards for Children's Institutions.

The proposed Manual of Standards for Children's Institutions establishes minimum requirements for the organization and administration, program and services, staffing, and physical accommodations for any public or private establishment which provides residential congregate maintenance and personal care for children unrelated to the operator.

The proposed manual shall be applicable to all facilities for children, except special hospitals or facilities for the physically handicapped and chronically ill, facilities for the blind and deaf, institutions for the mentally retarded and psychiatric in-patient facilities inspected by the Division of Mental Health and Hospitals, penal and correctional facilities, day care centers and residential schools in which the primary function is the education of normal children, and foster and group care homes under the jurisdiction of the Bureau of Children's Services or an approved adoption agency.

Copies of the complete text of the Manual of Standards may be examined, by appointment, at:

Bureau of Children's Services
Inter-Agency Services Unit
163 West Hanover Street
Trenton, New Jersey 08625
Telephone: (609) 292-4898

Interested persons may present statements or arguments in writing relevant to the proposed action to the Inter-Agency Services Unit of the Bureau of Children's Services at the above address, on or before October 1, 1970.

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

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

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE Proposed Changes in Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-8, proposes to amend Sections 2111. "Inquiries and Referrals", 2112. "Application Policy and Procedure", and 2227. "County Responsibility and Procedures in Respect to Persons Released from Certain Institutions" of the Division of Public Welfare Manual of Administration, as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

2111. Inquiries and Referrals

2 b. Referrals from Other Agencies
[2] 1) When the referral is from the Bureau of Institutional Services for an individual expected to be released from a public institution and is accompanied by an executed application form, case summary, and other data, it shall be [immediately] registered [as an application and arrangements made with the BIS caseworker for a joint interview with the applicant as promptly as feasible] within one working day after receipt.

[1] 2) Upon receipt of a referral from [another] an agency or institution other than BIS, an appointment shall be arranged within five (5) working days for the client in the CWB office or in the place where he is living, as appropriate to his situation. If immediate financial need is indicated [and there are no other resources available then an interview] an opportunity for application shall be arranged promptly. (See 2800. for referral procedures for specific agencies.)

All referrals from such agencies and institutions shall be treated as "inquiries" unless and until an [interview with the referred individual results in a decision to make application for financial assistance] application has been made.

2112. Application Policy and Procedure

1 Who Has Right to Apply
f. Needy individuals in ineligible public or private institutions have the right to apply when assistance is necessary

Manual of Administration—continued

to complete a plan for the individual to leave the institution to live elsewhere [; provided that individuals who are involuntarily committed patients in mental institutions are to be officially discharged from the order of commitment prior to receipt of assistance as provided in 2227].

2 Where Application is Made

Application for financial assistance is made to the welfare board of the county where the person is living at the time of application. However, in respect to persons living in public and private medical institutions, and nonprofit or charitable homes, who wish to make application for financial assistance, certain special provisions are necessary. (Refer to 2226.)

A person [should] may make application at an office of a CWB, and shall be afforded opportunity to complete an application on the same day if he so decides. A person arriving without appointment may be asked to accept a deferred appointment at the office, or at his residence if it is not convenient for him to return; however, if the individual states that he is in immediate financial need he shall be afforded an opportunity to make application.

When a person is unable to visit CWB office, or lacks transportation, arrangements should be made to conduct the application interview at his home, including institutional residence.

[When the application is being made as part of a plan for the person to leave a TB or mental institution to live elsewhere, the interview may be arranged at the institution, at the welfare board office, at the prospective home for the patient, or at any other suitable place as the welfare board and institutional casework personnel shall jointly determine.]

When the application is being made as part of a plan for the person to leave those public TB or mental institutions with which BIS has a written agreement (see MAA-S 2000 Appendix 1), the interview will be arranged at the institution by the BIS. (See 2227.2 d.)

When the application is made as part of a plan for the person to leave a TB or mental institution to live elsewhere, the interview will be arranged at the institution by the CWB.

The conditions affecting opportunity to make application, as specified in this section, have reference to activities required to be conducted during normal business hours.

2227. County Responsibility and Procedures in Respect to Persons Released from Certain Institutions

2 State Mental Hospitals, State Schools for Mentally Deficient and the Neuro-Psychiatric Institute

a. Residence Unaffected

A person's State and county residence is not affected by periods of care in a public institution of custodial, curative or penal character. Upon leaving the institution the person retains the same residence status he had prior to admission, unless he voluntarily establishes a different place of abode.

1) [However, should] Should a person upon release from such an institution, and prior to the time he seeks to apply for assistance, establish himself in a county other than the county in which he had his customary place of abode before entering the institution, the county in which he is living at the time he applies shall be considered his customary place of abode, except as follows:

a) When released directly from a State mental (psychiatric) hospital to an Approved Boarding Home for Sheltered Care, an applicant for DA will be considered a resident (for purposes of registration of application and chargeability for county share) of that county in which he resided immediately prior to his last admission to the institution.

b) Subsequent moves of such an individual shall be subject to the provisions of 2221.3 b. 1).

2 c. Eligibility for Assistance

1) Voluntary Admission

Eligibility for assistance is not affected by periods of care in a mental hospital for a person who was admitted as a voluntary patient. In respect to eligibility such periods of voluntary institutional care shall be regarded as comparable to care in a general hospital.

[The person must.] However, [again be living outside the institution and free of institutional restraint, control and supervision prior to receipt of assistance.] a person under age 65 is not eligible for public assistance while still under care as an in-patient.

A voluntary patient who is on Convalescent Leave or any other form of approved release of indefinite duration, with relatives or other persons who are not able to provide support, is eligible to receive any form of public assistance for which he is otherwise eligible. [However, a voluntary patient on Family Care is not eligible for assistance.]

2) Court Commitment

A person who was involuntarily committed by the court and who has been placed in a living arrangement outside the institution [been officially discharged from a mental institution resumes his former status in the community. If he is in need at time of discharge, or becomes needy following discharge, he] is fully entitled to apply for and receive assistance in the same manner as any other needy person in the community.

[A person who was involuntarily committed and who is released from a mental institution without official discharge is not eligible for assistance on his own application. Therefore, such a patient on Convalescent Leave, Extended Visit or Family Care is not personally eligible for assistance, but may have his needs included in the grant of a spouse who is a recipient of AB, DA or OAA (see Budget Manual 606.1).]

An application may be registered and processed prior to [discharge] release in connection with a plan to [discharge] release a committed patient who will require assistance in order to complete arrangements to live in the community, when such plan has been approved by or is under development by the BIS.

No assistance payment shall be issued until [official discharge] the actual release is a matter of record and verified by CWB.

Note: The above statements are not applicable to persons released from penal institutions. Persons on parole from penal institutions are eligible for assistance if otherwise eligible.

2 d. Referral for Assistance by Institution

1) b) However, if the patient has a plan to live or wishes to live in a county other than the one to which he would normally be referred under a) above, then the referral [may] shall be made to the county selected by the patient with appropriate explanation. (For exception in DA see c) below.)

c) If the patient is applying for DA, and is in need of an Approved Boarding Home for Sheltered Care, referral shall be made by BIS to the CWB of that county in which he resided immediately prior to his last admission to the institution.

[c] d) If the patient will not himself be an applicant, but is to return to the home of a recipient spouse, then referral will be made by BIS to the county where such spouse is currently residing.

[Whenever the institution is in doubt about the appropriate CWB to which referral should be made, it will be expected to engage in pre-referral consultation by telephone with one or more CWBs as may be necessary to resolve the question.]

2) Patient Outside Institution

a) If the patient is under institutional care outside the institution (on Extended Visit[, Convalescent Leave,] or in Family Care) then referral shall be to the [welfare board] Bureau of the county in which the patient is currently living.

b) [However, if] If such a patient will require nursing care in any setting other than the home of relatives, or if he plans to enter a nonprofit or charitable home, then the referral will be made by BIS to the CWB as specified in 1) a), above.

c) If such a patient is an applicant for Disability Assistance and plans to enter an Approved Boarding Home for Sheltered Care directly from Family Care, he will be referred by BIS as in 1), c) above.

d) With regard to the patient who is not himself an applicant but is to return to the home of a recipient spouse, referral will be made by BIS to the county where such spouse is currently residing.

e. Responsibility of [County Welfare Board] Bureau of Institutional Services

Note: Delete existing material and substitute therefor the following:

1) [Determination of Proper Referral] Initial Planning for Community Living

[Upon receipt of Form PA-12 and other required forms, the CWB shall review the data and determine whether referral has been made to the appropriate CWB according to the conditions in d., above. If the data is not adequate to make such a determination, the institution shall be consulted. If it can be clearly established that referral should be to another CWB, all forms secured shall be forwarded to such CWB with explanation. The institution shall also be notified in writing of the redirection of the referral.]

1) a) Application Interview

Upon receipt of all required forms, the appropriate BIS area caseworker shall arrange with the social service staff of the institution for an interview with the patient. The interview shall include the usual interpretation of program and consideration of the plan made or to be made for living arrangement. If the patient decides to apply he shall be assisted in completing the application form required to establish initial eligibility for public assistance.

b) Determination of Proper Referral

The Bureau of Institutional Services shall review the data and determine the responsible CWB to which referral shall be made. The institution shall also be notified in writing that the referral has been made.

c) Complete Investigation

Thereafter the Bureau of Institutional Services' caseworker shall be responsible for prompt completion of investigation of initial eligibility. This shall include inquiry regarding any funds held by the institution or other party in a personal account for the client.

d) Living Arrangements

(1) If the applicant requires service in locating a suitable living arrangement, because he has no existent nor planned community living arrangement, or because he is in a facility in which he is not eligible to receive assistance, or he does not wish to remain in his present living arrangement, or the institution considers that a change is advisable, then the Bureau will provide such service unless CWB specifically advises the Bureau within five working days after receipt of referral that it prefers to make the arrangements.

(2) The Bureau of Institutional Services shall make every effort to place the applicant in the county of origin. However, if there is agreement between BIS and the respective CWB that a suitable plan cannot be arranged for such a placement within a reasonable time period not to exceed 30 days after receipt of referral from BIS, or the individual wishes to live in another county, Bureau of Institutional Services will work with the counties concerned for a satisfactory arrangement subject to the wishes of the applicant if applicant is medically determined to be capable of choice.

2) Continuing Service

If the individual is placed in a county other than his customary place of abode, Bureau of Institutional Services may, upon agreement with the county of responsibility, continue to provide required service for as long as this arrangement is acceptable to the chargeable county.

2 f. CWB Responsibility

1) Registration

On receipt of application and necessary forms from the Bureau of Institutional Services, the application shall be immediately registered. (See 2111.2 b. 1)) The application shall be registered within one working day after receipt.

2) Official Determination

The prompt decision regarding initial eligibility is the responsibility of the CWB. The CWB shall inform the BIS in writing, within 30 days, of its decision in each case in order that the BIS can, in turn, coordinate discharge of the client from the institutional responsibility to the new living arrangement with CWB responsibility.

3) Issuance of Grant

Immediately following approval of an application, the CWB shall arrange that the initial assistance payment is available for client as soon as he is determined to be financially eligible.

4) Continuing Administrative Responsibility

Thereafter the relationship between the recipient and the welfare board will be conducted as in all other cases.

Responsibility for assistance payments shall continue so long as the recipient continues to be properly chargeable to that county in relation to the policy governing customary place of abode.

5) Transfer of Records

If at any point after registration of an application and prior to official disposition, CWB is notified that there is a change in plan and it is decided that the client will move or wishes to establish himself in another county, (except when patient care in other than the home of relatives, or domiciliary care in a nonprofit or charitable home is involved), then the record and all related material shall be forwarded to such CWB and the application in the county of original registration shall be disposed of by Dismissal.

g. Responsibilities of Bureau of Institutional Services or CWB as Appropriate

Immediately following approval of an application, the caseworker of the appropriate agency in accord with policy, BIS or CWB, shall consult with the institution worker to arrange final details for client's release (including arrangements for release to the client or CWB when appropriate, of any balance due client from his personal account).

[f.] h. Continuing Service by Institution to Recipients

The social service staff of the institution may continue to visit with and consult the former patient from time to time, as may be arranged between the recipient and the institution's caseworker. Such service will be focused on the client's mental health and will have no concern with the utilization of his assistance payment. BIS or CWB, as appropriate, shall be notified by the institution of any such visits.

If the individual has been living in a Family Care home and upon official release from the institution plans to continue to live in such home while receiving categorical assistance, then it must be made clear to both client and sponsor (Family Care Home operator) by the respective caseworkers that the individual is now a free agent, and that his relationship in respect to his financial affairs or any change in his living arrangement, is with the BIS or CWB, as appropriate, and not with the institution.

If a question of the recipient's mental condition or adjustment comes to the attention of either the CWB worker or BIS, as appropriate, or the institution worker, there shall be prompt consultation and joint planning by all agencies for appropriate action.

[g.] i. Applicability of Procedure to Institutions Other Than State Institutions

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before October 5, 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 set forth without further notice.

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(g)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE
Proposed Changes in Categorical Assistance Budget Manual

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 Categorical Assistance Budget Manual as follows (additions indicated in bold face text; deletions indicated within brackets [thus]):

401.7 The following principles shall govern in the consideration of resources:

a. The client and each member of the family budget unit shall identify for the agency and participate in the evaluation of his own resources. Resources are of two kinds: available (see Section 402.) and potential (see Section 407.).

b. All resources (except those exempted in accordance with Section 408.) of individuals included within the family budget unit shall be recognized as resources of the family budget unit.

c. [Whenever] When any resource (other than that legally designated for a specific person, Section 606.5) is being received by [any] a member of the family budget unit who is legally responsible for one or more members of the household not in the family budget unit, such [resources] income shall be apportioned on a per capita basis among himself and those persons in or out of the family budget unit [among those in the family budget unit plus use dependents for whom he is legally responsible in order to determine the amount of resource available to the family budget unit or the client] for whom he is responsible. That amount apportioned to those in the family budget unit for whom he is responsible shall be considered as gross income to the family budget unit.

606.5 INCOME LEGALLY DESIGNATED FOR A SPECIFIC PERSON IN THE FAMILY BUDGET UNIT

a. Monies legally designated for the exclusive use and benefit of a specific individual in the family budget unit shall be recognized as income to that individual only, unless such individual is the natural or adoptive parent of an eligible child(ren) (see Section 606.2 b.). The financial need of such [individual] person is his per capita share of the family budget [unit] unit's [deficit] total needs (reduced by income equivalents for utilities, if any,) plus the authorized special circumstance items attributed to [this individual's] such person's needs only, and medical expenses in the amount given in the schedule in Appendix Section V - D. 3.

b. When such monies are sufficient to meet his need, as [identified] so defined in Section 606.5 a., the [individual] person is not eligible for assistance and shall not be included in the family budget unit. Any excess income, however, shall be considered as available to meet the needs of any other person(s) in the family budget unit for whom he is legally responsible. (Also see Section 408.3)

c. When such monies are insufficient to meet his need [as identified in Section 606.5 a.], the individual shall be included in the family budget unit and all income shall be recognized as income to the family budget unit.

607.1 OVERPAYMENTS - UNDERPAYMENTS

b. 2. Underpayment - The next regular grant shall reflect the corrected [basic] grant for that payment period and [the amount of the underpayment for the payment period immediately preceding], when underpayment was due to client's failure to provide appropriate information, the amount necessary to correct the payment for the period immediately preceding. However, when underpayment was due exclusively to administrative error by the agency, corrective payment shall be made retroactively to that month, within the six months immediately preceding, in which the administrative error first occurred. Appendix Section V

F. SCHEDULE I - METHOD FOR DETERMINING SPECIFIED RELATIVES' CAPACITY TO SUPPORT

1. The capacity of [the relatives] any relative [as] identified in a., b., c., and d. below to contribute to the support of person or persons for whom he is legally responsible is determined by Schedule I and the rules relating to the use of this Schedule as set forth in Chapter 500 and Appendix A., B., C., D. and E.

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

b. In all categorical programs, [The] the LRR, who is 18 years of age or over, has no dependents other than the client and is living in the same household as the client, but [this LRR] is neither the head of the household nor spouse of the client; * * * *

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before October 1, 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

Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Categorical Assistance Budget Manual, substantially as proposed in the Notice published July 9, 1970 at 2 N.J.R. 54(g).

An order adopting these amendments was filed and effective July 31, 1970 as R.1970 d.92.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(b)

LABOR AND INDUSTRY

DIVISION OF EMPLOYMENT SECURITY

Set 1971 Unemployment Compensation and Temporary Disability Benefits Rates

Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-3, has established the maximum weekly benefit rate for benefits under the Unemployment Compensation Law and the maximum weekly benefit amount for State Plan benefits under the Temporary Disability Benefits Law at \$72.00 per week.

The maximum benefits shall be effective for the calendar year 1971 on benefit years and periods of disability commencing on or after January 1, 1971.

An order promulgating the above rates was filed August 17, 1970 as R. 1970 d. 98 (Exempt, Mandatory Rule).

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

DIVISION OF WORKMEN'S COMPENSATION

Set 1971 Workmen's Compensation Rate

Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-12, has established the maximum workmen's compensation rate at \$95.00 per week.

This maximum compensation shall be effective as to injuries occurring on January 1, 1971 and thereafter until superseded by order of the Commissioner of Labor and Industry.

An order promulgating the above rate was filed August 17, 1970 as R. 1970 d. 99 (Exempt, Exempt Agency Rule).

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Increase in Employment Permit Fees

Richard C. McDonough, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-26 and 33:1-39, proposes to amend N.J.A.C. 13:2-132, 133, 134 and 135 (Rules 3, 4, 5 and 6, respectively, of State Regulation No. 13) of the rules of the Division of Alcoholic Beverage Control concerning certain employment permit fees.

It is proposed that the fee provided for in N.J.A.C. 13:2-132 (Rule 3 of State Regulation No. 13) "Minors—Employment Permit; Fee" be increased from \$3.00 to \$5.00; that the fee provided for in N.J.A.C. 13:2-133 (Rule 4 of State Regulation No. 13) "Non-Residents—Employment Permit; Fee" be increased from \$10.00 to \$15.00; that the fee provided for in N.J.A.C. 13:2-134 (Rule 5 of State Regulation No. 13) "Non-Residents—Employed at Hotel or Restaurant; Fee" be increased from \$10.00 to \$15.00; and that the fee provided for in N.J.A.C. 13:2-135 (Rule 6 of State Regulation No. 13) "Non-Citizens—Employment Permits; Fee" be increased from \$10.00 to \$15.00.

Interested persons may present statements or arguments in writing concerning the proposed action on or before October 2, 1970, to:

Richard C. McDonough, Director
Division of Alcoholic Beverage Control
1100 Raymond Boulevard
Newark, New Jersey 07102

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

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

(e)

LAW AND PUBLIC SAFETY

DIVISION OF WEIGHTS AND MEASURES

Packaged Commodities Regulations

In the public interest, certain portions of the regulations relating to packaged commodities of the Division of Weights and Measures, adopted pursuant to authority of N.J.S.A. 51:1-29 and 51:1-61, are reprinted below.

N.J.A.C. 13:64-4. Marking Requirements

A. Application. This regulation shall apply to packages and to foods and other commodities in package form, but shall not apply to:

1. Inner wrappings not intended to be individually sold to the customer,

2. Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,

3. Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasoning, gravies, etc. and the tray itself is not intended to be sold),

4. Commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and provided that each of such commodity shall bear on the label, in a plain and conspicuous manner, the legend "To be weighed or measured when offered for sale", together with, in a plain and conspicuous manner, spaces of sufficient size for the marking of the net weight or measure, price per unit of weight or measure and the total price.

8. Principal display panel or panels. The term "principal display panel or panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to be most likely to be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

10. "Food" or "foods". For the purpose of this regulation the term "food" or "foods" shall be deemed to mean:

- (a) Articles used for food or drink for man or other animals,
- (b) chewing gum, and
- (c) articles used for components of any such article.

D. Declaration of Identity: Nonconsumer package. A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

E. Declaration of Responsibility: Consumer and Non-consumer Packages. Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, state and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the zip code shall apply only to labels that have been developed or revised after January 1, 1970.

2. Net quantity. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see Subsections F.(1) through F.(19)) shall be in terms of the largest whole unit.

3. Use of "net weight". The term "net weight" shall be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight.

4. Lines of print or type. A declaration of quantity may appear on one or more lines of print or type.

H. Prominence and Placement: Consumer Packages, 1. General. All information required to appear on a consumer package shall appear thereon in the English language, shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

2. Location. The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 percent of the principal display panel or panels, except as otherwise provided in Section 10.7, cylindrical containers.

3. Style of type or lettering. The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

4. Color contrast. The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no labeling information is on the surface in a contrasting color.

5. Free area. The area surrounding the quantity declaration shall be free of printed information—

- (a) above and below, by a space equal to at least the height of the largest lettering in the declaration, and
- (b) to the left and right, by a space equal to twice the width of the letter "N" of the largest style and size of type used in the declaration.

L. Variations to be Allowed.

- 1. Packaging variations.
- 2. Variations from declared net quantity. Variations

Packaged Commodities—continued

from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, aggregation, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

3. Variations resulting from exposure. Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce: provided, that the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being either

- (a) directly to the purchaser or to his agent, or
- (b) to a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, aggregation, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

4. Magnitude of permitted variations. The magnitude of variations permitted under paragraphs L., L.(1), L.(2), and L.(3) of this regulation shall, in the case of any shipment, delivery, aggregation, or lot, be determined by

- (a) the facts in the individual case, and
- (b) that the declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large, and
- (c) that when such variations in individual packages exceed 1/2 percent of the declaration of net quantity of contents of the package, such variation shall be considered as unreasonably large and in violation of the requirements of this regulation.

Copies of the full text of the regulations of the Division of Weights and Measures may be obtained, without cost, by contacting any county or municipal Weights and Measures Superintendent, or by writing or telephoning:

Division of Weights and Measures
187 West Hanover Street
Trenton, New Jersey 08625
Telephone: (609) 292-4615

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL
Election Day Activities

Richard C. McDonough, Director of the Division of Alcoholic Beverage Control, pursuant to authority of N.J.S.A. 33:1-39, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has adopted an amendment to N.J.A.C. 13:2-215 (Rule 2 of Division Regulation Number 20) "Elections," of the rules of the Division of Alcoholic Beverage Control concerning alcoholic beverage activity during elections, substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 50(b).

An order adopting this amendment was filed and effective August 24, 1970 as R.1970 d.101.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CIVIL RIGHTS
Discrimination Because of Marital Status or Sex Prohibited

On August 4, 1970, George F. Kugler, Jr., Attorney General of New Jersey, pursuant to authority of N.J.S.A. 10:5-8(g) (P.L. 1970 c. 80), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to certain rules of the Division on Civil Rights necessitated by the enactment of P.L. 1970 c. 80 prohibiting discrimination because of marital status or sex.

An order adopting these amendments was filed and effective August 5, 1970 as R.1970 d.94 (Exempt, Mandatory Rule).

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS
STATE BOARD OF NURSING
Intravenous Catheters

On July 13, 1970, Donald L. Snover, Executive Secretary of the State Board of Nursing in the Division of Professional Boards of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as N.J.A.C. 13:37-6.3, a rule relating to the insertion or removal of intravenous catheters, substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 50(e).

An order adopting this rule was filed and effective August 4, 1970 as R.1970 d.93.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF NEW JERSEY RACING COMMISSION
Wheel Discs and Attire Rules

John J. Reilly, Secretary of the New Jersey Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-30, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amended rule governing wheel discs and a new rule governing attire, substantially as proposed in the Notice published May 7, 1970 at 2 N.J.R. 44(b).

An order adopting these rules was filed and effective July 31, 1970 as R.1970, d.88.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(e)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES
Suspension for Speeding and Point System Regulations

On August 28, 1970, Ronald M. Heymann, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendment to the point assessment section of the point system regulation (N.J.A.C. 13:19-50) and simultaneously repealed the suspension for speeding regulation (N.J.A.C. 13:19-49), substantially as proposed in the Notice published August 6, 1970 at 2 N.J.R. 67(c).

An order adopting the above rule changes was filed August 28, 1970 as R.1970 d.103, to be effective September 1, 1970.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(f)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS
Proposed Solid Waste Regulations

The Board of Public Utility Commissioners, pursuant to authority of the Solid Waste Utility Control Act, P.L. 1970, c.40 (N.J.S.A. 48:13A-1 et seq.), proposes to adopt regulations governing the collection and disposal of solid waste, as follows:

CHAPTER IX
SOLID WASTE COLLECTION AND SOLID WASTE DISPOSAL

14:490 Board Regulations 14:401-1, 2, and 3; 14:402-3; 14:402-3a; 14:403; 14:405-1 and 2; 14:406-2, 3 and 4; 14:409-3 and 4, which are applicable to all utilities, shall be applicable to the Solid Waste Collection and Solid Waste Disposal Industries.

14:491 Every person engaged in the solid waste collection or solid waste disposal business shall be subject to the rules and regulations as set forth in this Chapter.

14:492 (a) No person shall engage in the business of solid waste collection or solid waste disposal for public use unless he holds a certificate of public convenience and necessity issued by the Board.

(b) No person may bid for a solid waste collection contract or solid waste disposal contract unless he holds a certificate issued by the Board.

14:493 No certificate shall be issued for solid waste collection or disposal until the proposed collection or disposal system has been registered with and approved by the State Department of Environmental Protection by its issuance of a registration certificate.

14:494 Each applicant for a certificate shall furnish:

- (a) the name and address of all principals who have a legal or beneficial interest in the applicant's business,
- (b) a statement of his experience in the business of solid waste collection and solid waste disposal together with any supporting data to enable the Board to determine his qualifications to conduct such business,
- (c) a statement of financial responsibility with each application,
- (d) a copy of schedule of rates for the collection and disposal of solid waste,
- (e) a copy of the registration certificate issued by the State Department of Environmental Protection,
- (f) such other information as the Board may deem necessary for its determination of the qualifications of the applicant to engage in the solid waste collection or disposal business.

14:495 (a) Upon receipt of such application the Board may process the application with or without public hearings to determine whether a certificate shall be issued to the applicant,

(b) The Board may impose such conditions as it finds to be proper when issuing such certificate.

14:496 Every person engaged in the business of solid waste collection or solid waste disposal on May 6, 1970 or thereafter shall, before obtaining a certificate of public convenience and necessity, complete the application form available upon request at the Board's offices.

14:497 Every solid waste collection or disposal system shall be divided into three classes on the basis of gross annual operating revenues from solid waste collection or disposal operations:

Class I — Solid waste collection and disposal systems having three year average annual gross operating revenue of \$1,000,000 or more.

Class II — Solid waste collection or disposal systems having three year average annual gross operating revenues of \$250,000 but less than \$1,000,000.

Class III — Solid waste collection and disposal systems having three year average annual gross operating revenues of less than \$250,000.

14:498 (a) The Board upon complaint or on its own initiative may, after hearing, direct any person in the solid waste disposal business and the solid waste collection business to furnish proof that the operating income does not exceed a fair return on its investment.

(b) Should the Board find that the operating income exceeds a fair return, it may order the person earning such excessive return to review its rates, contracts or agreements to establish rates to result in a fair return.

14:499 Tariffs showing territory served, standard terms and conditions, rate schedules and contracts shall be filed in accordance with the Board's Administrative Order 14:280.

14:500 Should any person engaged in the solid waste disposal and solid waste collection business fail to render service pursuant to his tariff, the Board may order another person engaged in such business to extend its service into the area where service has been discontinued, and the Board shall permit reasonable rates for such service in the extended area as provided by the tariff of the new person.

14:501 No person engaged in solid waste collection business or solid waste disposal business shall agree with any other person to limit bidding or withdraw from the specific territory or endeavor to eliminate competition.

14:502 No sale or transfer of a solid waste collection or solid waste disposal business or any majority control of such business shall be consummated without prior authorization of the Board as provided by N.J.S.A. 48:3-10.

14:503 No solid waste disposal business or solid waste collection business shall be consolidated or merged with another solid waste disposal or solid waste collection business or dissolved without prior approval of the Board as provided by N.J.S.A. 48:3-7.

14:504 Every person engaged in the business of solid waste collection and solid waste disposal shall file an annual report on forms to be prescribed by the Board for filing, showing his financial condition on a calendar year basis. Such reports shall also contain a statement of income and expenses for a calendar year period.

14:505 Pursuant to N.J.S.A. 48:2-16 every person engaged in the business of solid waste collection or solid waste disposal shall keep books, records and accounts in accordance with a Uniform System of Accounts as the Board may prescribe by regulation or administrative order.

14:506 Any person engaged in the solid waste collection or solid waste disposal business shall file with the Board evidence of insurance or self-insurance, which certificate or evidence shall be in a form prescribed by the Board. The limits of liability shall be as promulgated from time to time by the Board.

14:507 Every person in the business of solid waste collection and solid waste disposal shall furnish a performance bond in conjunction with every contract it enters into as the Board may prescribe.

14:508 The Rules of Practice adopted by the Board for other public utilities shall apply to proceedings involving persons engaged in solid waste disposal and solid waste collection.

Written comments, suggestions and recommendations concerning the proposed regulations and any other proposals with respect to additions or modifications of the proposed regulations must be submitted not later than October 1, 1970 to: David A. Waters, Secretary, New Jersey Board of Public Utility Commissioners, 101 Commerce Street, Newark, New Jersey 07102. Telephone: (201) 648-2121.

A Public Hearing will be held on October 9, 1970 at 10 a.m. in Room 208 at 101 Commerce Street, Newark, New Jersey; at which time and place comments and

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Questions, recommendations, additions or modifications to proposed regulations, and evidence with respect thereto, will be received for the record. The Board's Rules of Practice shall govern the proceedings.

The time and place of any subsequent hearing, if such a hearing is determined to be necessary, will be announced at the October 9 hearing. However, no notice of any such subsequent hearing will be published in the New Jersey Register.

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

William E. Ozzard, President
Board of Public Utility Commissioners
Department of Public Utilities

(a)

TRANSPORTATION

REVISION OF LOCAL GOVERNMENT AID Proposed Changes in Title 17 Administrative Code

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:13-17 and 52:27B-20, and Chapters 8, 14, and 15 of Title 27 of the New Jersey Statutes, proposes to amend Chapter 13 (Federal Aid Program), Chapter 14 (State Aid Road System), Chapter 15 (County Operations), Chapter 16 (Municipal Operations), Chapter 17 (Municipal Construction), Chapter 19 (Construction Equipment Damage Program), and Chapter 20 ("TOPICS"—Traffic Operations Program to Increase Capacity and Safety) of Title 16 of the New Jersey Administrative Code.

Changes in the above Chapters in Title 16 of the Administrative Code are necessary due to changes in policy since rules were first promulgated and because of the need for clarification of certain rules which were unclear in meaning.

Selected portions of the proposed changes read as follows: (additions indicated in bold face thus; deletions indicated within brackets [thus]):

CHAPTER 13

FEDERAL AID SECONDARY

NOTE: Correct the text of this chapter so that the term "municipality" is amended to read "county or municipality".

CHAPTER 14

STATE AID ROAD SYSTEM

4-2 STANDARDS: The proposed road and bridge improvement projects shall conform to the current New Jersey Department of Transportation Standard Specifications for Roads and Bridges as amended and the standards and procedures outlined in the brochure, Procedures/Standards 1967 Extraordinary State Aid, published in the Division of Local Government Aid and to the design criteria of the American Association of State Highway Officials as outlined under the following three publications: design and material requirements shall conform to the recent provisions of the New Jersey Department of Transportation.

"A Policy on Geometric Design of Rural Highways"
"A Policy on Arterial Highways in Urban Areas"
"Standard Specifications for Highway Bridges"
The design shall be based on current traffic volumes and provide widening and strengthening of the pavement traffic increases projected for a 20-year period. The load design for bridges shall be designated HS20-44.

14-3 APPLICATIONS: [Requests for State funds shall be made on forms provided for by the State to the local governments in October and must be submitted to the District Office of the Division of Local Government Aid or before February 1 in order to receive consideration the following year.] Each county and municipality having roads in the State Aid Road System is notified during the month of October that fully executed applications and requests for State Aid Road System funds are due to be received in the District Office of the Division of Local Government Aid not later than February 1st of the following year. Application and agreement forms are available to the local government at District Offices.

14-9 [CONTRACT LIMITS: Any cost resulting from extension of a contract beyond original limits or change the general character of the work specified shall be borne 100% by the local government.]

14-10 STATE PARTICIPATION IN THE COST OF RIGHT-OF-WAY ACQUISITIONS: Counties and municipalities requesting State participation in the cost of acquiring right-of-way for State Aid projects shall [be compared on forms provided by the Department of Transportation and submitted in accordance with the standards and procedures outlined in the following publications of the Division of Right-of-Way, Acquisitions and Titles.] Submit appraisals of property to be acquired on appraisals forms provided by the Department of Transportation prepared in accordance with the current standards and procedures of the Division of Right-of-Way. Manuals outlining appraisal guide lines may be obtained on a loan basis from the District Offices of the Division of Local Government Aid. Forms for use by the appraisers are also available at these offices.

[(a) "Operational Guide Lines for Fee Appraisers, Contracts and Fees"

(b) "Operational Guide Lines for Right-of-Way Appraisals and Appraisal Review Procedures"

(d) "Guide Lines for Preparation of Appraisals for Right-of-Way Purposes and Supplemental Format Instructions."]

[Forms and guide line standards and procedures may be obtained on a loan basis from the offices of the District Engineer, Division of Local Government Aid.]

[When the estimated value of the property to be taken exceeds \$2,000, two separate and independent appraisals shall be required to be submitted for review by the State.] Two separate and independent appraisals are required to be made for any property for which State Aid funds will be used in its acquisition. These appraisals shall be submitted to the District Office for review. In no instance shall the short appraisal form be used for the appraisal of property for which State Aid participation is requested. The State shall participate on a reimbursement basis with local governments in the cost of employing professionally competent appraisers and in the [actual purchase price] fair and reasonable market value of the properties to be acquired. The State shall review appraisals and notify the local government in writing of the [limit] amount of State participation which will be authorized before any negotiations are started by the local government. Reimbursement claims shall be presented on invoice forms provided by the State, accompanied by satisfactory evidence of legal ownership of the property by the local government.

The State shall not participate in the cost of appraiser's fees when the appraiser is a regular employee of the local government.

16:14-11 STATE PARTICIPATION IN THE COST OF ENGINEERING: State [shall] will participate in the cost of engineering consultants when the local government does not have a full-time engineering staff, or when the work is in excess of the work load which can be efficiently performed by the local government's own engineering staff or because of unusual or complicated design requiring the need of professional specialists. Prior approval of State's participation in the cost of engineering fees shall be obtained before any engineering services are performed. Local governments desiring State participating in the cost of engineering shall enter into an agreement with a professional engineer of their choice, registered in the State of New Jersey. Two copies of the fully executed agreement between the local government and the engineering firm, outlining the [work] scope of services to be performed by the engineer shall accompany the plans and specifications when submitted [by the local government] for approval of the State. [For projects where detailed plans and cross-sections are not required or where specifications only are required, the State will not participate in the cost of engineering.] The State shall participate in the cost of engineering in accordance with the percentage range as outlined in the current policy and procedure of the Division of Local Government Aid concerning engineering fees.

Payment for engineering fees shall be made on a reimbursement basis. Claims shall be presented on forms provided by the State accompanied by a receipted invoice form from the local government certifying the amount and the date the engineering fees were paid by the local [agency] government to the engineering firm.

CHAPTER 15

COUNTY OPERATIONS

16:15-10 STANDARDS:

NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-2.

16:15-18 STATE PARTICIPATION IN THE COST OF RIGHT-OF-WAY ACQUISITIONS:

NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-10.

16:15-19 STATE PARTICIPATION IN THE COST OF ENGINEERING:

NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-11.

CHAPTER 16

MUNICIPAL OPERATIONS

16:16-4 STANDARDS: All plans and specifications for the construction or reconstruction projects and all supplementary specifications for maintenance and repair work and maintenance and repair materials shall comply with the current New Jersey [State Highway Department] Department of Transportation's Standard Specifications for Roads and Bridges [and conform to the design standards of the Department of Transportation] as amended. The design of road construction or reconstruction shall be based on current traffic volumes and provide for widening and strengthening of the pavement for projected traffic increases. Factors in terms of cost, overall economy, convenience, and the safety of the traveling public shall be considered in the design.

16:16-13 STATE PARTICIPATION IN THE COST OF RIGHT-OF-WAY ACQUISITIONS:

NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-10.

16:16-14 STATE PARTICIPATION IN THE COST OF ENGINEERING:

NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-11.

CHAPTER 17

MUNICIPAL CONSTRUCTION

16:17-5 STANDARDS: The proposed road improvement projects shall conform to the current New Jersey Department of Transportation's Standard Specifications for Roads and Bridges as amended. The design shall be based on current traffic volumes and provide for widening and strengthening of the pavement for projected traffic increases. Factors in terms of cost, overall economy, convenience, and the safety of the traveling public shall be considered in the design.

16:17-11 ACCEPTANCE AND FINAL PAYMENT: When all work has been completed satisfactorily, the municipal engineer shall prepare and submit to the State an Esti-

mate Certificate of the Work Performed and all other necessary related documents for review and audit. After a final inspection [of the completed work] by the State and the completed project is accepted by the local government and the State and a determination has been made by audit that all documents are in proper order, action shall be taken to reimburse the local governing body.

16:17-12 STATE PARTICIPATION IN THE COST OF RIGHT-OF-WAY ACQUISITIONS:

NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-10.

16:17-13 STATE PARTICIPATION IN THE COST OF ENGINEERING:

NOTE: Amend this section to agree substantially with the proposed amendment of 16:14-11.

CHAPTER 19

CONSTRUCTION EQUIPMENT DAMAGE PROGRAM

16:19-6 APPLICATIONS—TIME OF FILING: [Applications will be accepted at any time. No formal action to approve an application will be taken until all essential information has been provided by the sponsoring agency.] Each county engineering is notified in January that applications for aid under this program are due to be received by our District Office on or before April 15. It is requested that this program be brought to the attention of municipal officials by the county engineer who may have roads eligible for a State Grant-in-Aid. Applications are available at each of the Division's District Offices.

16:19-8 [GEOMETRICAL STANDARDS: Geometric design of the roadway to be reconstructed shall provide for traffic growth on the road during the life of the road.]

16:19-9 [STRUCTURAL STANDARDS: Pavement design shall provide for the anticipated traffic during the normal life of the pavement.]

16:19-10 [STANDARD SPECIFICATIONS: The current New Jersey State Highway Department Standard Specifications for Road and Bridge Construction shall govern.]

16:19-8 STANDARDS: The proposed road improvement projects shall conform to the current New Jersey Department of Transportation Standard Specifications for Roads and Bridges as amended. The design shall be based on current traffic volumes and provide for widening and strengthening of the pavement for projected traffic increases. Factors in terms of cost, overall economy, convenience, and the safety of the traveling public shall be considered in the design.

16:19-14 STATE PARTICIPATION IN THE COST OF RIGHT-OF-WAY ACQUISITIONS:

NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-10.

16:19-15 [EXTENSION OF CONTRACT: Any costs resulting from an extension of a contract beyond the original limits or a change in the general character of the work specified shall be borne 100% by the sponsoring agency.]

16:19-15 STATE PARTICIPATION IN THE COST OF ENGINEERING:

NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-11.

CHAPTER 20

"TOPICS" (TRAFFIC OPERATIONS

PROGRAM TO INCREASE CAPACITY AND SAFETY)
NOTE: Correct the text of this chapter so that the term "municipality" is amended to read "county or municipality".

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

Mr. A. A. Faxon
Division of Local Government Aid
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action to Mr. Faxon at the above address, on or before October 15, 1970.

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed amendments without further notice.

John C. Kohl
Commissioner
Department of Transportation

(b)

TREASURY

STATE INVESTMENT COUNCIL

Proposed Changes Concerning Qualifications of Mortgage Bankers

Carroll M. Shanks, Chairman of the State Investment Council, pursuant to authority of N.J.S.A. 52:18A-89, proposes to amend the Qualifications of Mortgage Bankers as required by Articles 19 and 20 of the regulations of the Council, as follows (additions indicated in bold face, thus):

Qualifications of Mortgage Bankers

To be qualified to do business with the State of New Jersey investment funds, Mortgage Bankers must:

1. Be incorporated in the State of New Jersey.
2. Have minimum paid-in capital and surplus of at least \$1,000,000, except that this requirement may be waived for a company whose parents meets the following requirements:

Mortgage Bankers—continued

- a. Is incorporated in the State of New Jersey or has subsidiary companies incorporated in the State of New Jersey with capital and surplus exceeding \$1 million
- b. Has minimum paid-in capital and surplus of at least \$1,000,000.
- c. Guarantees the obligations of its subsidiary company under the mortgage servicing agreement entered into with the State of New Jersey.
- 3. Have been in business for at least 20 years.
- 4. Be an FHA-approved mortgagee and an eligible VA lender.
- 5. Carry full Fidelity Bonds in the amount of at least \$500,000.
- 6. Be servicing at least \$20,000,000 in mortgages for other investors.
- 7. Use single debit (block type) accounting in servicing the loans, and such other accounting standards and requirements as may be established by the State.
- 8. Submit within 90 days after the end of their fiscal year a certified report of their financial condition, which has been prepared by an independent certified public accountant.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before September 30, 1970, to

Director,
Division of Investment
P.O. Box 1829
Trenton, New Jersey 08625
Telephone: (609) 292-5106

The State Investment Council, upon its own motion or at the instance of any interested party, may thereafter adopt the above amendment substantially as proposed without further notice.

Carrol M. Shanks
Chairman
State Investment Council
Department of the Treasury

(a)

TREASURY

**DIVISION OF TAXATION
CORPORATION TAX BUREAU
Proposed Changes in Corporation
Business Tax Regulations**

Sidney Glaser, Acting Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:10A-27, proposes to amend certain regulations in Chapter 7 of Title 18 of the New Jersey Administrative Code concerning the taxation of corporations under the Corporation Business Tax Act, N.J.S.A. 54:10A-1, et seq., as follows (additions in bold face thus; deletions indicated in brackets [thus]):

18:7-1. IN GENERAL

The Corporation Business Tax Act is applicable to every domestic and foreign corporation having a taxable status as hereinafter defined. It is a tax of two parts:

FIRST:

(a) A tax measured by the portion of corporate net worth or total real property and tangible personal property allocable to New Jersey; or

(b) For New Jersey corporations only; a tax measured by the number of authorized shares of stock; or:

(1) For accounting periods ending after June 30, 1967 and prior to July 1, 1970, a tax measured by the number of authorized shares of stock; or

(2) For accounting periods ending after June 30, 1970, a tax measured by the number of authorized shares of stock or 11/100 of a mill of total assets; or

(c) For companies having less than \$150,000 of total assets everywhere, a tax measured by such total assets and determined from a short tax table. Companies qualified and electing to file on the short tax table are not taxable under subparagraphs (a) or (b) hereof.

SECOND, a tax measured by the portion of corporate net income allocable to New Jersey.

The total tax annually assessed to and payable by each taxpayer is the sum of the amounts computed under each of the two parts, as indicated.

18:7-17. APPLICATION OF TAX

The tax is imposed for each calendar or fiscal period of the taxpayer, or any part thereof, during which the taxpayer had a taxable status as described in Reg. 18:7-4.

The tax for such period or part thereof is measured by the taxpayer's allocable entire net income, and the taxpayer's allocable entire net worth or the average value of real and tangible personal property in New Jersey, or [,] total assets (if total assets everywhere amount to less than \$150,000.00), or for New Jersey corporations only [,] the number of shares of stock that the corporation is authorized to issue.]:

(a) For accounting periods ending after June 30, 1967 and prior to January 1, 1970, a tax based on the number of shares of stock that the corporation is authorized to issue; or

(b) For accounting periods ending after June 30, 1970, the number of shares of stock that the corporation is authorized to issue or 11/100 of a mill of total assets or \$100,000.00.

18:7-20. IN GENERAL

The New Jersey Corporation Business Tax is a tax of two parts based upon [(1) entire net worth or total real and tangible personal property or, for New Jersey corporations only, a tax based upon the number of shares of stock which the corporation is authorized to issue];

(a) The greatest of either total assets (if total assets everywhere amount to less than \$150,000.00), or allocated entire net worth, or the average value of the taxpayer's real and tangible personal property within New Jersey, or for New Jersey corporations only:

(1) For accounting periods ending after June 30, 1967 and prior to July 1, 1970, a tax based on the number of shares of stock that the corporation is authorized to issue; or

(2) For accounting periods ending after June 30, 1970, the least of the following:

(A) A tax based on the number of shares of stock that the corporation is authorized to issue, or

(B) 11/100 of a mill of the total assets of the corporation, or

(C) \$100,000.00, and [(2)]

(b) a tax based upon entire net income.

The tax assessed to and payable by each taxpayer, other than an investment company or a regulated investment company, is the sum of the amounts computed under each of the two parts, as follows:

FIRST, a tax measured by the portion of its entire net worth allocable to New Jersey and multiplied by the following tax rates:

On the first \$100,000,000 of allocated net worth, 2 mills per dollar; on the second \$100,000,000 of allocated net worth, 4/10 of a mill per dollar; on the third \$100,000,000 of allocated net worth, 3/10 of a mill per dollar; over \$300,000,000 of allocated net worth, 2/10 of a mill per dollar.

However, the tax payable under the net worth base shall not, except in the case of an Investment Company or a Regulated Investment Company, be less than the [greater] greatest of the amounts computed under (a), (b) or (c) hereof:

(a) A tax measured by the average value of the taxpayer's real and tangible personal property allocated to New Jersey at the rate of 5/10 of a mill per dollar on the first \$100,000,000, of such assets allocated to New Jersey and 2/10 of a mill per dollar on all such assets allocated to New Jersey in excess of \$100,000,000.

Note: For the method to be employed in computing the value of real and tangible personal property to be allocated to New Jersey, See Reg. 18:7-30 and 18:7-59[.]; or

(b) For New Jersey corporations only [.];

(1) For accounting periods ending after June 30, 1967 and prior to July 1, 1970, a tax based on the number of shares of stock that a corporation is authorized to issue, as of the close of the calendar or fiscal accounting period covered by a return, as follows; where the authorized capital stock does not exceed 5,000 shares, \$25.00; where the authorized capital stock is in excess of 5,000 shares but does not exceed 10,000 shares, \$55.00; and, where the authorized capital stock exceeds 10,000 shares, \$55.00 for the first 10,000 shares and for each additional 10,000 shares or part thereof, \$27.50, but the total tax on this basis may not exceed \$100,000, or

(2) For accounting periods ending after June 30, 1970, the least of the following:

(A) A tax based on the number of shares of stock that a corporation is authorized to issue at the rates heretofore indicated; or

(B) 11/100 of a mill per dollar of the total assets of the corporation; or

(C) \$100,000.00; or

(c) \$25.00 in the case of a domestic corporation and \$50.00 in the case of a foreign corporation [; and].

[d)]

In lieu of the tax based on allocated net worth, allocated total real and tangible personal property, 11/100 of a mill of total assets, and the tax based on the number of shares of capital stock, any taxpayer having less than \$150,000. of total assets everywhere may, at the election of the taxpayer, determine its net worth tax liability on the basis of a short tax table. An election to file on the short tax table or on the long form may not be changed after the due date of a particular return has passed. Tax liability under this [subparagraph (d)] provision of the law may be computed by reference to the following table:

Note: Table not reproduced here.

18:7-31 SUBSIDIARY CORPORATIONS

(b) Subsidiary deductions from net worth.

(2) (A) For any subsidiaries meeting the definition of a subsidiary under (a)(2) of this regulation, the parent corporation may deduct from its net worth such proportion of the average value of such holdings less net liabilities (if any) to a subsidiary as corresponds to 50% of the ratio of the subsidiary's taxable net worth, for the same year under this act, to its entire net worth; provided, however, that if the subsidiary is subject to a franchise tax measured by gross receipts under any other law of this State, such deductible portion of such holdings shall correspond to 50% of the ratio of the subsidiary's business within the State to its business everywhere during its next preceding taxable year under such law.

(B) For accounting periods ending after June 30, 1970: For any subsidiaries meeting the definition of a subsidiary under (a) (2) of this regulation, the parent corporation may deduct from its net worth the following amount:

(i) In the case of a subsidiary which is taxable under this act, such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds to 50% of the ratio of the subsidiary's taxable net worth, for the same year under this act, to its entire net worth; or

(ii) in the case of a subsidiary subject to a franchise tax measured by gross receipts under any other law of this State, such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds to 50% of the ratio of the subsidiary's

business within the State to its business everywhere during its next preceding taxable year under such law; or

(iii) in the case of a subsidiary which is a bank as defined in section 54:9-1 of the Revised Statutes, 50% of the difference between the average value of such holdings for the same year and net liabilities (if any) to such subsidiary; or

(iv) in the case of a subsidiary which is a financial business as defined in section 2 of chapter 174 of the laws of 1946 (C. 54:10B-2(b)) such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds to 50% of the subsidiary's allocation fraction for the same year determined under section 8 of chapter 174 of the laws of 1946 (C. 54:10B-8) or

(v) in the case of a subsidiary which is a stock, mutual or assessment insurance company organized or existing under the laws of this State or under the laws of another State or foreign country, such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds to 50% of the ratio which the amount of taxable premiums, as defined in sections 4 and 5 of chapter 132 of the laws of 1945 and section 1 of chapter 186 of the laws of 1950 (C. 54:18A-4, 54:18A-5, and 54:18A-5.1), collected by the subsidiary in the same year, bears to the total amount of all premiums collected by the subsidiary in the same year which would be taxable premiums if all such premiums were on account of business in this State; or

(vi) in the case of a subsidiary which is a railroad as defined in section 2 of chapter 291 of the laws of 1941 (C. 54:29A-2), such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds to 50% of the ratio which the number of miles of all track over which the subsidiary operates in this State in the same year bears to the total number of miles of all track over which the subsidiary operates everywhere in the same year.

18:7-90 EXTENSION OF TIME TO FILE RETURN

(c) Sufficiency of Estimated Tax: The total amount of the tax estimated to be due must be paid with the Tentative Return. If such total estimated tax remitted is less than 75% of the actual tax liability [computed on the final return and less than the amount of tax liability on the preceding year's return, the difference between the estimated tax submitted and the total tax liability on the final return will be subject to a 5% penalty charge and an interest charge at the rate of 1% per month, or fraction thereof, from the date such tax was originally due to the date of payment. In no event may the estimated tax remitted with any extension request be less than the applicable minimum tax] plus the amount of prepayment required (Law Sec. 15(d)), as shown on the final return, and less than the amount of tax liability, plus prepayment on the preceding return, the difference between the estimated tax and prepayment and the total tax including prepayment will be subject to a 5% penalty and an interest charge of 1% per month, or fraction thereof, from the date such tax was originally due, to the date of payment. Such remittance shall not in any event be less than the applicable minimum tax of \$25.00 for a domestic corporation, \$50.00 for a foreign corporation or \$250.00 for an investment company or regulated investment company, plus the required prepayment.

Warning: No request for extension will be considered unless taxpayer has complied with all the requirements applicable to the filing of Tentative Return Form CBT-200T. A taxpayer which has not filed within time and which has failed to obtain an extension will be subject to assessment of estimated tax as well as interest charges and penalties.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed, on or before October 1, 1970, to:

Corporation Tax Bureau
Division of Taxation Building
State and Willow Streets
Trenton, New Jersey 08625
Telephone: (609) 292-5155

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 amendments substantially as set forth without further notice.

Sidney Glaser
Acting Director
Division of Taxation
Department of the Treasury

(b)

TREASURY

**DIVISION OF BUILDING CONSTRUCTION
Classification and Qualification of Bidders**

On July 31, 1970, Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:34-13, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for the Division of Building and Construction governing classification and qualification of bidders, substantially as proposed in the Notice published July 9, 1970 at 2 N.J.R. 57(c).

An order adopting these rules was filed and effective July 31, 1970 as R.1970 d.91.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

(a)

PORT OF NEW YORK AUTHORITY

Vehicular Crossing Tolls Revised

On July 9, 1970 the Board of Commissioners of the Port of New York Authority amended the resolution establishing tolls for use of vehicular crossings originally adopted on May 8, 1947 (appearing at pages 114 et seq. of the Official Minutes of that date).

The resolution revising the toll structure for vehicular crossings to provide for one-way collection, effective August 12, 1970 reads as follows:

Resolved, that for the purpose of establishing, levying and collecting tolls for the use of vehicular crossings, vehicles and animals shall be classified as follows:

Class 1: Shall include the following vehicles having two axles: passenger automobiles unless they form parts of combinations included in Class 7, hearses, ambulances, commercial limousines, taxicabs and animal drawn vehicles.

Class 2: Shall include motorcycles, with or without sidecars, unless such motorcycles form parts of combinations included in Class 7; and animals ridden, led or herded and not drawing vehicles.

Class 3: Shall include omnibuses.

Class 4: Shall include the following vehicles having no more than two axles unless such vehicles form parts of combinations included in Classes 7, 8, 9 and 11: trucks with capacity not in excess of 2 tons, having one wheel at each end of the rear axle; tractors; chassis; and trailers or semi-trailers with a capacity not in excess of 2 tons.

Class 5: Shall include the following vehicles having no more than two axles, unless such vehicles form parts of combinations included in Classes 7, 8, 9 and 11: trucks with a capacity in excess of 2 tons but not in excess of 5 tons; trucks with a capacity not in excess of 2 tons, having more than one wheel at each end of the rear axle; and trailers or semi-trailers with a capacity in excess of 2 tons but not in excess of 5 tons.

Class 6: Shall include the following vehicles having no more than two axles, unless they form parts of combinations included in Classes 7, 8, 9 and 11: trucks with a capacity in excess of 5 tons; and trailers or semi-trailers with a capacity in excess of 5 tons.

Class 7: Shall include combinations consisting of motorcycles or passenger automobiles having two axles, and trailers or semi-trailers.

Class 8: Shall include all vehicles other than omnibuses having three axles, unless they form parts of combinations included in Classes 9 and 11.

Class 8 shall also include combinations consisting of trucks or tractors and semi-trailers, the combinations having three axles.

Class 9: Shall include all vehicles other than omnibuses having four axles, unless they form parts of combinations included in Class 11.

Class 9 shall also include all combinations consisting of trucks or tractors and trailers or semi-trailers, the combination having four axles.

Class 11: Shall include all vehicles having five or six axles.

Class 11 shall also include all combinations consisting of trucks or tractors and trailers or semi-trailers, the combination having five or six axles.

and it is further

Resolved, that (except as hereafter provided in the case of ticket books) the following tolls shall be charged per eastbound trip for the use of vehicular crossings, no tolls to be collected for westbound passage:

- (a) Vehicles included in Class 1 \$1.00 each
- (b) Vehicles and animals included in Class 250 each
- (c) Vehicles included in Class 3 2.00 each
- (d) Vehicles included in Class 4 1.00 each
- (e) Vehicles included in Class 5 1.50 each
- (f) Vehicles included in Class 6 2.00 each
- (g) Combination of vehicles included in Class 7 1.50 per Combination
- (h) Vehicles included in Class 8 2.00 each
- (i) Combinations of vehicles included in Class 8 2.00 per Combination
- (j) Vehicles included in Class 9 3.00 each
- (k) Combinations of vehicles included in Class 9 3.00 per Combination
- (l) Vehicles included in Class 11 4.00 each
- (m) Combinations of vehicles included in Class 11 4.00 per Combination

and be it further

Resolved, that the Executive Director be and he hereby is authorized to issue toll scrip in appropriate denominations which he deems appropriate and which may be purchased in lots of 25 per denomination, acceptable at bridges and tunnels at face value in payment of the tolls above provided for any class of vehicle, said scrip to be sold at a reduction of 10%; said scrip will be accepted if detached but no change in any form will be given when scrip is tendered; and be it further

Resolved, that the Executive Director is hereby authorized to arrange for the sale of books containing 12 tickets, good for passage over or through any bridge or tunnel for Class 1 vehicles, at the following rates and upon the following conditions, and that such tickets shall be accepted in lieu of the tolls provided for Class 1 vehicles using the said bridges and tunnels:

The charge for such book shall be \$9.60.

The books shall be valid to and including December 31 of the second year following the calendar year during which issued.

Said tickets are usable by any person in possession thereof, but shall be detached from the book in the presence of the toll collector only, and shall not be transferred between two or more vehicles on the toll plazas; and be it further

Resolved, that the Executive Director is hereby authorized to arrange for the sale of books containing 20 tickets good for passage over or through any bridge or tunnel, for passenger automobiles, at the following rates and upon the following conditions, and that such tickets shall be accepted in lieu of tolls provided for a trip for passenger automobiles using the said vehicular crossings:

The charge for such book shall be \$10.

Said books shall be valid for 35 days including the date of issue thereof, except that books purchased at toll booths of any bridge or tunnel shall be valid only for 30 days including the date of issue thereof.

and be it further

Resolved, that the Executive Director be and he hereby is authorized to arrange for the sale of the books of tickets hereinabove provided for, by designated sales agents, upon such terms and conditions as shall be reasonable and desirable.

and be it further

Resolved, that the findings and determinations made and rules promulgated by the Executive Director, pursuant to the resolution of the Board of Commissioners adopted May 8, 1947, with regard to prohibited vehicles, be and the same are hereby amended, effective August 12, 1970, by amending Section 7 thereof to read as follows:

"7. No special permit shall be issued in accordance with the provisions of Rules 4, 5 and 6 hereof except upon the payment of the following inspection and protection charges in addition to the regular prescribed tolls for the use of bridges or tunnels:

(a) If the inspection is made on Port Authority property, a charge equal to one half the regular prescribed toll for the vehicle inspected.

(b) If the inspection is made within the Port of New York District but not on Port Authority property, a charge of five dollars (\$5.00) plus an amount equal to one half the regular prescribed toll for the vehicle inspected.

(c) If the inspection is made elsewhere, a charge equal to the actual expenses incurred by the Port Authority in making the inspection plus an amount equal to one half the regular prescribed toll for the vehicle inspected."

and be it further

Resolved, that the findings and determinations made and rules promulgated by the Executive Director, pursuant to the resolution of the Board of Commissioners adopted May 8, 1947, with regard to the transportation of explosives and other dangerous articles on Port Authority bridges, be and the same are hereby amended, effective August 12, 1970, by amending Section 4(2)(b) thereof to read as follows:

the payment of an additional charge equal to one-half the normal toll is made.

A copy of the above resolution was filed July 31, 1970 as R.1970 d.87 (Exempt, Exempt Agency Rule).

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Stating that the citizens of the state "are sitting on an air pollution time bomb" caused by emissions from automotive vehicles, the New Jersey Clean Air Council recently suggested a broad program of controls.

The 17-member council, which is appointed by the Governor, made its second annual report to the State Commissioner of Environmental Protection, Richard J. Sullivan. The findings are based partially on three days of required public hearings, which were held in Trenton, April 8, 9 and 10. The report is limited to air pollution caused by mobile sources — automobiles, trucks and buses principally.

The Clean Air Council was created by enactment of N.J.S.A. 26:2C-3.2 and 2C-3.3,

and given the basic function of assisting the State in the prevention and elimination of air pollution by reviewing the performance of state agencies in the field and by stimulating public concern in air pollution matters.

Chairman Stephen F. Lichtenstein, a Trenton attorney, in presenting the report July 13 said the members of the council "are convinced that the State must act immediately to implement a comprehensive mobile source control program to reclaim and conserve the quality of our air resources."

"There is direct evidence that air pollution from autos, trucks, buses and other mobile sources has reached levels adverse to human health in New Jersey. There is also evidence that the kinds of controls now used or contemplated by the Federal and State governments, while extremely vital, are nonetheless inadequate for the future. The alternatives to disaster are harsh, but the citizens of New Jersey must choose."

The 43-page report is available from the Department of Environmental Protection by writing:

Public Information Office
Division of Environmental Quality
Department of Environmental Protection
Box 1390
Trenton, New Jersey 08625

It contains four sections: introduction and recommendations, the mobile source pollution problem in New Jersey, present and future federal motor vehicle emission standards, and alternatives for controlling mobile sources in New Jersey. Major portions follow:

INTRODUCTION AND RECOMMENDATIONS

"The automobile is the single greatest source of air pollution in the United States and in New Jersey. Of the total air pollution emissions in this country, 60 percent - 180 billion pounds annually - come from the automobile and New Jersey has the highest emissions per square mile of all the states.

"Controls on new cars since 1968 will cause a general decline in these emissions until about 1980 when the inexorable increase in the automobile population will again cause emissions to rise.

"If we wait for some technological breakthrough in low pollution vehicles to save us 'in the nick of time,' our hopes may not be rewarded. The Clean Air Council believes it is possible to thwart the upturn in automotive emissions after 1980 only by implementing bold new programs now to supplement Federal controls.

"An important fact strongly emphasized at the Council's April 1970 public hearing was the pressing need for mass transit. The program should include:

1. Upgrading the limited, but existing, facilities.
2. Coordinating the present systems.
3. Instituting immediately comprehensive plans for inter- and intra-state efficient, modern, and nonpolluting means of mass transit.

"The effective accomplishment of these goals are of great significance, but are of necessity long-range. The Council, while understanding the importance of long-range programs, has nevertheless felt the necessity of placing great emphasis on those programs the results of which will be seen in the near future.

"Accordingly, the Council has developed recommendations to the New Jersey Department of Environmental Protection to implement a number of programs within the State to reduce motor vehicle emissions . . .

"Since the program recommended below for State action can only be carried out successfully with the cooperation and participation of the various State departments involved (such as Department of Transportation, Division of Motor Vehicles, State Police, and the Public Utilities Commission) the Governor should be requested to establish an environmental coordinating committee composed of the heads of the departments, or their designees, from each appropriate agency. This committee should be required to meet monthly to insure the proper coordination and enforcement of the programs recommended hereafter.

PROGRAMS INVOLVING STATE ACTION

"1. Implement the motor vehicle emission inspection system as now developed, which contemplates the use of the present motor vehicle inspection stations, with a significantly accelerated effort.

"2. Enact legislation requiring semi-annual minor tune-ups for all vehicles registered in the State.

"3. Impose smoke control codes applicable to any resident or nonresident vehicles operated on the highways.

"4. Require manufacturers' warranty that new cars sold in the State will meet the State's emission standards.

"5. Develop a program of taxes and incentives to control the pattern of vehicle use in the State, and to encourage the use of mass transportation and car pools, including parking taxes, fast highway lanes during peak hours restricted to buses—and car pools, increased state gasoline taxes, limiting the number of vehicle registrations per household, and bridge, tunnel and highway tolls based upon vehicle occupancy.

"6. Change the New Jersey Motor Vehicle Law to permit emission control devices to be required for used cars.

"7. Implement a program to discourage the use of lead in fuels.

"8. Develop a car owners manual of good practices in driving and maintenance to reduce emissions.

"9. Enact legislation establishing the position of Chief Ecologist of the State and requiring ecological consulting in all land and water use planning.

"10. Establish a State registry of mobile source pollution-related diseases.

"11. Determine if emissions from off-road vehicles, boats, ships, and miscellaneous vehicles will constitute a future significant problem.

"It is contemplated that increases in motor vehicle registration fees and other motor vehicle related taxes will be imposed to fund the above programs as necessary.

PROGRAMS INVOLVING FEDERAL ACTION:

"1. Press for Federal surveillance of assembly-line vehicle compliance with national emission standards.

"2. Press for Federal testing and certification of used car "tack-on" devices, or for support of such testing by the State.

"3. Press for integrated national transportation and environmental protection priorities with budgets to meet the needs.

"4. Request the Federal Aviation Administration to issue a manual of good practices for airport ground and flight operations to reduce pollution.

THE MOBILE SOURCE POLLUTION PROBLEM IN NEW JERSEY

"In 1968, over 3,000,000 motor vehicles were registered in New Jersey. This figure shows New Jersey to have the greatest geographic density of motor vehicles of all the states, over 400 vehicles per square mile on the average.

Clean Air Council—continued

"The vehicle density in the metropolitan areas is much higher than this average figure. In Bergen, Union and Hudson Counties the 1968 density figures were respectively, 1,634, 2,583, and 3,961 vehicles per square mile. Such great vehicular densities mean that New Jersey probably also has the highest average mobile source pollution emissions per square mile of all the states.

"Based on the 1968 vehicle registration figures, and taking into account the control on new vehicles since the 1963 model year, shows a staggering total of 3,260,000 tons of pollutants being added to the air in New Jersey each year. This pollutional loading takes into account only registered vehicles and does not include the supplementary loading that comes from all nonregistered vehicles — transient vehicles, farm tractors, construction equipment, etc.

"According to expert testimony at the public hearing, nature's capacity to recover from the pollution of our air, water, and land resources is very great, yet finite. The way in which small man-generated effects can accumulate to cause large shifts in the environmental balance is very complex and not well understood. Perhaps ecology — the branch of science concerned with the interrelationships between organisms and their environment — can provide some needed foresight into the natural consequences of our economic and technical developments.

"Because of the high vehicular and industrial densities we experience in New Jersey we have a special responsibility to subject all present and future transportation and land use plans (e.g. the Hackensack Meadowlands) to an intensive review by ecologists to ascertain the probable extent of environmental damage caused by new development. For such review to be effective it must be (1) mandatory and (2) performed by an authority in the State Government with sufficient powers to negotiate beneficial changes in the character of development plans.

CONCLUSIONS

- "1. Mobile source pollution has reached levels adverse to human health in New Jersey.
- "2. Mobile source pollution has caused damage to the general environment and to the ecosystems of the State.
- "3. New car controls already programmed will cause carbon monoxide and hydrocarbon concentrations to decline, but the increase in the number of vehicles will again cause an increase in these pollutant concentrations after 1980. Nitrogen oxides and other pollutants, such as lead and asbestos, are not presently controlled and continue to increase unabated.
- "4. After 1980, pollutant concentrations in the State can be reduced only through (1) introduction of low pollution vehicles, (2) displacement of private vehicles by mass transportation systems, and (3) supplemental controls by the State.

RECOMMENDATIONS

- "1. The Department of Environmental Protection should establish a registry of mobile source pollution-related diseases and investigate relationships between pollutant concentrations and effects on people, animals, plants and materials.
- "2. The Department should develop and maintain 10-year projections of mobile source pollutant emissions and concentrations by various areas within the State so that critical problems can be foreseen and inputs provided to environmental and transportation planning. Projections should be based on the best information on the rate of deterioration of new car emission controls, arterial traffic densities, and the proportion of interstate traffic.
- "3. The Department should seek legislation creating a position of Chief Ecologist and requiring ecological consulting in planning land and water use. Among the use plans to be considered for an area should be non use, the conservation or reclamation of the natural character of the environment. These requirements should apply to the Hackensack Meadowlands Development Commission.

FEDERAL MOTOR VEHICLE EMISSION STANDARDS

(After a lengthy review of present and planned Federal standards for new vehicles, of research and development on low pollution engines of new types, of federal support of rapid transit systems as an alternative to automobile transportation, and of industry programs in the field of pollution control, the report offers the following conclusions and recommendations).

CONCLUSIONS

- "1. Present Federal certification procedures of assembly-line vehicles are too lax and permit production cars to deviate too widely from emission standards.
- "2. Present new car controls do not meet the Federal durability requirements.
- "3. The prospect is very dim for commercially-available low emission vehicles before 1985 at the present level of Federal and private funding of unconventional vehicle research.
- "4. Integrated national transportation and environmental protection priorities are needed immediately.
- "5. The automotive and petroleum industries are apparently not investing enough talent into mobile source pollution control research and development; they appear to be "married to the internal combustion engine."
- "6. The advertising claims of industry often exaggerate industry's commitment to pollution control and frequently mislead the public as to the efficiency and availability of their products; the consumer must be protected by strict Federal testing and certification of used car "tack-on" devices, fuel additives, and diagnostic instrumentation.

RECOMMENDATIONS

- "1. New Jersey should press for Federal surveillance of assembly-line car compliance with emission standards through quality assurance techniques well-known to the automobile industry.
- "2. New Jersey should require the manufacturer's warranty that new cars sold in the State meet certain inspection requirements for emissions.

"3. The Governor and the State's Federal representatives should press for integrated national transportation and environmental protection priorities with budgets to meet the needs.

"4. New Jersey should press either for Federal testing and certification of used car "tack-on" devices, fuel additives, and diagnostic instrumentation, or for Federal support of such testing by the State.

ALTERNATIVES FOR CONTROL OF MOBILE SOURCES

- "There are three kinds of controls which can be imposed on mobile sources:
 - Controls on vehicle emission points (crankcase, exhaust, tank, carburetor, brake linings and clutch facings).
 - Controls on fuel composition.
 - Controls on vehicle use.

"The present Federal standards apply only to emission points on new vehicles. The 1963 model national controls were aimed at hydrocarbon emissions from automobile crank cases; the 1968 and 1970 model standards apply additionally to carbon monoxide and hydrocarbon emissions from the exhaust pipe. The 1971 model standards apply to evaporative losses of hydrocarbons from gas tanks and carburetors.

"Standards in subsequent years will apply to nitrogen oxides and particulate. No Federal standards affecting particulate emission from brakes or clutch, fuel composition, or vehicle use are presently programmed."

After reviewing the present and future alternatives, the report comes to the following major conclusion and offers ten final recommendations:

"Regardless of the technology available to control vehicle emission points or fuels, vehicle use controls provide the most effective long-term avenue which the State can and should use to protect the health and welfare of its citizens from hazardous pollution levels."

RECOMMENDATIONS

- "1. The motor vehicle emissions inspection system as now developed by the Department of Environmental Protection contemplating the use of the present motor vehicle inspection stations should be implemented immediately. The present schedule for full operation by late 1972 must be significantly accelerated.
- "2. The Department should immediately request legislation requiring, as a prerequisite for reregistration of all motor vehicles in the State of New Jersey, mandatory semi-annual maintenance by State certified mechanics at an appropriate fixed fee.
- "3. The Department should immediately develop a smoke control code applicable to any vehicle, resident or non-resident, using the highways in the State. This code would be supplementary to the diesel code presently being considered.
- "4. The Council believes that the use of lead in fuel should be discouraged by:
 - Application of an additional tax on fuel containing lead.
 - Encouragement of the sale of automobiles which use low-octane fuels.
 - A decrease in the State sales tax on automobiles which use low-octane fuels.
 - The ultimate banning of lead as a fuel additive.
- "5. The Department should determine if the effectiveness of other fuel controls, including dual fuel systems on fleet operations, warrants new legislation.
- "6. The Department should immediately request legislation removing the restriction in the New Jersey Motor Vehicle Code prohibiting a requirement for "tack-on" devices on used motor vehicles to control automotive emissions.
- "7. The Department should immediately develop a proposed program for controlling the pattern of motor vehicle usage within the State by means of tax and incentive programs. These programs could include, but not be limited to—

Heavy taxes on parking fees. Tax exemptions would be granted to motorists who participate in car pools or who drive low pollution vehicles

Establishment of restricted highway lanes on major arteries during peak hours for use only by buses, cars with three or more passengers, and emergency vehicles

Further increases in State gasoline taxes to make alternative means of transportation more attractive

A limitation on the number of motor vehicle registrations per household

Bridge, tunnel and highway tolls based on vehicle occupancy during rush hours.

"Tax revenues would be used to support the total pollution control program.

"8. The Department should determine if emissions from off-road vehicles, boats, ships, and miscellaneous utility vehicles will constitute a future significant problem, and if so, recommend programs for alleviating them.

"9. The Department should request the Federal Aviation Administration to develop a manual of good practices for airport ground and flight operations to minimize pollution, compatible with aviation safety.

"10. The Department should develop a car owners manual of good practices to be issued annually with registration tags to advise motorists of specific ways to reduce vehicular pollution through improved driving and maintenance. Testing or retesting of drivers should include questions on good practices. The manual should also provide expected maintenance charges for emission control tune-ups."

(An appendix to the report lists the 31 experts, industry and governmental representatives and members of the public who testified at the three days of public hearings, and describes the research carried on over the past three years by the State Department of Health on a state-run vehicle emission inspection program, which is now in final stages under the supervision of the new Department of Environmental Protection. An acknowledgment states that professional technical support was provided by Ellison S. Burton, Director, Environmental Studies Group, Ernst & Ernst, Washington, D.C. under a professional services contract.)

STATE NEWS OF PUBLIC INTEREST

BONACCI APPOINTED NEW DIRECTOR DIVISION OF ADMINISTRATIVE PROCEDURE

Albert E. Bonacci, 31, of Hamilton Township, Mercer County, took office September 1 as Director of the Division of Administrative Procedure in the Department of State. Bonacci was appointed and sworn in by Secretary of State Paul Sherwin at a \$21,283 salary, replacing Leon S. Wilson, who resigned three months ago after having served as first director of the one-year-old Division.

The Division of Administrative Procedure has the legal responsibility of seeing that all proposed new rules and rule changes are published in the New Jersey Register, thus affording advance notice and an opportunity for the public to be heard. The Division is also responsible for publishing the New Jersey Administrative Code, which for the first time will bring together in one set of volumes the rules and regulations of all agencies of the state government.

The new Director is a 1960 graduate of Georgetown University, and most recently was staff assistant to the general manager of McGraw-Hill Book Company, as well as area distributor for Amway Products, a nation-wide firm dealing in home cleaning and maintenance and personal care products.

He has been active in recent years in the Republican party in Hamilton Township. A county district committeeman since 1968, he coordinated the 1969 township campaign which resulted in election of the first GOP committeeman in 17 years. This year he is president of the Hamilton Township Republican Club and is running the Republican campaign in the township.

Bonacci lives at 3324 Nottingham Way, Hamilton Square, with his wife Priscilla, and five children.

DAVIS PROMOTED, IS NEW DIRECTOR OF INSURANCE

Commissioner of Insurance Robert L. Clifford last month announced the elevation of staff attorney Walter R. Davis Jr. to the position of Director of Insurance at a \$20,531 salary.

Davis, 35, began his career with the state in 1966 as a Deputy Attorney General and associate counsel for the Department of Health. In 1969 he became counsel for the Commissioner of Banking and Insurance. Commissioner Clifford stated, "Director Davis's experience as counsel to the department and his knowledge of its internal operation will prove most beneficial to us in his new capacity."

Davis was involved in the litigation for the rate adjustment initiated by the Insurance Rating Board, the Travelers Insurance Company, and the 1970 litigation involving the Aetna Casualty and Surety Company. He represented the public interest in the establishment of a receivership for the Concord Insurance Company of Newark and in addition to administrative duties he successfully presented arguments before the state Supreme Court on the rate increase requested by the Hospital Service Plan of New Jersey.

The new director received a B.S. degree in engineering from Southern Methodist University, attended St. Louis University's Graduate School of Business and was awarded the degree of Juris Doctor from New York Law School.

Davis is a member of the American Bar Association, New Jersey Bar Association, Hunterdon County Bar Association and the American Judicature Society.

He resides at 37 Cokesbury Road, Lebanon, with his wife Lucille and their four children.

STATE PUBLIC SCHOOL ENROLLMENT RISES TO RECORD 1,500,000

As schools reopen this month there are a record number of pupils, teachers and classrooms in the state's public school system.

The state Department of Education estimates an enrollment of about 1,500,000 pupils, 45,000 more than answered the opening bell last September. This is an increase of three percent, about the same as the last several years.

Number of teachers is set at 71,000—3,400 more than last year. Dr. William H. Lucow, director of the department's office of management information, noted that this is a five percent increase in the teaching force. The ratio of teachers to pupils has been rising annually for some time, he said.

There are an estimated 2,300 additional classrooms in use, bringing the total to 59,500. Crowded conditions will persist in some places, however, as districts resort to double sessions and the use of makeshift classrooms, he said.

M. Jack Krupnick, director of the statistics branch in the office of management information, points out that the percentage of public school pupils attending school part-time or housed in classrooms considered substandard has decreased annually and he expects the trend to continue. Last year there were 29,024 pupils on part-time schedules, some two percent fewer than the previous year, and 37,253 pupils in substandard classrooms, a five percent decrease.

Krupnick said total public school enrollment is expected to increase over the foreseeable future even though there was a decline in the birth rate during the 1960's.