

NEW JERSEY REGISTER



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Paul J. Sherwin, Secretary of State
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(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Changes in Vaccination Period and Service Fee to Veterinary Practitioners for Brucella Vaccination

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-76 to 4:5-93, proposes to revise N.J.A.C. 2:2-1 (Vaccination) regarding changes in the vaccination period and service fee to the veterinary practitioner for Brucella vaccination as follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

N.J.A.C. 2:2-1 Vaccination

Only *Brucella abortus* vaccine, desiccated, produced from cultures of *Brucella abortus*, Strain 19, administered subcutaneously in the amount of five cc. per animal shall be used for official calfhood Brucella vaccination.

Female bovine animals will be considered to be officially calfhood Brucella vaccinated only when all of the requirements below are complied with:

(a) Approved *Brucella abortus* vaccine shall be properly injected before the expiration date of the vaccine.

(b) The calves shall be three (3) to eight (8) months or from 90 to 240 days when vaccinated.

(c) The vaccinated calves shall be identified by an ear tag or tattoo and marked as officially calfhood Brucella vaccinated animals by a special tattoo as prescribed by the Department of Agriculture.

(d) A vaccination report shall be submitted within fifteen (15) days of vaccination to the Department of Agriculture on forms provided by it.

(e) The Department of Agriculture is not responsible for an unfavorable effect that might be attributed to or resulting from the vaccination.

(f) The Department of Agriculture shall provide vaccine [and pay a service fee] to accredited private veterinary practitioners to conduct official calfhood Brucella vaccination, provided all law, regulations and policies are complied with and reports are submitted within the prescribed period.

(g) The Department of Agriculture will not recognize vaccination of male bovine items.

[(h) The service fee is to be paid private veterinary practitioners for official calfhood Brucella vaccination shall

be \$5.00 per herd stop and \$.50 for each calf vaccinated. The fee shall cover proper injection of approved *Brucella abortus* vaccine, identification and tattooing of calves, preparation of vaccination reports and all related actions concerning official calfhood Brucella vaccination.]

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before July 2, 1971, to:

Director, Division of Animal Health
Department of Agriculture
P.O. Box 1888
Trenton, N. J. 08625
Telephone: (609) 292-3965

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Regulations Concerning 60-Day Notice of Intent to Effect Change in Source of Milk Supply

W. W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and particularly N.J.S.A. 4:12A-20, proposes to adopt new regulations concerning the 60-day notice of intent to effect a change in the source of milk supply. The proposed new regulations are N.J.A.C. 2:52-13.1 (Price Increase or Change in Terms of Sale Prohibited), N.J.A.C. 2:55-22 (Price Increase or Change in Terms of Sale Prohibited), N.J.A.C. 2:53-9.1 (Price Increase or Change in Terms of Sale Prohibited) and N.J.A.C. 2:53-9.1 (Price Increase or Change in Terms of Sale Prohibited).

The complete text of these proposed rules reads as follows:

N.J.A.C. 2:52-13.1 Price increase or change in terms of sale prohibited

NEW JERSEY REGISTER

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The milk dealer or processor receiving a notice of intent to affect a change in source of supply from another milk dealer, processor or subdealer as aforesaid shall not during the notice period increase the invoice prices charged for milk and milk products (except for an increase in prices to all customers resulting from a general price increase); or decrease any legal rebates or discounts being paid or credited to the milk dealer, processor or subdealer; or change any other conditions or terms of sale without the approval of the Director.

All legal rebates or discounts earned but not due for payment or credit by the end of the notice period shall be paid or credited against purchases no later than five (5) days after permission has been granted for the change.

In determining the terms of sale prior to the receipt of notice, it shall only be necessary that reference be made to sales invoices, statements, or other records of either or both licensees to demonstrate the actual net price charged and paid for milk and milk products sold and distributed by the said milk dealer or processor receiving the notice.

N.J.A.C. 2:52-22 Price increase or change in terms of sale prohibited

The milk dealer, subdealer or producer dealer receiving a notice of intent to affect a change in source of supply for a wholesale account other than a licensed store as aforesaid shall not during the notice period increase the invoice price charged for milk and milk products (except for an increase for prices to all customers resulting from a general price increase), or decrease any legal rebates or discounts being paid or credited to the wholesale account, or change any other conditions or terms of sale without the approval of the Director.

All legal rebates or discounts earned but not due for payment or credit by the end of the notice period shall be paid or credited against purchases no later than five (5) days after permission has been granted for the change.

In determining the terms of sale prior to the receipt of notice, it shall only be necessary that reference be made to sales invoices, statements, and other records of either or both parties to demonstrate the actual net prices being charged and paid for milk and milk products sold and distributed by the said dealer, subdealer or producer dealer receiving the notice.

N.J.A.C. 2:53-9.1 Price increase or change in terms of sale prohibited

The milk dealer, subdealer or producer dealer receiving a notice of intent to affect a change in source of supply from a store licensee as aforesaid shall not during the notice period increase the invoice prices charged for milk and milk products (except for an increase in prices to all customers resulting from a general price increase), or decrease any legal rebates or discounts being paid or credited to the store, or change any other conditions or terms of sale without the approval of the Director.

All legal rebates or discounts earned but not due for payment or credit by the end of the notice period shall be paid or credited against purchases, no later than five (5) days after permission has been granted for the change.

In determining the terms of sale prior to the receipt of notice, it shall only be necessary that reference be made to sales invoices, statements, and other records of either or both licensees to demonstrate the actual net prices being charged and paid for milk and milk products sold distributed by the said dealer, subdealer or producer dealer receiving the notice.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before July 1, 1971, to:

Director
Division of Dairy Industry
Department of Agriculture
P.O. Box 1999
Trenton, New Jersey 08625
Telephone: (609) 292-5646

The Director of the Division of Dairy Industry, upon his own motion or at the instance of any interested party, may thereafter adopt these regulations substantially as proposed without further notice.

W. W. Moffet, Jr.
Director
Division of Dairy Industry
Department of Agriculture

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Overtime Rates for Meat And Poultry Inspections

Phillip Alampi, Secretary of Agriculture, and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 24:16B-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules of the State Board of Agriculture increasing the hourly rates for meat and poultry inspections to conform with those rates charged by the Federal Government, as proposed in the Notice published April 8, 1971, at 3 N.J.R. 54(a).

An order adopting these amendments was filed May 5, 1971, as R.1971 d.65.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Proposed Revisions of Rules and Regulations

James C. Brady Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-1 et seq., proposes to revise some of the rules and regulations of the Department of Banking and have such revisions and currently effective rules and regulations codified within the appropriate sections of the New Jersey Administrative Code.

The proposed revisions pertain to changes in mortgage document requirements; the elimination of guaranteed loans from certain limitations imposed regarding mortgage loan participations; audit certificates; minimum requirements for account loans; minimum requirements for repair and improvement loans; extension on allowable maturity on construction loans from 36 to 60 months; the

allowance of banks to make real estate loans up to 90% of appraised value and for a term up to 30 years with related adjustments in amortization programs; the addition of the Delaware River Port Authority, the New Jersey Turnpike Authority and the New Jersey Highway Authority (non-guaranteed issues) to the list of obligations which a bank may invest in excess of 10% but not in excess of 25% of capital; and the deletion of Bank Regulation #14 which restricts banks to unlimited liability on loans secured by United States Government issues with an 18-month maturity.

Copies of the complete text of the revisions may be obtained from:

Richard F. Schaub
Deputy Commissioner, Administration
Department of Banking
State House Annex
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1971, to the Department of Banking at the above address.

Upon full consideration of all submissions respecting the proposed action, the Department of Banking, upon its own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as proposed without further notice.

James C. Brady Jr.
Commissioner
Department of Banking

(a)

CIVIL SERVICE

THE COMMISSION

Proposed Revisions in Rules Defining the Term Veteran

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to revise N.J.A.C. 4:1-2.1 (Words and Phrases Defined) of its rules to read as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

N.J.A.C. 4:1-2.1 Words and phrases defined

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise: . . .

"Veteran" means a person who, before the announced closing date for filing applications for a test for a position in the competitive division or before appointment to a position in the noncompetitive or labor divisions, presents evidence that he was:

(a) A soldier, sailor, marine, airman, nurse or army field clerk who served in the active United States military or naval service and has been discharged or released therefrom under conditions other than dishonorable, in the several wars, uprisings, insurrections or expeditions enumerated in N.J.S.A. 11:27-1, including the most recent as follows: . . .

6. Vietnam Conflict, after December 31, 1960 and before the date of termination as proclaimed by the [President of the United States] Governor and conditioned as follows:

- i. Such person must have served at least [180] 90 days overseas within the prescribed period;
- ii. Such minimum [180]90 day period shall not include

any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which was a continuation of his civilian course, nor shall it include any time spent as a cadet or midshipman at one of the service academies;

iii. Any such person receiving a service-incurred injury or disability [overseas] shall be classed as a veteran whether or not he has completed the [180] 90 days services, or . . .

Interested persons may present statements or comments concerning the proposed action at a public hearing to be held on Tuesday, June 22, 1971, at 1:30 p.m. in the Civil Service Commission Room, 3rd Floor, State House, Trenton, New Jersey, or may present statements or comments in writing relevant to the proposed action on or before June 30, 1971, to the Civil Service Commission, State House, Trenton, New Jersey 08625.

Upon full consideration of all submissions respecting the proposed action, the Civil Service Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as set forth above without further notice.

James A. Alloway
President
New Jersey Civil Service Commission
Department of Civil Service

(b)

CIVIL SERVICE

THE COMMISSION

Proposed Revisions in Powers And Duties of Chief Examiner

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to revise N.J.A.C. 4:1-3.8 (Powers and Duties of the Chief Examiner and Secretary) of its rules to read as follows (additions indicated in boldface thus):

N.J.A.C. 4:1-3.8 Powers and duties of the Chief Examiner and Secretary

The Chief Examiner and Secretary, as required by law, shall act as secretary to the Commission, attend all regular and special meetings, record minutes of its official proceedings and other official acts, and certify to the same when required. In addition, and under the direction and supervision of the President, he shall:

(a) Be the administrative officer of the department and direct and supervise the work of all persons employed by the department, with authority to delegate his duties where necessary[;]. **This authority will include power to assign to state agencies on a one year trial basis, ending July 1, 1972, duties related to classification programs, compensation programs, administrative procedures, and promotional examinations in state service. At that time the Commission will review this assignment to determine whether it should be made permanent;**

Interested persons may present statements or comments concerning the proposed action at a public hearing to be held at 1:30 P.M., June 22, 1971, in the Civil Service Commission Room, 3rd Floor, State House, Trenton, New

Jersey, or may present statements or comments in writing relevant to the proposed action on or before June 30, 1971, to the Civil Service Commission, State House, Trenton, New Jersey 08625.

Upon full consideration of all submissions respecting the proposed action, the Civil Service Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as proposed without further notice.

James A. Alloway
President
New Jersey Civil Service Commission
Department of Civil Service

(a)

CIVIL SERVICE

THE COMMISSION

Proposed Amendment to Rules Pertaining to Execution of Relief

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to amend N.J.A.C. 4:1-5.6 (Execution of Relief) of its rules to read as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

N.J.A.C. 4:1-5.6 Execution of Relief

(a) When the relief to be accorded to the petitioner does not require that a hearing be held, the commission shall issue appropriate orders or directives to effectuate its determination and mail true copies thereof to the petitioner and other parties affected thereby.

(b) When the relief to be accorded to the petitioner provides that a hearing be held by the commission, it shall:

1. Determine whether the hearing is to be heard by the commission as a body or by one or more members which it shall designate;

2. Determine the regulations to be followed when the hearing is to be conducted by a hearing officer who has been designated and appointed by the President of the Commission;

[2]. 3. Determine whether the hearing is to be in the nature of a public hearing requiring the issuance of public notices or a private hearing which may be restricted or open to the public but requiring notices only to the petitioner and other affected parties;

[3]. 4. Set the matter down for hearing.

Interested persons may present statements or comments concerning the proposed action at a public hearing to be held on Tuesday, June 22, 1971 at 1:30 P.M. in the Civil Service Commission Room, 3rd floor, State House, Trenton, New Jersey, or may present statements or comments in writing relevant to the proposed action on or before June 30, 1971, to the Civil Service Commission, State House, Trenton, New Jersey 08625.

Upon full consideration of all submissions respecting the proposed action, the Civil Service Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the amendment substantially as set forth above without further notice.

James A. Alloway
President
New Jersey Civil Service Commission
Department of Civil Service

(b)

CIVIL SERVICE

THE COMMISSION

Proposed Revisions of Rules on Evaluation

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, proposes to revise N.J.A.C. 4:1-20.2 (Evaluation) of its rules to read as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

N.J.A.C. 4:1-20.2 Evaluation

(a) Evaluation shall be made at least once each year for all employees who have worked at least three months during a rating period;

(b) Each employee shall be notified of his performance evaluation and shall have the opportunity to review such evaluation with the supervisor who made the evaluation. Subsequent reviews for a reconsideration of an employee's evaluation may be had [with the bureau head or division head and their department head in that order] as established by [civil service regulation in state government and] appointing authorities in local governments;

(c) [Appeal may be made to Evaluation Appeals Committees as may be established by regulation. Final determination shall rest with the Appeals Committee.] Appeals on adverse (i.e. unsatisfactory) performance evaluations shall be ameliorated within a State agency through its Grievance Procedure. An employee must make his appeal within ten (10) working days of notification of the unsatisfactory rating. If the rating is a primary or contributing factor in future adverse action (i.e. demotion, separation, etc.), the employee retains all rights to a formal hearing as provided in Subchapter 5 (Hearings) of this Chapter.

Interested persons may present statements or comments concerning the proposed action at a public hearing to be held at 1:30 P.M. June 22, 1971, in the Civil Service Commission Room, 3rd Floor, State House, Trenton, New Jersey, or may present statements or comments in writing relevant to the proposed revisions on or before June 30, 1971, to the Civil Service Commission, State House, Trenton, New Jersey, 08625.

Upon full consideration of all submissions respecting the proposed action, the Civil Service Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as proposed without further notice.

James A. Alloway
President
New Jersey Civil Service Commission
Department of Civil Service

(c)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Amendments to Plumbing Code of New Jersey

On May 26, 1971, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-21, 52:27C-54 and 13:1B-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Plumbing Code of New Jersey, Part E of the Standard Building Code of

New Jersey, substantially as proposed in the Notice published May 6, 1971, at 3 N.J.R. 75(a).

(b)

These amendments have also been approved by the Commissioner of Health, pursuant to authority of N.J.S.A. 26:3-69.1 et seq., for adoption by reference by local boards of Health.

An order adopting these amendments was filed and effective May 27, 1971, as R.1971 d.77.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rule Concerning Filing For Stays from Commissioner's Decisions

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-10 and 18A:6-27, proposes to adopt a new rule of the State Board of Education entitled "Filing for Stays from Commissioner's Decisions" (N.J.S.A. 8:2-6).

The complete text of the proposed rule is as follows:

8:2-6 Filing for Stays from Commissioner's Decisions

After the filing of a Notice of Appeal to the State Board of Education from a determination of the Commissioner of Education, any application for a stay from such determination shall be by notice of motion with supporting affidavit, 14 copies of which shall be filed with the Division of Controversies and Disputes, and a copy served on each party to the action. The motion and affidavit shall set forth fully that portion of the Commissioner's decision with respect to which a stay is sought, the factual basis on which the application for stay is founded, and the reasons favoring the stay.

Any party opposing the application for stay shall file and serve within 10 days of receipt of such application an answering affidavit in the same manner, setting forth the reasons why the application for stay should be denied.

Unless otherwise ordered by the State Board of Education or the Law Committee thereof, there shall be no oral argument or an application for stay.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before 4:00 p.m., September 7, 1971, to:

Clyde E. Leib
Special Assistant to the Commissioner
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 proposed rule substantially as set forth above without further notice.

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

EDUCATION

STATE BOARD OF EDUCATION

Regulations Concerning Non-Public School Secular Education

On May 6, 1971, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:58-38 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency regulations concerning non-public school secular education (N.J.A.C. 8:8-1 to 8:8-11).

The Non-Public Elementary and Secondary Education Act (Chapter 235, Laws of 1970) requires the State Board of Education to adopt rules and regulations for the administration of contracts, for secular education services to non-public schools. Such rules and regulations are to be enforced by the Office of Non-Public School Secular Education.

The adopted regulations concern applications for a contract, contracts for secular educational services, students eligible for enumeration, eligibility of teachers as a basis for reimbursement of salaries, limitations upon reimbursement of teacher salaries, limitations on reimbursement of textbook costs, request for reimbursement, payment procedures, effect of payment and settlement of accounts, record management, and definitions.

Copies of the complete text of these regulations may be obtained from:

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

An order adopting these regulations was filed and effective May 11, 1971, as R.1971 d.67 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Library Services to the Disadvantaged

On May 6, 1971, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:73-17 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rules pertaining to Library Services to the Disadvantaged (N.J.A.C. 8:69-14 to 8:69-25) as proposed in the Notice published April 8, 1971, at 3 N.J.R. 55(f).

An order adopting these rules was filed and effective May 11, 1971, as R.1971 d.68.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Air Pollution Rules For Gasoline-Fueled Motor Vehicles

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq., proposes to adopt Chapter 15 (Control and Prohibition of Air Pollution from Light-Duty Gasoline-Fueled Motor Vehicles) of the Air Pollution Control Code which reads as follows:

CHAPTER 15. Control and Prohibition of Air Pollution from Light-Duty Gasoline-Fueled Motor Vehicles

Section 1 DEFINITIONS:

1.1 PERSON: Includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

1.2 MOTOR VEHICLE: Includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

1.3 LIGHT-DUTY: Light-duty shall mean any motor vehicle designed primarily for transportation of persons or property and registered at 6,000 pounds gross weight or less.

1.4 MODEL YEAR OF VEHICLE: The production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines shall mean the 12-month period beginning January 1 of the year in which production begins.

1.5 EXHAUST EMISSIONS: Substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

1.6 CRANKCASE EMISSIONS: Substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

1.7 SMOKE: Small gasborne and airborne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

1.8 CARBON MONOXIDE: A non-irritating, colorless, odorless gas at standard conditions which has the molecular form of CO.

1.9 HYDROCARBONS: Compounds whose molecules consist of atoms of hydrogen and carbon only.

1.10 APPROVED EXHAUST GAS ANALYTICAL SYSTEM: A device for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle. For purposes of this chapter this shall mean analyzing devices of the nondispersive infrared type sensitized to measure carbon monoxide at the 4.74 micron band expressed as percent carbon monoxide in air and to measure hydrocarbons as hexane at the 3.41 micron band expressed as parts per million of hydrocarbons (hexane) in air. The device shall be a design meeting "SPECIFICATIONS FOR EXHAUST GAS ANALYTICAL SYSTEM" on file with the State Commissioner of Environmental Protection and approved for use in accordance with the manufacturer's recommended procedures for calibration and maintenance.

Section 2 PUBLIC HIGHWAY STANDARD:

No person shall operate any gasoline-fueled, light-duty motor vehicle or permit such vehicle which he owns to be operated upon the public highways of the State if the vehicle emits visible smoke in the exhaust emissions or in the crankcase emissions.

Section 3 INSPECTION STANDARD:

3.1 Any gasoline-fueled, light-duty motor vehicle which is subject to inspection required by the Division of Motor Vehicles, as a condition of compliance with said inspection, shall not emit visible smoke in the exhaust emissions or in the crankcase emissions.

3.2 Any gasoline-fueled, light-duty motor vehicle which is subject to inspection required by the Division of Motor Vehicles, as a condition of compliance with said inspection after the effective dates set forth in Table I, shall not emit carbon monoxide (CO) and/or hydrocarbons (HC) in the exhaust emissions in excess of the standards set forth in Table 1, when measured using an approved exhaust gas analytical system and the prescribed inspection test procedure.

TABLE I
INSPECTION STANDARDS
VEHICLES SUBJECT TO INSPECTION
REQUIRED BY THE DIVISION OF MOTOR VEHICLES
(Reference P.L. Title 39:8-10)

MODEL YEAR OF VEHICLE	EFFECTIVE 1972		EFFECTIVE 1973	
	CO(%)	HC(PPM)	CO(%)	HC(PPM)
Up to and including 1967	7.5	1200	6.0	1000
1968 - 1969	5.0	600	4.0	500
1970 and Later	4.0	400	3.0	300

PRESCRIBED INSPECTION TEST PROCEDURE:

STEP 1 With vehicle in neutral gear, all accessories off, hand brake secured and engine running at idle, insert sampling probe of gas analytical system into the engine exhaust outlet.

STEP 2 The steady state levels measured as percent carbon monoxide and parts per million of hydrocarbons in the exhaust gas shall be the inspection test result.

STEP 3 Accelerate engine and observe for visible smoke in the exhaust emissions and crankcase emissions.

NOTE: All measurements are to be made after engine has been run a sufficient period of time to be up to operating temperature.

SECTION 4 EXCEPTION

The provisions of Section 3.2 of this Chapter shall not apply to motorcycles.

Notice is given that a public hearing on the proposed action will be held in two parts at the following places on the dates shown:

Part 1 — August 10, 1971—10:00 A.M.—8:00 P.M.
Fairleigh Dickinson University
Teaneck Campus
Becton Auditorium
1000 River Road
Teaneck, New Jersey

Part 2 — August 11, 1971—10:00 A.M.—8:00 P.M.
Cherry Hill Mall Auditorium
State Highway No. 38 and Haddonfield Road
Cherry Hill, New Jersey

These hearings will be held in accordance with the provisions of the Air Pollution Control Act (1954) as amended by Chapter 106, P.L. 1967.

Interested persons may present statements, briefs or arguments in writing relevant to the proposed action prior to August 10, 1971 on all matters desired to be brought to the attention of the Department to:

Division of Environmental Quality
Room 604
Department of Health Building
John Fitch Plaza
Trenton, New Jersey

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt Chapter 15 of the Air Pollution Control Code substantially as proposed without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Conservation Order on Oyster Beds

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, on May 5, 1971 executed a Conservation Order regarding the opening and closing of certain oyster beds. The complete text of the order is as follows:

OPENING OF CERTAIN OYSTER BEDS

Whereas, the Director of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection and the Maurice River Cove Section of the Shell Fisheries Council of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection have recommended that the oyster beds in the tidal waters of the Delaware River, Delaware Bay and their tributaries can be opened without harmful effect on the conservation thereof; and

Whereas, I have examined the recommendations, findings and conclusions heretofore referred to and find them to be correct and in the best interest of the conservation of the said seed oyster beds;

Now therefore, pursuant to the powers vested in me by the statutes in such case made and provided,

It is hereby ordered that all the natural seed oyster bed areas above what is commonly known as the Southwest Line shall be opened for the taking of seed oysters beginning 7 A.M. Eastern Daylight Time on Monday, May 10, 1971, for a minimum of three weeks (ending May 28, 1971). However, a physical test of the oyster beds shall be made on Thursday, May 20, 1971. If the test indicates that some areas should be closed because of possible harmful effects, those areas will be closed May 21, 1971 at 3:30 P.M.

It is further ordered that an advisory committee shall be appointed by the Commissioner of the Department of Environmental Protection to make this test, and it shall be composed of two members of the Maurice River Cove Council, two members of the Oyster Research Laboratory, and the Director of the Division of Fish, Game and Shell Fisheries.

The following existing sanctuaries are to be excluded from this Order and shall remain closed:

- A protective strip at the Southwest Line.
- The mouth of the Cohansey River (Inside Tonger's Line).
- Bennies Sanctuary.
- The Old Cohansey Sanctuary.

Shell Rock Sanctuary.

New Bed Sanctuary (50 acres, as defined by Grids 50 and 51 now under survey and plotted by the Oyster Research Laboratory).

In addition, the following natural seed beds shall remain closed:

Shell Rock Bed.

Maryland Shell Plot (Sea Breeze).

It is further ordered that there shall be a strict enforcement of R.S. 50:2-7 and R.S. 50:2-8, commonly known as the Rough Cull Law.

Nothing in this Order shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

This Order shall take effect May 10, 1971.

Richard L. Sullivan

Commissioner

Department of Environmental Protection

NOTE: A copy of the Order was filed with the Division of Administrative Procedure on May 21, 1971, as a document not subject to codification.

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules On Use of Water From Delaware and Raritan Canal

The Division of Water Resources in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:13-1 et seq., proposes to adopt rules regulating the use of water from the Delaware and Raritan Canal.

The complete text of these rules is as follows:

RULES AND REGULATIONS

APPLICATION FOR SUPPLY. Applications for withdrawal of water from the Delaware and Raritan Canal shall be submitted to the Division of Water Resources on an "APPLICATION FOR WATER SUPPLY" form, copies of which will be furnished by the Division upon request.

PUBLIC HEARING. In accordance with Chapter 168 P.L. 1949, a public hearing will be held on each application, except that the Division may waive this requirement in the case of an application for quantity less than 500,000 gallons per day and in the case of an application classified as Standby Service under the General Rate Schedule. All costs and expense in connection with such hearing, including the cost of legal advertising and stenographic transcript, shall be paid by the applicant.

WATER USE AGREEMENT. Water shall be withdrawn from the Canal only in accordance with the terms of a formal agreement, to which these Rules and Regulations shall be attached and made a part thereof, between the Division of Water Resources, acting for the State of New Jersey, and the User. The said agreement shall be executed by the User within 60 days after transmittal by the Division, otherwise the application and approval shall be null and void.

PAYMENTS. The User shall pay the Division for all raw water withdrawn from the Canal in accordance with the rates and provisions set forth in the General Rate Schedule in effect on date of execution of the Water Use Agreement. Payments shall be made monthly as billed, at the office of the Division of Water Resources, of the Department of Environmental Protection, Trenton, New Jersey.

WITHDRAWAL SYSTEM. Raw water shall be withdrawn from the Canal by the User at his own cost and expense. The Division grants to the User the right to install and construct in the Canal and on adjoining Canal property at or near the point of withdrawal, and to replace, repair, operate and maintain, such apparatus, equipment, structures and facilities, all at his sole cost and expense, as may be necessary for the withdrawal from the Canal of the raw water sold by the Division, for the measurement thereof, and for the transportation thereof to the plant or plants of the User. Prior to the installation or construction of any such apparatus, equipment, structures or facilities, the User shall furnish to the Division for its approval, a plan showing in such detail as may be required by the Division, the proposed system for withdrawal, measurement, transportation and ultimate disposition of the water and shall not install or construct the same until said system shall have been approved by the Division. The Division also grants to the User the right of ingress over, upon and under any and all other Canal lands as may be necessary for the construction, operation, repair and maintenance of such system.

The Division or its designated representative shall have the right at any time to examine the Users withdrawal system, distribution system, disposal system and all other related facilities.

The User shall, within ten days after receipt of written demand from the Division, make such repairs to his structures and facilities as, in the opinion of the Division, may be required to eliminate leakage of water from, or potential damage to the Canal. On his failure to do so the Division may make such repairs at the cost and expense of the User, which cost and expense the User expressly agrees to pay on demand.

The User shall make such changes in his withdrawal system as may from time to time be ordered in writing by the Division. The User shall make no alterations in the approved withdrawal system without securing the prior written approval of the Division.

METER. The User shall purchase or construct, install, maintain and operate, at his own sole cost and expense, in a manner satisfactory to the Division, a flow meter or measuring device of a type and in a location approved by the Division.

The User shall have said flow meter tested for accuracy at his own sole cost and expense before installation, by a laboratory approved by the Division, and shall furnish a certified report of such test to the Division. The User further shall have such laboratory test repeated and furnish a report of said test to the Division at intervals of not less than once each year, following meter repairs, and/or at such other times as specifically directed by the Division.

METER FAILURE. The User shall use reasonable care that the installed flow meter or measuring device is properly operating at all times. If same is broken or improperly operating at any time or times, proper adjustments or estimates shall be made by the Division to determine the amounts of water withdrawn and to be charged for during time or times of meter failure. Such estimates shall be based on the daily quantity contracted for, with due consideration of the scale of plant operation before and during the breakdown period, or on such other equitable method as the Division shall determine.

METER READINGS. The monthly meter readings to determine total withdrawal shall be taken by the User on the last day of each month, unless otherwise approved by the Division, or if that day falls on Sunday or legal holiday, on the first working day thereafter.

The User shall keep a daily record of flow rates and cumulative daily water withdrawal totals and shall submit to the Division each month, not later than the third day of such month, copies of such records for the preceding month.

The Division or its designated representative shall have the right at any time to examine the flow meter or other measuring device and the above mentioned records, as well as to order tests, repairs or replacements thereof.

WITHDRAWAL SCHEDULE. When required by the Division, the User shall submit in writing to the Division a schedule of normal withdrawal of water from the Canal. The User shall notify the Division in writing 48 hours in advance of pending departure from said schedule due to plant shutdown or other causes, and in the event of emergency departure from said schedule the User shall immediately notify the Division or its designated representative at such place and in such manner as the Division may from time to time designate and with notice confirmed in writing. The User shall similarly notify the Division or its representative indicating resumption of said normal schedule and with notice confirmed in writing. In the event the User fails to notify the Division or its designated representative of the departure from or a return to normal schedule, and the Canal and related appurtenances are damaged, the cost for the repair of such damage, in whole or in part, shall be born by the User as determined and billed by the Division.

WATER QUALITY. It is expressly stipulated that the Division and the State of New Jersey does not guarantee the quality of the water supplied hereunder and no claims regarding quality variations shall be made against the Division or any other agency of the State.

REVOCAION BY DIVISION. In event that for a period of six (6) consecutive months the daily average withdrawal shall not equal at least 50% of the quantity specified in the agreement for 24 hour withdrawal, the Division shall have the right to revoke the agreement and require that the User submit a new application for revised quantity of withdrawal.

DISCHARGE INTO CANAL. Water shall not be discharged into the Canal except upon prior application and only in accordance with the terms and conditions of a formal approval granted by the Division. The application shall include all information required by the Division for determination of conditions governing discharge.

DISCHARGE STRUCTURES. Structures for the discharge of water into the Canal shall be installed and maintained by the user thereof at his own sole cost and expense. Prior to the installation of such structures or facilities, the user shall furnish to the Division a plan showing in such detail as may be required by the Division the proposed discharge system, and shall not install or construct the same until said system shall have been approved by the Division.

The user shall, within ten days after receipt of written demand from the Division, make such repair to his discharge system as may be required to eliminate leakage of water from, or potential damage to the Canal, or on his failure to do so, the Division may make such repairs at the cost and expense of the user, which cost and expense the user expressly agrees to pay on demand.

The user shall make such changes in his discharge system as may from time to time be required by the Division but shall not alter the approved installation of the system without the prior written approval of the Division.

ASSISTANCE TO BE FURNISHED BY USER. The User, at his own expense, shall furnish the designated

representative of the Division such assistance as the Division may require for the purpose of examining the User's withdrawal, distribution and disposal system, making meter tests, taking samples, or performing other duties in connection with the agreement.

DAMAGE CLAIMS. The User shall at all times save and keep harmless the Division from and against claims for damages of whatsoever nature arising in any manner or under any circumstances by reason of the acts or negligence of the User, his officers, agents, representatives, or employees in installing, constructing, replacing, repairing, maintaining or operating the withdrawal, distribution and disposal systems, whether such damage be sustained by the User or by other persons or corporations which seek to hold the Division liable.

INSURANCE. The User shall maintain public liability and property damage insurance on the property and facilities which constitute the withdrawal system operated and maintained on Canal property with an insurance company authorized to do business in the State of New Jersey, in the following minimum amounts or as otherwise required: \$100,000/\$300,000 bodily injury and \$50,000 property damage, and naming the State of New Jersey, Division of Water Resources as an "Additional Insured". Certificates of such coverage shall be delivered to the Division with evidence of payment of premiums thereof upon delivery to the Division of the agreement executed by the User as set forth under "Water Use Agreement".

COMMENCEMENT OF CHARGES. The agreement shall take effect on the date of its approval by the State, and the date of commencement of charges shall be the first day following completion of construction of the withdrawal system but in no case later than nine months after the date of said approval. The agreement shall continue for the period specified therein. At the end of said period the agreement shall terminate, except as to those matters set forth under "DAMAGE CLAIMS", "RENEWAL" and "TERMINATION".

RENEWAL. If the User desires to withdraw water from the Canal beyond the period specified in the original agreement, he shall submit a renewal application not less than 90 days in advance of the expiration date of the agreement then in force. If the User continues withdrawal after the expiration date of the contract without submitting an application for renewal, the charge for such withdrawal will be twice the rate per million gallons as specified in the General Rate Schedule in effect at that time.

TERMINATION. In case of an emergency, natural or otherwise, or under such circumstances that the State's best interests are served, the State reserves the right to curtail, suspend or terminate the Users withdrawal of water from the Canal. Violation of the Rules and Regulations as herein set forth shall be just cause to terminate the Users right to withdraw water from the Canal, as determined by the Division. Upon termination of the agreement for any reason, the privileges granted to the User shall terminate absolutely and be extinguished.

DISPOSITION OF FACILITIES. Within ninety (90) days after termination the User shall remove from the property of the Division all facilities installed by him and restore said property to its former condition in a manner satisfactory to the Division. On his failure to do so, the Division may make such removal and restoration at the cost and expense of the User, which cost and expense the User expressly agrees to pay on demand and/or the Division reserves the option to sell such facilities to help defray the cost of removal and restoration. **EXCEPTION:** Within thirty (30) days after termination the User may tender

any or all withdrawal and related facilities on the property of the Division, as is, in writing to the Division, which the Division may accept at its discretion in writing within sixty (60) days. Tender of said facilities shall say the ninety (90) day period for removal of said facilities pending the Division's acceptance or rejection of said tender.

STRIKES, ETC. The Division shall not be considered in default in the performance of any of its obligations to the extent the performance of any such obligations is prevented or delayed because or by reason of war, hostilities, revolution, civil commotion, strike, epidemic, accident, fire, wind, flood, explosion or embargo; or because or by reason of any law, order, proclamation, or regulation of the Government of the United States of America, or of any State of the United States of America, other than the State of New Jersey, or of any authority or representative of any such Governments; or because or by reason of any act of God, whether of the same or a different nature.

ASSIGNMENT. Agreement to withdraw water from the Canal shall not be assigned nor set over to any other corporation, firm or person without the consent of the Division and the Governor.

Interested persons may present statements or comments in writing relevant to the proposed action on or before July 1, 1971, to:

Michael J. Galley
Chief, Bureau of Water Facility Operations
Division of Water Resources
Department of Environmental Protection
Room 1109
Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

Upon full consideration of all submissions respecting the proposed action, the Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt the rules substantially as proposed without further notice.

Charles M. Pike
Director
Division of Water Resources
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

Proposed Revisions of Public Shooting And Fishing Grounds Regulations

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

2. Motor Vehicles

All motor vehicles [, including motorcycles,] are restricted to established public roads or to designated parking areas.

It shall be unlawful to operate any type of a motor vehicle on or over any road designated by closed signs or barriers, or on or over any cultivated or planted wildlife food area, fireline, [or field] transmission line, survey line, or in the woods or fields unless written permission is granted by the division.

6. Camping

Camping is permitted in designated areas after securing a permit from the division or tract manager at the prescribed fee. No camping is permitted on the Ken Lockwood Gorge at any time.

The camping fee shall be [\$1.25] \$2.00 a night for a unit up to six persons, with \$.25 for each additional person. [For 30 persons or more, the charge shall be \$5.00 daily.]

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

It is unlawful to operate any type of snowmobile, snow cruiser, motorbike, motorcycle, trail bike or off-road motor vehicle, on any of these areas at any time, except that on the Greenwood Forest Tract only, special permit may be granted by the division to organized motorcyclists to operate on an established course, under prescribed regulations, at a minimum fee of \$25.00, plus an additional charge of \$1.00 per cycle.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 7, 1971 to:

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

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

Russell A. Cookingham
Director
Division of Fish, Game and Shell Fisheries
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

Proposed Revision of Rules on Importation And Possession of Exotic or Native Mammals, Birds, Reptiles or Amphibians

The Fish and Game Council of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to N.J.S.A. 23:4-63.3 and 23:4-63.4, proposes to rescind its Regulation No. 3 as adopted April 17, 1968 and adopt in lieu thereof the following:

REGULATION NO. 3

1. Except as provided in sections 23:3-28 through 23:3-39 of the Revised Statutes, no person shall have in possession any exotic or native mammal, bird, reptile or amphibian without first having procured from the Division a permit for that purpose as hereinafter provided. The permit shall be known as a "Permit to Possess Exotic or Non-Game Mammals, Birds, Reptiles or Amphibians" and shall

require an initial fee of \$10.00 and an annual renewal fee of \$5.00.

2. The Division may determine what mammals, birds, reptiles or amphibians may be possessed under the permit, and shall establish conditions under which they shall be caged or otherwise kept in possession. Any mammal, bird, reptile or amphibian possessed without the necessary permit or contrary to regulations may be seized by the Division and disposed of as it may determine.

3. The Division may determine from time to time which, if any, species of exotic or native mammals, birds, reptiles or amphibians may be possessed without a permit.

4. No person shall liberate any exotic or native mammal, bird, reptile or amphibian within this state without first having procured written authorization to do so from the Division. The Division will determine what species, and under what conditions, exotic game mammals or birds may be liberated for hunting purposes.

5. The Division may request certification that mammals, birds, reptiles and amphibians covered under this permit are free to infectious diseases and parasites and may determine who is qualified to make such certification after consultation with the Department of Health. The Division may inspect, seize, hold or destroy animals carrying, or suspected of carrying, infectious disease or parasites which, in their opinion, may constitute a threat to wildlife populations within the state.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 7, 1971 to:

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

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

Russell A. Cookingham
Director
Division of Fish, Game and Shell Fisheries
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

**DIVISION OF PARKS AND FORESTS
BUREAU OF PARKS**

Criteria for Inclusion in the Register of Historic Places

On March 1, 1971, Richard J. Sullivan, pursuant to authority of N.J.S.A. 13:1B-15.128 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, established criteria for receiving and processing nominations and approval of areas, sites, structures and objects, both publicly- and privately-owned, for inclusion in the Register of Historic Places.

The Register of Historic Places is a permanent record of areas, sites, structures and objects within the State which are determined to have significant historical, archeological, architectural or cultural value.

State Funds cannot be used for acquisition, preservation, restoration or maintenance of historic places or sites,

structures or objects unless it is in the Register of Historic Places. In addition, the State, a county, municipality or an agency or instrumentality cannot undertake any project which will encroach upon, damage or destroy any area site, structure or object included in the Register of Historic Places without application to, and the prior written authorization or consent of, the Commissioner of Environmental Protection.

Copies of the criteria and nomination forms can be obtained from:

Division of Parks and Forests
Bureau of Parks
Historic Sites Section
P.O. Box 1420
Trenton, New Jersey 08625

An order adopting the criteria was filed May 27, 1971, as R.1971 d.82 (Exempt, Practice Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

Game Code for 1971-72 Hunting Season

On May 18, 1971, Russell A. Cookingham, Director 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. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the Game Code for the 1971-72 hunting season, to be effective September 1, 1971, substantially as proposed in the Notice published April 8, 1971, at 3 N.J.R. 58(a).

The Game Code states when, under what circumstances, in what localities, by what means and in what amounts and numbers game birds, game animals and fur-bearing animals may be pursued, taken, killed or had in possession.

An order adopting the Game Code was filed May 21, 1971, as R.1971 d.74 to be effective September 1, 1971.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Changes in Pharmaceutical Services Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., the New Jersey Medical Assistance and Health Services Act, proposes to amend the New Jersey Health Services Program Pharmaceutical Manual as follows (additions indicated in boldface thus):

206. **Pharmaceutical Services Not Eligible for Payment**
The following classes of prescription drugs will not be honored for payment:

1. Drugs for which adequate literature, i.e., package inserts, etc., and price catalogues are not readily available.
2. Experimental drugs.
3. Telephone ordered refills.
4. Drugs administered or directly furnished by practitioners.
5. Drugs and biologicals provided without charge through programs of other public or voluntary agencies (i.e., New Jersey State Department of Health, New Jersey Heart Association, etc.) (See Appendix A)
Exceptions: Instances where drugs and biologicals are not available at the listed distributing stations and prior authorization to provide these items is obtained from the Local Medical Assistance Unit.
6. Medications prescribed for use by hospital inpatients.
7. Prescribed non-legend (OTC) drugs for patients in long term Medical Care facilities (i.e., Skilled nursing Homes, infirmary sections of a Home for the Aged or Public Medical Institutions).
Exceptions: (A) Insulin
(B) All Vitamins, Minerals, Vitamin/Mineral Combinations.

Note: Patients in Long Term Medical Care facilities, (i.e., skilled nursing homes, infirmary section of Home for Aged or Public Medical Institutions) must be identified in the appropriate section of the Claim Form (MC6).

The above does not apply to patients residing in Boarding Homes.

8. Medication prescribed for a Title XIX (Medicaid) covered person who is receiving benefits under Part A of Title XVIII (Medicare) as a patient in an extended care facility (ECF).
9. Prescribed non-legend drugs unless specifically listed in Appendix B (Allowable Non-Legend Drugs). (Appendix B will be furnished separately as a loose-leaf section of the New Jersey Blue Cross Drug Code Register and should be inserted by the pharmacist into the Register. Instructions for entering non-legend drugs on the Prescription Claim Form (MC6) will also be included).
Exception: In instances of medical necessity unlisted non-legend drugs may be provided when prior authorization is obtained from the Local Medical Assistance Unit.
10. Prescriptions written and dispensed with non-specific directions.
11. Food supplements, milk modifiers, infant formula and therapeutic diets.
12. Methadone or any prescriptions containing Methadone, i.e., tablets, capsules, liquid, injectables or powder.
13. All Parenteral Solutions for patients in Long Term Medical Care Facilities (such as but not limited to Dextrose in Water, Lactated Ringers' Solution, Normal Saline Solution, Water for injection, etc.).
14. All Irrigating Solutions, (i.e., for use in irrigating or bathing body tissues, organs, wounds or indwelling catheters or tubes) for patients in Long Term Medical Care Facilities such as but not limited to Sodium Chloride Solution, Suby's Solution, Water for Irrigation, etc.
15. Drugs for which final orders have been published by the Food and Drug Administration, Withdrawing the approval of their New Drug Application (NDA).

Interested persons may present statements or argu-

ments in writing relevant to the proposed action on or before June 30, 1971, to:

Chief, Methods and Planning
Division of Medical Assistance
and Health Services
36 West State Street
Trenton, New Jersey 08625
Telephone: 292-7110

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Changes in Physician's Services Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., the New Jersey Medical Assistance and Health Services Act, proposes to amend the New Jersey Health Services Program Physician's Manual as follows (additions indicated in boldface thus):

205.1 Prior authorization for certain services rendered by physicians is required as follows:

a. Elective Cosmetic Surgery

Prior authorization is required from the Local Medical Assistance Unit serving the area. (See Section 305.)

b. Psychiatric Services

Prior authorization is required for psychiatric services exceeding \$300 in any 12 month period commencing with the patient's initial visit when provided in the out-patient setting and is accumulative within that period (Prior authorization is not required for out-patient psychiatric services not exceeding \$300 under same conditions listed above).

Exceptions: Payment for all psychiatric services provided an in-patient in an acute care general hospital are excluded from calculation of the \$300 limit.

When prior authorization is required this request is to be submitted to the Chief of Mental Health Services, Division of Medical Assistance and Health Services, P.O. Box 2486, Trenton, New Jersey 08625. This request must include the age, diagnosis as set forth in the *Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association* (latest edition), treatment plan and progress report in detail, prognosis and date requested authorization is to begin. No postfacto authorization will be granted.

When a request for prior authorization is approved, the Chief of the Mental Health Services shall provide the practitioner with written confirmation for continued care. Form Medicaid #33030 (Request for Authorization) will be forwarded from the Local Medical Assistance Unit and must be attached to the Practitioner Claim Form (MC-8) when submitting a claim for payment. When a request for prior authorization is denied, the practitioner shall be notified in writing of the reason.

206. Basis of Payment

Reimbursement for covered services furnished under the Health Services Program shall be on the basis of the customary charge prevailing in the community for the same service, not to exceed an allowance determined reasonable by the Commissioner (Institutions and Agencies), and further limited by Federal policy relative to payment of practitioners and other individual providers. In no event shall the payment exceed the charge by the provider for identical services to other governmental agencies, or other groups or individuals in the community. If a patient receives care from more than one member of a partnership or corporation in the same discipline, the maximum payment allowance would be the same as that of a single attending physician.

Note 1: Allowances for surgical procedures are all inclusive and additional reimbursement will be disallowed except in unusual circumstances specifically delineated by the surgeon.

Note 2: Reimbursement for psychiatric services will be made only for periods when eligibility is current.

Note 3: Payment for a psychiatric consultation shall be considered as inclusive for all psychiatric services performed on that day. No additional reimbursement will be made for psychotherapy or shock therapy on the day that a consultation is performed.

Note 4: Reimbursement for allergy services includes specific testing procedures and, when prepared by a specialist, allergy vaccines.

Note 5: Reimbursement is not made for, and recipients may not be asked to pay for, broken appointments.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1971, to:

Chief, Methods and Planning
Division of Medical Assistance
and Health Services
36 West State Street
Trenton, New Jersey 08625
Telephone: 292-7110

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Podiatry Services Manual

On May 3, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the Podiatry Services Manual substantially as proposed in the Notice published March 4, 1971, at 3 N.J.R. 43(c).

An order adopting the manual was filed May 7, 1971, as R.1971 d.66, to be effective June 1, 1971.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Coinsurance Payment Elimination Rule

On May 7, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions pertaining to the change in basis of payment for services rendered to individuals who are covered under both Medicare part B and the New Jersey State Health Services Program as proposed in the Notice published April 8, 1971, at 3 N.J.R. 59(a).

An order adopting these revisions was filed and effective May 12, 1971, as R.1971 d.69.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Manual for Dental Services

On May 5, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a manual of rules and regulations governing dental service participation in the New Jersey Health Services Program as proposed in the Notice published April 8, 1971, at 3 N.J.R. 58(c).

An order adopting the manual was filed and effective May 12, 1971, as R.1971 d.70.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revision of Commission For Blind Vending Stand Rules

On May 20, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:6-11 and in accordance with applicable provisions of the

Administrative Procedure Act of 1968, adopted revisions to the rules of the New Jersey Commission for the Blind and Visually Impaired pertaining to vending stands or business enterprises owned and operated by the Commission as proposed in the Notice published April 8, 1971, at 3 N.J.R. 59(b).

An order adopting these revisions was filed and effective May 26, 1971, as R.1971 d.75.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

INSURANCE

NEW JERSEY REAL ESTATE COMMISSION

Adopt Regulation Concerning Fingerprinting of Applicants

On June 4, 1970, the New Jersey Real Estate Commission, pursuant to authority of N.J.S.A. 45:15-16 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted its Regulation No. 29—Fingerprinting. The initial proposal was published May 7, 1970, at 2 N.J.R. 42(e).

The complete text of the adopted rule is as follows:

REGULATION NO. 29 — FINGERPRINTING

I. The applicant, if a natural person, shall in connection with his or her original application for a salesman, broker-salesman or broker's license, have his or her impressions taken by a recognized law enforcement agency on a State Police fingerprint card (non-criminal) within three months from the effective date of the issuance of the license so applied for.

II. The applicant, if a corporation or partnership (general or limited) shall in connection with its original application for a broker's license, have impressions taken by a recognized law enforcement agency on a State Police fingerprint card (non-criminal) for each officer, director or controlling person, active or inactive, within three months from the effective date of the issuance of the license so applied for.

III. All present holders of licenses, whether a natural person, corporation or partnership, as of June 30, 1970, shall submit a State Police fingerprint card (non-criminal) within three months from the effective date of the issuance of such renewal license for the ensuing year. Where the renewal is being made upon behalf of a corporation or partnership (general or limited), then the impressions must be taken for each officer, director or controlling person, active or inactive.

IV. Holders of multiple licenses shall be required to file only one State Police fingerprint card.

V. This regulation shall apply to all applicants who are applying as residents or non-residents and shall be effective as of June 30, 1970.

An order adopting this regulation was filed May 27, 1971, as R.1971 d.83.

Albert E. Bonacci
Division of Administrative Procedure
Department of State

(a)

LABOR AND INDUSTRY

THE COMMISSIONER

Withholding of Pennsylvania Income Tax in New Jersey Ruling

On April 30, 1971, Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-4.4b(7) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule relating to the withholding of Pennsylvania Income Tax in New Jersey.

The text of the rule is as follows:

Employers in the State of New Jersey who employ residents of the Commonwealth of Pennsylvania in the State of New Jersey are hereby authorized and empowered to withhold the tax imposed by the Pennsylvania Personal Income Tax Law, Art. III of the Tax Reform Act of 1971 (Pa. Act of March 4, 1971) from such employees' wages.

A copy of the above rule was filed and effective April 30, 1971, as R.1971 d.64 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Revisions of Rules On Minimum Standards of Fill

Richard C. McDonough, Director of the Division of Alcoholic Beverage Control, pursuant to authority of N.J.S.A. 33:1-39, proposes to revise portions of N.J.A.C. 13:2-257 (Minimum Standards of Fill of Alcoholic Beverages) as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):
N.J.A.C. 13:2-257 Minimum Standards of Fill of Alcoholic Beverages

No retail licensee, except a plenary retail transit licensee, shall purchase, accept delivery of, possess, sell or deliver any alcoholic beverage in the original container if the fill thereof is less than the following:

(a) In distilled spirits, except brandy or rum, distilled or blended in the United States or Canada, the minimum standard of fill shall be [one] **one-tenth** pint. In all other distilled spirits, the minimum standard of fill shall be [one-tenth gallon (sometimes known as a four-fifth pint or a half-fifth)] **one-tenth** pint. "Distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, gin and other distilled spirits for beverage use, including all delutions and mixtures thereof; but not including cordials, liqueurs, cocktails, gin fizzes and such similar alcoholic beverages as may be specified by the Director of the Division of Alcoholic Beverage Control from time to time. "Beverage use" means beverage, medicinal, culinary or any other use except for industrial purposes.

(b) In brandy and Holland gin, the minimum standard of fill shall be [three-fourths] **one-tenth** pint.

(c) In cordials, liqueurs, cocktails, gin fizzes and bottled highballs, the minimum standard of fill shall be [one-half] **one-tenth** pint.

(d) In wines, the minimum standard of fill shall be six (6) fluid ounces, except champagnes and sparkling wines, as to which the minimum standard of fill shall be four (4) fluid ounces.

(e) In beer and other malt alcoholic beverages, no minimum standard of fill is prescribed.

(f) In all other types of alcoholic beverages not specified above, the minimum standard of fill shall be one (1) pint.

Interested persons may present statements or comments concerning the proposed action at a public hearing to be held on Wednesday, July 14, 1971 at 10:00 A.M. at the Division of Alcoholic Beverage Control, Room 101, 1100 Raymond Boulevard, Newark, New Jersey, 07102, or may present or mail statements in writing relevant to the proposed action on or before July 14, 1971 to the Director of the Division of Alcoholic Beverage Control at the above address.

After full consideration of all submissions pertaining to the proposed action, the Division of Alcoholic Beverage Control, upon its own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as set forth above without any further notice.

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

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rule On Applicants For Bus Driver Licenses

Raphael J. Marini, Director of the Division of Motor Vehicles, pursuant to authority of N.J.S.A. 39:3-10.1, proposes to adopt a regulation governing applicants for bus driver licenses in New Jersey.

The complete text of the regulation is as follows:

Pursuant to the authority of the Director under N.J.S.A. 39:3-10.1 to make rules and regulations governing Bus Driver Licenses the following regulation is hereby promulgated.

Section 1

Applicants for bus driver licenses shall submit an application as prescribed. Applicants shall be at least 21 years of age, have a minimum of 3 years' previous driving experience, be of good character and physically fit and possess a valid New Jersey State driver license. Fingerprinting will be required.

Examinations may be conducted to determine driving ability, familiarity with the mechanism of the vehicle, knowledge of the motor vehicle laws of the State of New Jersey, and adequate visual capabilities.

Section 2

The Director shall not issue a bus driver license, or shall revoke or suspend the bus driver license of any person when it is determined that the applicant or holder of such license has

(1) a driving record which established revocation or suspension during the three year period preceding the date of application for operating a motor vehicle while under the influence of intoxicating liquor, narcotics, or habit forming drugs; for operating a motor vehicle while impaired by alcohol; or, for leaving the scene of an accident which

resulted in personal injury or death, or

(2) twelve (12) or more current points under the Point System, or

(3) a record of at least three (3) motor vehicle accidents within one year preceding the date of application or

(4) failed to notify his employer of any conviction for motor vehicle violations within five (5) days after such conviction, or

(5) committed a misstatement of fact or withheld material information on application, or

(6) failed to submit proof of continuing physical fitness, good character and driving experience every twelve (12) months. (Proof of physical fitness shall be in the form of a satisfactory medical report submitted by a New Jersey licensed physician), or

(7) failed to notify the Division of Motor Vehicles and employer immediately of any medical condition which may affect the ability to operate a motor vehicle safely, or

(8) failed to pass the prescribed driving test, or

(9) failed to satisfactorily complete a written examination proving adequate knowledge of the New Jersey motor vehicle laws and regulations and safe driving practices, or

(10) failed to submit renewal application within one (1) year of the expiration of his last valid bus driver license, or

(11) failed to meet the medical and physical qualifications set forth in the regulations of the U.S. Department of Transportation, Bureau of Motor Carrier Safety, 49 C.F.R. 391.41, effective January 1, 1971 and as thereafter amended, or

(12) a criminal record of arrest(s) and/or conviction(s) which is disqualifying. A driver has a disqualifying record if

(a) he has, within the three (3) years preceding the date of application, been convicted of, or forfeited bond or collateral upon, any of the following charges:

1—a crime involving the manufacture, transportation, possession, sale or habitual use of amphetamines, narcotic drugs, formulations of amphetamines, or derivatives of narcotic drugs;

2—crimes involving deviate or illicit social behavior such as rape, incest, sodomy, and carnal abuse;

3—crimes involving the use of force or the threat of force to or upon persons or property, such as armed robbery, assault, and arson;

4—or any high misdemeanor; or

(b) he fails to notify the Division of Motor Vehicles of criminal arrests and/or convictions within fourteen (14) days of such arrest or conviction.

Section 3

If sufficient and reasonable grounds are established at a hearing, the Director may, not inconsistent with N.J.S.A. 39:3-10, waive any portion or portions of these regulations. Applicants seeking such waiver must, prior to a hearing, submit to the Director a request for such waiver and the basis of such request.

NOTE: The above regulation 13:4 - is filed with the Secretary of State under the provisions of Article 5, Section 4, paragraph 6, of the Constitution of the State of New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1971, to:

Division of Motor Vehicles
Office of the Deputy Director
25 South Montgomery Street
Trenton, New Jersey 08625

The Division of Motor Vehicles, upon its own motion or at the instance of any interested party, may thereafter adopt the regulation substantially as proposed without further notice.

Raphael J. Marini
Director
Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rule On Inspection Of New Passenger Vehicles

Raphael J. Marini, Director of the Division of Motor Vehicles, pursuant to authority of N.J.S.A. 39:3-43, N.J.S.A. 39:8-2 and N.J.S.A. 39:10-4, proposes to adopt a regulation governing the inspection of new passenger vehicles prior to sale and registration in New Jersey.

The complete text of the regulation is as follows:

Section 1 - Purpose

The purpose of this regulation is to effect increased equipment and vehicular safety by requiring new car dealers to inspect new passenger vehicles prior to sale and registration in New Jersey. Such inspection shall be deemed, when performed in conformity with this regulation, to satisfy the requirements of N.J.S.A. 39:8-1.

Section 2 - Applicability

The provisions of this regulation shall be applicable to all new car dealers licensed by the Director.

Section 3 - Definitions

a. "Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

b. "Mileage Recording Instrument" means an instrument mounted in the passenger compartment of a vehicle which will accurately measure and record visibly, the mileage traversed by the vehicle.

c. "New Car Dealer" means a dealer licensed pursuant to N.J.S.A. 39:10-19 to sell new passenger vehicles.

d. "New Passenger Vehicle" means every new vehicle regardless of registration class, used and designed for the transportation of passengers except omnibuses, school buses and vehicles that run upon rails or tracks.

e. "Ultimate Purchaser" means any person, other than a motor vehicle dealer purchasing in his capacity as a motor vehicle dealer, who in good faith purchases a motor vehicle for purposes other than for resale as a motor vehicle dealer.

f. Any other terms used in this regulation and not defined herein shall have the meaning as defined in Title 39 of the Laws of New Jersey.

Section 4 - Manufacturers' Specifications

Every new car dealer shall, prior to the operation of any new passenger vehicle owned by or in the control of such dealer or prior to delivery to an ultimate purchaser of any new passenger vehicle, inspect such vehicle and perform such services as may be necessary so that such vehicle conforms to certain specifications established by the manufacturer so as to render that vehicle safe for operation on the highways, roadways and other quasi-public areas of New Jersey; provided that the specifications established by the manufacturers are in conformity with requirements of Sections 5 and 6 of this regulation.

Section 5 - U.S. Transportation Department Standards

All new passenger vehicles subject to inspection shall meet the standards now or hereafter prescribed by the manufacturer or by statute or by regulation of the Director or by the standards prescribed by the U.S. Department of Transportation. In the event of any inconsistency or conflict between the manufacturer's specifications and any standard or rule adopted by the U.S. Department of Transportation or by statute or by regulation of the Director, the standard or rule adopted by the U.S. Department of Transportation or by statute or by regulation of the Director shall take precedence.

Section 6 - Required Practices

In addition to or as part of, the pre-delivery service required or recommended by a manufacturer, the following items are required to be inspected and serviced by every new car dealer:

- a. Tire and Wheels.
- b. Fuel system.
- c. Lighting, Signaling and Warning Devices.
- d. Steering and Suspension.
- e. Wheel alignment.
- f. Windshield cleaners.
- g. Exhaust system.
- h. Mirrors.
- i. Brake systems.
- j. Glass.
- k. Mileage recording instrument.

Section 7 - Decal

Every new car dealer shall, after satisfactory completion of inspection, affix a decal or other indication of successful inspection as the Director may prescribe, upon the windshield of such vehicle. Any new passenger vehicle receiving a decal or other indication of successful inspection shall next be inspected one year from the date of initial registration of that vehicle.

In the event that the ultimate purchaser of any new passenger vehicle transfers registration from a previously owned vehicle registered in his name to a new passenger vehicle, the new car dealer shall affix a decal or other indication of inspection to the windshield of such vehicle, which shall indicate that such vehicle shall next be inspected at the conclusion of the period represented by the unexpired period of time of the transferred registration plus one year.

Section 8 - Compliance

No new car dealer may deliver a new passenger vehicle to an ultimate purchaser until such vehicle has been found to be in safe operating condition as determined by compliance with the inspection and inspection standards established by this regulation.

Section 9 - Evidence of Compliance

Completion by a new car dealer of an inspection report or pre-delivery check list if such check list includes the items required to be inspected and serviced under Section 6 of this regulation, shall be evidence of compliance with this regulation.

Such inspection report or pre-delivery check list shall be retained by the new car dealer for a period of at least one year from the date of inspection.

Section 10 - Recommended Practices and Forms

In the event that the pre-delivery check list used by a new car dealer does not provide for the items of equipment required to be inspected under this regulation, any writing indicating the place and date of inspection, the person or persons performing such inspection, and compliance with the standards of safety established by this regulation, shall be sufficient.

Section 11 - Additional Inspection

Nothing in this regulation shall be construed to limit or deny the Director to require any additional inspection, including an inspection to determine the level of air contaminants emanating from new passenger vehicles, nor shall this regulation be construed to abridge any code, rule or regulation now or hereafter promulgated pursuant to Title 26, Chapter 2C of the New Jersey Statutes Annotated, "Air Pollution Control Act of 1954".

Section 12 - Determination of Compliance by Director

The Director or any of his designees may enter upon the premises of any new car dealer to determine compliance with any section or sections of this regulation.

Section 13 - Violation

Any new car dealer who violates any provision of this regulation shall be subject, after notice and hearing, to the suspension or revocation of his New Jersey dealer license.

Interested persons are invited to attend a public hearing regarding the proposed regulation at the Holiday Inn, 240 West State Street, Trenton, New Jersey at 10:30 a.m., June 25, 1971.

Persons desiring to present statements at this hearing must request an opportunity to do so in writing on or before June 24, 1971.

Written statements received at any time prior to June 30, 1971, as well as statements presented at the public hearing will be considered by the Director in connection with the above proposal.

The Division of Motor Vehicles, after full consideration of all written and oral submissions respecting the proposed regulation, upon its own motion or at the instance of any interested party, may thereafter adopt the regulation substantially as proposed without further notice.

Raphael J. Marini
Director
Division of Motor Vehicles
Department of Law and Public Safety

(a)

TRANSPORTATION

DIVISION OF CONSTRUCTION

Proposed Amendments of Regulations Concerning Construction Requirements

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:2-1 et seq., proposes to amend subsection (b) of N.J.A.C. 16:34-1.1 "Requirements" to read as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

16:34-1.1(b) [Not more than 50 per cent of the total value of a contract (less designated specialty items) may be sublet unless otherwise specified in the supplemental specifications.] **The contractor shall perform with his own organization and with the assistance of workmen under his immediate superintendence work amounting to not less than 50 per cent of the Total Price bid for the project, exclusive of specialty items not commonly found in contracts for similar work or which require highly specialized knowledge, craftsmanship, or equipment, not ordinarily available in the organization of contractors performing work of the character embraced in the Contract. Specialty items, if any, shall be as set forth in the Supplementary Specifications.**

The proposed amendment is deemed necessary in order

to define more clearly the percentage of work required to be performed by the contractor.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1971, to:

Ralph Stelljes
Director
Division of Construction
Department of Transportation
1035 Parkway Avenue
Trenton, N. J. 08625

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

John C. Kohl
Commissioner
Department of Transportation

(a)

TRANSPORTATION

DIVISION OF DESIGN

Proposed Revisions in Rules Regarding Public Utility Rearrangement Agreements

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-44.5, proposes to amend Chapter 24 (Public Utility Rearrangement Agreements) of Title 16 of the New Jersey Administrative Code, to read as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

CHAPTER 24. RAILROAD AND OTHER PUBLIC UTILITY REARRANGEMENT AGREEMENTS

Subchapter 1. Agreements and Orders

16:24-1.1 Requirements

Agreements and/or Orders shall be executed for the Department only by the Commissioner or his designated representative after preliminary approval by the [Director & Chief Road Engineer, and/or the Director & Chief Bridge Engineer,] **Director, Division of Design, and the State Highway Engineer.**

16:24-1.2 **Approval.** Schematic plans developed jointly by the Utility Company and the Department are reviewed by the [Utility Engineer] **Supervising Engineer of Utilities** and the most feasible plans approved for more detailed engineering study and cost analysis. After final approval of a mutually acceptable scheme of rearrangement by the [Utility Engineer] **Supervising Engineer of Utilities**, the Company is requested to prepare detailed plans and estimates. Utility work may be incorporated in the road contract in which case plans and specifications are jointly prepared for incorporation in the road contract plans.

16:24-1.3 [Agreements] Execution and Distribution

(a) The [Engineer of Utilities] **Supervising Engineer of Utilities** shall prepare an Agreement or Order covering the proposed work for execution by the Utility, based on the detailed plans and estimates submitted by the Utility. The Agreement shall specify the following items:

1. Distribution of work to be performed and specifications pertaining thereto.

2. Regulations to be followed in performance of work and billing procedure where State [and] and/or Federal reimbursement is allowed.

3. Responsibility for the cost of the work and the degree of any cost sharing.

4. The timing of work relative to coordination with the roadway contract.

5. Provisions for insurance coverage [if required] **approved by the Supervising Engineer of Utilities.**

6. Provisions for temporary utility reroutes around construction areas if required.

7. Property rights required and procedure for acquisition.

8. Any other provisions required.

(b) The **Supervising Engineer of Utilities** shall forward the Preliminary Agreement or Order to the [District Engineer, Location and Design; and the Director and Chief Road Engineer or the Director and Chief Bridge Engineer] **Director, Division of Design, for approval.**

(c) After approval of the Preliminary Agreement or Order, the **Supervising Engineer of Utilities** shall forward two copies to the Utility for execution, and as many copies as required for their files. Two copies shall be returned fully executed by the Utility.

(d) Following execution of the Agreement or Order by the Utility, the **Supervising Engineer of Utilities** shall forward the Agreement or Order to the [Deputy Attorney General] **Chief Counsel to the Commissioner** for approval as to form and execution, after which it shall be initialed by the [Director and Chief Road Engineer and/or the Director and Chief Bridge Engineer] **Director, Division of Design and the State Highway Engineer.**

(e) Upon favorable action on an Agreement by the Commissioner, [except for Public Utility Orders] one fully executed copy shall be sent to the Director of Accounting and the other returned to the Utility.

(f) [If the Agreement is in the form of an Order,] Upon favorable action on an Order by the Commissioner, two copies of the Public Utility Order shall be forwarded to the Board of Public Utility Commissioners for their approval before the Order can be considered effective. Upon approval by the Board of Public Utility Commissioners, one fully executed copy shall be sent to the Director of Accounting with the Board's approval certificate attached, and one fully executed copy with the Board's approval certificate attached shall be returned to the Utility, and copies with photo reproduced signature sheets and facsimile Board approval certificates distributed, as required, to all parties concerned.

The proposed amendments are necessary to clarify the rule as previously promulgated.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1971, to:

Wallace J. Schonwald
Director, Division of Design
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

John C. Kohl
Commissioner
Department of Transportation

(a)

TRANSPORTATION

DIVISION OF DESIGN

Proposed Rules Governing Railroad, Other Public Utility Rearrangement Agreements

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-44.5, proposes to adopt rules governing Railroad and other Public Utility Rearrangement Agreements to read as follows:

16:24-1.4 Railroad Agreements

(a) The Supervising Engineer of Utilities shall forward detailed plans to the Board of Public Utility Commissioners during the design stage when an existing or proposed grade crossing is involved, and request the Board's recommendation as to the protection required.

(b) Upon receipt of the docket prepared by the Public Utility Commission describing the necessary protection, the Supervising Engineer of Utilities shall prepare a Railroad Agreement reflecting the information provided.

(c) The Supervising Engineer of Utilities shall then send one copy of the fully executed Agreement to the Board of Public Utility Commissioners for their files.

The proposed additions to the rules of the Division of Design are necessary to outline the procedure governing the preparation and execution of Public Utility Rearrangement Agreements between Railroads and the Department.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1971, to:

Wallace J. Schonwald
Director, Division of Design
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

After full consideration of all submissions respecting the proposed action, the Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed rules without further notice.

John C. Kohl
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Changes in Rules On Inspection And Examination of Department Records

On May 19, 1971, John C. Kohl, Commissioner of Transportation, pursuant to the provisions of Executive Order No. 9 issued by Governor Richard J. Hughes on September 30, 1963 relative to Chapter 73, Public Laws of 1963 (N.J.S.A. 47:1A-1 et seq.), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules of the Department of Transportation pertaining to the inspection and examination of department records as proposed in the Notice published March 4, 1971, at 3 N.J.R. 47(b).

An order adopting these amendments was filed and effective May 19, 1971, as R.1971 d.73.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

DIVISION OF AERONAUTICS

Amend Aircraft Registration Rules

On May 27, 1971, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 6:1-63 et seq. and 27:1A-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 16:56-1 "Annual Registration" and N.J.A.C. 16:56-6 "Evidence of Registration" concerning its Aircraft Registration Rules, substantially as proposed in the Notice published April 8, 1971, at 3 N.J.R. 65(b).

An order adopting these amendments was filed and effective May 28, 1971, as R.1971 d.84.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

TREASURY

NEW JERSEY STATE LOTTERY COMMISSION

Proposed Rule Concerning Special Lottery Agents

The New Jersey State Lottery Commission, pursuant to authority of N.J.S.A. 5:9-7(a), proposes to adopt a new rule entitled Special Lottery Agents (N.J.A.C. 17:5-5.12) concerning the licensing of special lottery agents.

The complete text of the proposed rule is as follows:
N.J.A.C. 17:5-5.12 Special Lottery Agents

The Director may, upon proper application, license special lottery agents. A special license may be issued subject to such special conditions or limitations as the Director in his discretion may deem prudent, and which he determines is consonant with the dignity of the State, the general welfare of the people and the dignity and integrity of the New Jersey State Lottery.

These limitations or conditions may include, but are not limited to:

- a. length of licensure period;
- b. hours or days of sale;
- c. location of sale;
- d. specific person who may sell lottery tickets;
- e. specific sporting, charitable, social or other special events where lottery tickets may be sold.

Agents holding special lottery licenses shall be subject to all rules and regulations of the Lottery Commission not inconsistent with this rule.

Interested parties may present statements or arguments in writing relevant to the proposed action on or before June 30, 1971, to:

New Jersey State Lottery Commission
State House
Trenton, New Jersey 08625

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

Norman E. Hardy
Coordinator
Department of the Treasury

TREASURY

NEW JERSEY STATE LOTTERY COMMISSION

Proposed Revision of Rules For the Millionaire Lottery

The New Jersey State Lottery Commission, pursuant to authority of N.J.S.A. 5:9-7(a), purposes to revise its rules and regulations pertaining to the Millionaire Lottery by deleting in its entirety N.J.A.C. 17:6-5.1 (Millionaire Lottery) and adopting in place thereof a new rule pertaining to the Millionaire Lottery.

The complete text of the new rule is as follows:

N.J.A.C. 17:6-5.1 Millionaire Lottery

There shall be two types of Millionaire Lotteries, one being a 50-cent Millionaire Lottery and the other being a Millionaire Sweepstakes.

Winners of fifth prize in the Weekly Lottery are automatically entered in a 50-cent Millionaire Lottery which shall be separate from the Millionaire Sweepstakes. Such persons must retain their tickets, inasmuch as they are the sole evidence of a claim to a prize in the 50-cent Millionaire Lottery drawing. Such persons are not required to fill out a claim form.

Winning numbers of the 50-cent Millionaire Lottery will be announced periodically as specified by the Lottery Commission. Claimants for these prizes shall complete a claim form which will be processed in the same manner as other claims for the weekly lottery.

The claimant shall have the full and complete responsibility for the preservation and presentment of the "winning ticket". Altered, mutilated, stolen, lost or otherwise modified tickets will not be recognized. The determination of the Director in all such matters shall be final and binding.

a. Price of Ticket — Millionaire Sweepstakes tickets shall be sold to the public at a price of \$2.50 per ticket. Said tickets shall be distinctly identified as Millionaire Sweepstakes tickets.

b. Time of Sale of Ticket — Millionaire Sweepstakes tickets shall be sold to the general public. With the approval of the Lottery Commission, the Director will schedule the period of sales. The date of the drawing shall be imprinted upon all tickets.

c. Time of Drawing — Millionaire Lottery drawings will be held on dates to be fixed by the Lottery Commission. The tickets to be included in each Millionaire Lottery drawing and the only tickets eligible to win prizes therein shall be those issued by the Director for sale during the period prior to the drawing date indicated on said ticket. Tickets held by the fifth place winners in the weekly lottery shall be entered into a separate Millionaire Lottery. The Director shall in his discretion determine the last weekly lottery to be included in the fifth tier weekly Millionaire Lottery.

d. Place of Drawings — Each drawing shall be conducted in the central office of the State Lottery unless the Director shall direct that any drawing or any part thereof be conducted at some other location. All drawings shall be open to the public and to representatives of news media.

e. Manner of Conducting Drawings—Each 50-cent Millionaire Lottery drawing shall be conducted and the winners determined as hereinafter provided:

(1) On a date to be determined by the Director a three-digit number shall be selected which shall represent the last three right-most digits in the serial number of each eligible ticket. Eligible tickets shall be determined under Section 17:6-3.1E of these regulations.

(2) All holders of weekly fifth-tier winning tickets which serial number has as its last two digits the same last two digits as appeared in the selected three-digit number will be awarded a prize of \$100 through existing claim centers.

(3) All holders of weekly fifth-tier winning tickets which serial number has as its last three digits the exact three-digit number selected must identify themselves through existing claim centers within the time limit as established by the Director. All persons doing so shall be considered semi-finalists in the 50-cent Millionaire Lottery and after validation shall be guaranteed a cash prize of at least \$500. Persons not identifying themselves as described above shall be eligible for inclusion in subsequent 50-cent Millionaire Lottery drawings if they identify themselves through existing claim centers no later than one year from the date in which they become eligible as a semi-finalist in a 50-cent Millionaire Lottery.

(4) On a date to be determined by the Lottery Commission finalist drawing shall be conducted.

(5) All persons identifying themselves as semi-finalists shall be included in the finalist drawing. A semi-finalist may attend the finalist drawing or he may designate a proxy in writing to the State Lottery prior to the date of the finalist drawing. If a semi-finalist is identified and he does not attend the finalist drawing, nor does he designate a proxy in writing, then the Director shall appoint an agent to perform for him in the finalist drawing. At the finalist drawing there shall be selected from all identified semi-finalists, ten finalists. All semi-finalists remaining after such selection shall receive a prize of \$500 cash.

(6) The ten finalists shall be assigned a number from one through ten in the order selected. Three certified results of a horse race shall then be drawn. The program post position of the winning horse of the first certified result of the drawn horse race shall be used to determine the third prize winner who shall be entitled to \$10,000 a year for ten years. A second certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the second prize which shall be \$20,000 a year for ten years. A third certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the first prize winner who shall be entitled to \$50,000 a year for twenty years. The certified "horse race" results used above shall be in ten-horse races where all of the 10 post positions were separately and individually represented so that the winning horse of each race occupied a program position of one through ten inclusively.

(7) The seven finalists assigned to the remaining program post positions not selected as a result of the three certified race results as described above shall be awarded fourth place prizes in the amount of \$10,000 cash each.

(8) All determinations of winners shall be made by the Director of the Division of Lottery whose judgment of said determinations shall be final.

f. Manner of Conducting \$2.50 Millionaire Sweepstakes — Each \$2.50 Millionaire Sweepstakes drawing shall be conducted and the winners determined as hereinafter provided:

(1) The commencement and termination of sale of tickets for each \$2.50 Millionaire Sweepstakes shall be determined by the Lottery Commission.

(2) On a date to be determined by the Director a four-digit number will be selected which shall represent the last four right-most digits of the lottery ticket number on the \$2.50 Millionaire Sweepstakes tickets.

(3) All holders of tickets having the three right-most digits matching the three right-most digits of the four digit

number selected shall be entitled to a \$100 cash prize which shall be claimed through existing claim centers.

(4) All holders of tickets having the four right-most digits matching exactly the four right-most digits of the four-digit number selected shall be guaranteed a minimum prize of \$500.

(5) All holders of tickets guaranteed a minimum prize of \$500 under sub-section four hereof must through existing claim centers identify themselves in a time limit to be set by the Director. All persons doing so shall be considered semi-finalists in the \$2.50 Millionaire Sweepstakes. Persons not identifying themselves as described above shall be eligible for inclusion in subsequent semi-finalist sweepstakes drawings if they identify themselves through existing claim centers no later than one year from the date in which they become eligible as a semi-finalist in a \$2.50 Millionaire Sweepstakes.

(6) On a date to be determined by the Lottery Commission a finalists drawing shall be conducted.

(7) All persons identifying themselves as semi-finalists shall be included in the finalist drawing. A semi-finalist may attend the finalist drawing or he may designate a proxy in writing to the Lottery Commission prior to the date of the finalist drawing. If a semi-finalist is identified and he does not attend the finalist drawing nor does he designate a proxy in writing, then the Executive Director shall appoint an agent to perform in his behalf for participation in the finalist drawing. At the finalist drawing there shall be selected from all identified semi-finalists, ten finalists. All semi-finalists remaining after such selections shall receive a prize of \$500 cash. In addition, there shall be selected from the remaining semi-finalists such incentive or "bonus" prizes as shall be determined to be awarded by the Lottery Commission prior to each \$2.50 Millionaire Sweepstakes finalist drawing.

(8) The ten finalists shall be assigned a number from one through ten in the order selected. Three certified results of a horse race shall then be drawn. The program post position of the winning horse of the first certified result of the drawn horse race shall be used to determine the third prize winner who shall be entitled to \$10,000 a year for ten years. A second certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the second prize which shall be \$20,000 a year for ten years. A third certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the first prize winner who shall be entitled to \$50,000 a year for twenty years. The certified "horse race" results used above shall be in ten-horse races wherein all of the 10 post positions were separately and individually represented so that the winning horse of each race occupied a program post position one through ten inclusively.

(9) The seven finalists assigned to the remaining program post positions not selected as a result of the three certified race results as described above shall be awarded fourth place prizes in the amount of \$10,000 cash each.

(10) In addition to the prize structure set forth herein, incentive prize award bonuses shall be awarded to the Lottery Agents as per the following schedule:

- (a) Bonus to Agent selling the Wining "Millionaire Lottery" Ticket \$10,000
- (b) Bonus to Agent selling the Second Place "Millionaire Lottery" Ticket \$ 2,000
- (c) Bonus to Agent selling the Third Place "Millionaire Lottery" Ticket \$ 1,000

(11) All determinations of winners shall be made by the Director of the Division of Lottery whose judgment of

said determination shall be final.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1971, to:

New Jersey State Lottery Commission
State House
Trenton, New Jersey 08625

The New Jersey State Lottery Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the rule substantially as proposed without further notice.

Norman E. Hardy
Coordinator
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

Teachers' Pension and Annuity Fund Rule

On April 26, 1971, John J. Allen, Secretary of the Board of Trustees of the Teachers' Pension and Annuity Fund, pursuant to authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to certain sections of Chapter 3 of Title 17 of the New Jersey Administrative Code substantially as proposed in the Notice published March 4, 1971, at 3 N.J.R. 48(a).

An order adopting these amendments was filed and effective April 28, 1971, as R.1971 d.63.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Public Employees' Retirement System Rules

On April 30, 1971, Christopher F. Carson, Secretary of the Public Employees' Retirement System, pursuant to authority of N.J.S.A. 43:15A-17 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules of the Public Employees' Retirement System concerning officers and committees (N.J.A.C. 17:2-3), appeal from board decisions (N.J.A.C. 17:2-7), re-enrollment (N.J.A.C. 17:2-18), computation of insurance benefits (N.J.A.C. 17:2-21), insurance liability for unenrolled members (N.J.A.C. 17:2-27.1), base or contractual salary (N.J.A.C. 17:2-28), purchase terms (N.J.A.C. 17:2-41), option selection (N.J.A.C. 17:2-52), additional contributions (N.J.A.C. 17:2-67), and interfund transfers; police and firemen's and State Police retirement systems (N.J.A.C. 17:2-71), all as proposed in the Notice published March 4, 1971, at 3 N.J.R. 50(a).

An order adopting these amendments was filed and effective on May 18, 1971, as R.1971 d.71.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

POLICE AND FIREMEN'S RETIREMENT SYSTEM

Changes in Rules

On May 4, 1971, Elmer G. Baggaley, Secretary of the Police and Firemen's Retirement System, pursuant to authority delegated to the Board of Trustees by N.J.S.A. 43:16A-13 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules of the Police and Firemen's Retirement System concerning appeals from board decisions (N.J.A.C. 17:4-7), medical requirements (N.J.A.C. 17:4-11), age requirements (N.J.A.C. 17:4-13), workmen's compensation (N.J.A.C. 17:4-21), loan revaluation (N.J.A.C. 17:4-22), termination and withdrawal (N.J.A.C. 17:4-28), temporary service (N.J.A.C. 17:4-29), leave of absence; elective position (N.J.A.C. 17:4-30), reinstatement of membership credit (N.J.A.C. 17:4-31), deferred retirement (N.J.A.C. 17:4-39), and interfund transfers; other state systems (N.J.A.C. 17:4-46), all as proposed in the Notice published April 8, 1971, at 3 N.J.R. 66(a).

An order adopting these amendments was filed and effective May 18, 1971, as R.1971 d.72.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE INVESTMENT COUNCIL

Amendments to Regulations

On May 27, 1971, the State Investment Council, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to Article 8 entitled "Corporate Securities—Industrial Obligations" and Article 17 entitled "Common and Preferred Stocks" of the State Investment Council regulations, as proposed in the Notice published May 6, 1971, at 3 N.J.R. 91(a).

An order adopting these amendments was filed May 27, 1971, as R.1971 d.78 to be effective June 1, 1971.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

DELAWARE RIVER BASIN COMMISSION

Environmental Statement on Kittatinny Mountain Pumped Storage Project

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's Rules of Practice and Procedure (Section 2-3.5.2), notice is hereby given of the availability of a draft statement

dated March 19, 1971, which discusses the environmental impact of the proposed Kittatinny Mountain Project, a pumped storage electric generating facility in Warren County, New Jersey.

The draft environmental statement has been prepared jointly by Jersey Central Power & Light Company, New Jersey Power & Light Company and Public Service Electric and Gas Company as part of an amended application filed with the Commission for approval of the proposed Kittatinny Mountain project pursuant to the provisions of P.L. 91-282 and the Delaware River Basin Compact.

The subject project would be located at Tocks Island dam on the Delaware River and Kittatinny Mountain. It would consist of a single set of underground hydroelectric facilities to develop the pumped storage power potential of Tocks Island Reservoir project and Kittatinny Mountain and the conventional power potential of the Tocks Island Reservoir project.

The pumped storage feature would be an extension of the existing pumped storage development on Kittatinny Mountain, and would produce 1.3 million kilowatts of electricity.

Copies of the amended application (including the draft environmental statement as a part thereof) may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, N.J.; in the offices of the Water Resources Association of the Delaware River Basin, 21 South 12th Street in Philadelphia; and in the offices of the Tocks Island Regional Advisory Council, 612 Monroe Street, Stroudsburg, Pa.

Copies of the application and draft environmental statement are available for distribution to persons or agencies upon request.

Comments on the draft environmental statement may be submitted to the Delaware River Basin Commission at the above West Trenton address by public or private agencies or individuals concerned with environmental quality. In order to be considered by the Commission, comments must be submitted no later than June 18, 1971.

W. Brinton Whitall
Secretary
Delaware River Basin Commission

(d)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Proposed Revisions in Zoning Regulations Regarding Waivers

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to revise Article 10 of the Zoning Regulations of the Hackensack Meadowlands District to read as follows:

Article 10 Waivers

1. In cases in which there is unnecessary hardship in carrying out the literal provisions of this Article, or where the literal enforcement of one or more of the regulations is impractical, whether because of a conflicting municipal requirement or otherwise, the Chief Engineer may grant waivers from such provisions.

2. An application for a waiver shall be made in writing to the Office of the Chief Engineer.

3. The Chief Engineer may authorize such waivers as will not be contrary to the interest of the public health, safety

(b)

and welfare or to the purposes of the Master Plan or applicable redevelopment plans for the District or this Article, upon a demonstration by the Subdivider or his agent that the literal enforcement of one or more of these regulations is impractical or will result in an unnecessary hardship.

4. When used in this Article, the term "unnecessary hardship" shall not mean a mere inconvenience.

5. No municipal approval authority shall refuse to approve a subdivision application with respect to which a waiver has been granted under this Article 10 on the basis that the waiver is incompatible with the subdivision ordinance administered by the municipal approval authority.

6. In granting waivers, the Chief Engineer may impose such conditions, safeguards and restrictions as will, in his judgment, be necessary to carry out the purposes, intent and objectives of the provisions of this Article.

Interested persons may present statements or comments in writing relevant to the proposed action on or before July 9, 1971, to:

Secretary
Hackensack Meadowlands Development Commission
Room 206
363 West State Street
Trenton, New Jersey 08625
or
1099 Wall Street West
Lyndhurst, New Jersey

Upon full consideration of all submissions respecting the proposed action, the Hackensack Meadowlands Development Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as proposed without further notice.

Clifford A. Goldman
Secretary
Hackensack Meadowlands Development Commission

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Adopt Revision of Fee Schedule

On May 25, 1971, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to its fee schedules by adding the following (additions indicated in boldface thus):

Subsection 3 Zoning

(c) A fee of \$50.00 for an appeal to the Commission.

Subsection 4 Hearing

Whenever a public hearing is required on an application by statute or by rule or regulation of the Commission, the applicant, in addition to the fee provided for herein, shall pay the cost of inserting such legal advertisements as shall be required by the Commission and the cost of the preparation of a stenographic record of the hearing.

An order adopting these amendments was filed May 27, 1971, as R.1971 d.76 (Exempt, Practice Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

PORT OF NEW YORK AUTHORITY

Amendment of Agreement On Passenger Ship Terminal

On March 11, 1971, the Commissioners of the Port of New York Authority adopted the following resolution:

Resolved, that the authorization by this Board adopted on March 11, 1971 be amended to provide that the estimated cost set forth in the agreement may be \$26,900,000 of which the Port Authority will pay as annual basic rental the sum required to amortize the actual cost in lieu of the sum set forth in the earlier resolution; the agreement to provide that not more than \$6.65 per passenger be collected from the steamship industry with provision for an additional \$1.00 paid by the City if necessary by reason of diminished patronage, to be derived as a credit against rental payments to the City available in the event passenger movements fall below an agreed number annually; and be it further

Resolved, that the tariff covering the operation of the interim terminal during the period of construction providing for collection of \$1,745,000 annually, be and it hereby is adopted; and be it further

Resolved, that the Executive Director is authorized to promulgate on behalf of the Port Authority a tariff covering the operation of the permanent terminal for the first five years of such operation providing for the collection from the carrier users of \$3,835,000 annually and make further minor adjustments in the tariffs to assure collection of the above-stated amounts; and be it further

Resolved, that the estimated project cost shall be \$36,900,000.

NOTE: The tariffs mentioned above are described in Section G (Passenger Terminal-Definitions) of the Port Authority Marine Terminals FMC Schedule No. PA-9, pages 166-168.

A copy of the resolution adopting these measures was filed May 27, 1971, as R.1971 d.79 (Exempt, Exempt Agency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

PORT OF NEW YORK AUTHORITY

Revision of Speed Limits On Air Terminal Highways

On May 6, 1971, the Commission on Operations of the Port of New York Authority adopted revisions of the speed limits on air terminal highways at Kennedy International, LaGuardia and Newark airports as follows:

Resolved, that the resolution of the Committee adopted at its meeting on August 4, 1955 (appearing at page 29 of the committee minutes of that date), as amended, establishing speed limits for the air terminal highways at LaGuardia, Kennedy International and Newark Airports, be and the same hereby is amended by deleting the first paragraph thereof and substituting in lieu thereof the

following (the said resolution in all other respects to remain in full force and effect):

“Resolved, that The Port of New York Authority hereby establishes speed limits for the air terminal highways at LaGuardia, Kennedy International and Newark Airports, as shown on the maps entitled ‘LaGuardia Airport Map of Air Terminal Highway Speed Limits’ dated May 7, 1971, ‘Kennedy International Airport—Map of Air Terminal Highway Speed Limits’ dated May 7, 1971, and ‘Newark Airport—Map of Air Terminal Highway Speed Limits’, dated May 7, 1971, which said maps shall be filed with the Secretary, and directs that appropriate signs shall be posted on the air terminal highways showing said speed limits; . . .”

A copy of the resolution adopting these revisions was filed May 27, 1971, as R.1971 d.80 (Exempt, Exempt Agency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

PORT OF NEW YORK AUTHORITY

Revision of Landing Charges At Kennedy Airport

On May 6, 1971, the Commission on Operations of the Port of New York Authority revised its schedule of charges pertaining to Kennedy International Airport—North Passenger Terminal as follows:

Resolved, that the “Schedule of Charges for the Use of the Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at Kennedy International Airport” adopted by the Committee at its meeting on January 5, 1950 (appearing at page 21 et seq. of the Committee Minutes of that date), as subsequently amended, be and the same hereby is amended, effective as of the date the North Passenger Terminal is reopened, as follows:

By amending the first paragraph of Section VIII A to read as follows:

“For each passenger arriving or departing at the Supplemental Airline Terminal \$2.25”

A copy of the resolution was filed May 27, 1971, as R.1971 d.81 (Exempt, Exempt Agency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

APPROVE WITHDRAWAL RATES FOR DELAWARE CANAL WATER

A general rate schedule for the use of water from the Delaware and Raritan Canal was approved by Richard J. Sullivan, Commissioner of Environmental Protection, on February 29, 1971, to become effective July 1, 1971.

The canal is under the jurisdiction of the Bureau of Water Facility Operations of the Division of Water Resources in the Department.

Proposed rules and regulations concerning the use of such water appear in this issue of the Register at 3 N.J.R. 104(b).

The general rate schedule was filed with the Division of Administrative Procedure on April 23, 1971, as a document not subject to codification. Text follows in full:

The General Rate Schedule established by the Commissioner of Environmental Protection with the endorsement of the Water Policy and Supply Council of the Division of Water Resources effective as of July 1, 1971, specifies the following rates to be paid for raw water withdrawn from the Delaware and Raritan Canal; these rates, together with the rate adjustment and demand charge provisions set forth herein, will be incorporated in water use agreements:

Gallons per month	Rate per Million Gallons
All water withdrawn	\$35.00

RATE ADJUSTMENT. All agreements for the sale of water from the Delaware and Raritan Canal shall reserve to the Division the right to review and revise these rates from time to time by the establishment of a new General Rate Schedule.

DEMAND CHARGE. Effective on the date of commencement of charges as prescribed under “PERIOD OF AGREEMENT” in the Rules and Regulations for the Use of Water from the Delaware and Raritan Canal, except for Standby Service described below, the User shall pay to the Division a monthly charge amounting to 100% of the value of the quantity of water specified in the agreement for maximum 24-hour withdrawal at the rates prevailing in the agreement in effect at that time.

Calculation of said demand charges as provided above shall be on the basis of the anticipated number of withdrawal days, but not less than 22 withdrawal days per month.

STANDBY SERVICES. A User applying for water supply for occasional use only, such as fire protection, may be classified by the Division as “Standby Service.” Such User shall pay a monthly Standby Charge instead of a Demand Charge but shall in all other respects comply with the Rules and Regulations for the Use of Water from the Delaware and Raritan Canal. The Division reserves the right to revoke such Standby Service classification at any time on 30 days’ written notice to the User. Upon revocation, such User may submit an application for normal water use, or on failure to do so, the original agreement will be terminated.

STANDBY CHARGE. A User classified under Standby Service, as provided above, shall pay for water withdrawn at the rates set forth in the General Rate Schedule, but not less than the Standby Charge as specified below, based on the capacity of his withdrawal system.

Mgd. = million gallons daily; Gpm. = gallons per minute

Maximum Withdrawal Capacity	Charge
Up to 250,000 gallons daily (Food Crop Irrigation and Fire Protection only)	\$15.00 per month
Up to 1 Mgd. (700 Gpm.)	35.00 ” ”
Above 1 Mgd. (over 700 Gpm.)	Upon application

STATE NEWS OF PUBLIC INTEREST

ASK HOLD-UP ON NEW APPLICATIONS FOR LICENSING OF HEALTH FACILITIES

In a joint statement, Dr. James R. Cowan, Commissioner of Health, and Commissioner Lloyd McCorkle of the Department of Institutions and Agencies requested that all applicants for licensing and certification of health facilities withhold the filing of new applications for several months until the effective date of the Health Care Facilities Act.

The new law transfers these responsibilities from Institutions and Agencies to the Department of Health, but the change does not become effective until Aug. 21, it was noted.

Meanwhile, a committee of five officials from the two departments has been named to carry out an orderly transition.

HOUSING FINANCE AGENCY AWARDS \$28 MILLION FOR FOUR PROJECTS

The New Jersey Housing Finance Agency on May 5, 1971 authorized \$28,065,669 in mortgage loan commitments to finance a total of 1,182 units of new apartment housing for low- and moderate-income families in four municipalities.

John P. Renna Jr., NJHFA executive director, announced the commitment authorizations, which he said represent the largest amount of housing ever approved by NJHFA at a single meeting.

Renna said that all commitment authorizations were made subject to conditions imposed by NJHFA. The mortgage loans represent from 90% to the full amount of total building costs.

The amount of the loans and location and number of units of the housing developments are as follows: River-view Apartments, Camden, 224 units, \$4,477,231; Pine Hill Gardens, Borough of Pine Hill, 300 units, \$5,853,438; Paulus Hook, Jersey City, 308 units, \$8,450,000; and Asbury Towers, Asbury Park, 350 units, \$9,285,000.

The Camden and Asbury Park apartments are for the elderly and will consist of 14-story and 27-story buildings.

Three of the developments will have Federal rent reduction subsidies under programs aimed at limiting an eligible family's expenditure for rent to 25% of income. Eligibility is based on income.

FREE MATERIAL AVAILABLE ON DRUG ABUSE EDUCATION

Paperbacks and pamphlets on drug abuse education are available without charge from the New Jersey State Library, according to Roger H. McDonough, director.

Funds for this material have been provided by the State Legislature to implement Governor William T. Cahill's drug control program.

Free packets of material are available to teachers, school librarians, officers of parent-teacher groups and civic associations upon written request. Pamphlet material for students is available on the same basis.

Requests should be sent to Drug Abuse Education Program, New Jersey State Library, 185 West State Street, Trenton, N.J. 08625. (Telephone: 609-292-6294)

CLEAN WATER COUNCIL SETS PUBLIC HEARING FOR JUNE 29

The Clean Water Council, a citizen advisory agency to the Commissioner of Environmental Protection in the matter of water pollution control, will hold a public hearing on the treatment of sludge wastes from sewerage treatment plants on June 29 commencing at 10 A.M. at Monmouth College, West Long Branch.

The hearing is being held in compliance with a law which directs the Council to hold a public hearing at least once a year in regard to existing water pollution control statutes and regulations, to consider the state of the art and technical capabilities and limitations in water pollution control, and to make recommendations to the Commissioner.

The hearing will consider the matter of sludge wastes from the standpoint of the scope of the disposal problem today; methods and techniques presently used in sludge management and disposal; the effects of sludge dumping at sea; and the economic consequences of the various methods of sludge disposal.

Edwin C. Landis Jr., chairman of the Clean Water Council, who will conduct the hearing, said, "it is important to find a means of disposing of sludge in a way that will best protect all the environment—land, sea and air."

Notices mailed to parties of interest invite testimony and provide an opportunity to appear at the hearing to offer verbal testimony.

The hearing will be in Edison Hall, Theatre 1, on the Monmouth College campus at Cedar and Norwood Avenues, West Long Branch.

EGG PRODUCERS SUBJECT TO NEW FEDERAL INSPECTION LAW

If you are in the egg producing or processing business in New Jersey or any other state, you will be affected by the federal Egg Products Inspection Act of 1970, part of which becomes effective July 1, 1971, according to marketing officials of the New Jersey Department of Agriculture.

Although complex, the law can be divided into three main parts according to its major areas of impact: egg products, shell eggs, and uniform standards for shell eggs in interstate commerce.

The Consumer and Marketing Service of the U.S. Department of Agriculture will administer all phases of the Egg Products Inspection Act, but will rely on strong cooperation from the state Department of Agriculture. All states will be reimbursed by the Federal government for costs they incur.

Little time remains before the first major part of the Act becomes effective. So if you're a New Jersey egg processor and have not taken the first steps toward compliance with the new law, you should get in touch with Donald K. Taylor, Federal supervisor, or Herbert Schmidt, State poultry service chief. Both can be reached at Room 300, Health and Agriculture Building, P.O. Box 1888, Trenton, N.J. 08625. The telephone number is (609) 292-5556.

FREE PASSES FOR SENIOR CITIZENS AT ALL STATE PARKS AND FORESTS

New Jersey's Senior Citizens can now obtain free admission to day-use facilities at all state parks, forests and historic sites.

The new program announced by Richard J. Sullivan,

state Commissioner of Environmental Protection, is authorized under legislation signed into law Feb. 3 by Gov. William T. Cahill.

Residents aged 65 or over may secure a Senior Citizen Pass by presenting proof of age and Social Security card at any park or forest field office or historic site.

The passes are good for three years and are renewable. In addition to providing free entry to the facility, they allow for free parking but do not cover other fees.

NEW DIRECTOR FOR DIVISION OF ENVIRONMENTAL QUALITY

Richard J. Sullivan, state Commissioner of Environmental Protection, last month named Grant W. Walton of Rutgers University as the new director of the department's Division of Environmental Quality at a \$26,144 salary.

The post was formerly held by Sullivan before he was appointed commissioner of the new department. Previously known as the Division of Clean Air and Water, it is one of five operating divisions in the department.

Walton, 47, was head of the Department of Environmental Resources at Rutgers University, New Brunswick. He has been teaching at Rutgers since 1965 and has taken a leading role in advancing environmental improvement in the state.

A 1955 graduate of Rutgers with a B.S. degree in wild-life conservation and management, Walton received his master's degree in 1970 and is scheduled to receive his doctorate from the university in June.

The Division of Environmental Quality which Walton heads includes the bureaus of Air Pollution Control, Radiation Protection, and Solid Waste Management, and the Office of Pesticide Control.

Walton worked in the state Department of Agriculture as executive secretary of the State Soil Conservation Committee from 1959 to 1965. Prior to that, he was conservation director of the Stony Brook-Millstone Watershed Association, Pennington.

Married and father of three children, Walton lives in Piscataway. He is a Marine corps veteran of World War II, with service in the Asiatic-Pacific theater.

Walton has been recognized by the Soil Conservation Society of America for his work on urban conservation problems and has authored a number of articles and papers on conservation subjects.

TRENTON MAN NAMED TO ORNAMENTAL HORTICULTURE POST

Appointment of Ivan Olinsky of Trenton as a farm products marketing representative in the Department of Agriculture was approved last month by the State Board of Agriculture.

Olinsky will work with the state's ornamental horticulture industry, developing programs of promotion and marketing. Specific programs will be based largely on the recommendations of an Ornamental Horticulture Advisory Board to be named shortly.

For the past two years Olinsky has been a field representative for the state Soil Conservation Committee; for one year prior he was an assistant landscape architect for the Department of Conservation and Economic Development.

He is a 1968 graduate of Murray State University, Murray, Ky., and received a master of science degree in ornamental horticulture there the following year.

The family have one daughter and reside at 1538 Elizabeth Avenue in Trenton.

DRUZ NAMED CHIEF EXAMINER OF CIVIL SERVICE DEPARTMENT

James A. Alloway, President of the New Jersey Department of Civil Service, last month announced the promotion of William Druz to Chief Examiner and Secretary of the Department of Civil Service. He succeeds John J. Farrell, who retired after 29 years of service with the State.

The position of Chief Examiner and Secretary is one of the highest-ranking titles in the career service of New Jersey government.

A resident of the Trenton area for 25 years, Druz was born in Hoboken and joined the Department of Civil Service in 1947, rising to the rank of Deputy Chief Examiner and Secretary.

Druz received a bachelor of science degree from the City College of New York, a master of arts degree from the University of Maryland, and pursued further studies at Columbia University. During World War II, he served in the U.S. Army Air Corps, attaining the rank of First Lieutenant as a meteorology officer.

Druz is a member of the Public Employment Relations Commission and earlier this year Governor Cahill appointed him to the Executive Commission on Ethical Standards. In 1967 he was chairman of the State Personnel Council.

Druz has been active in numerous professional, civic and fraternal organizations. He is president of the New Jersey chapter of the American Society for Public Administration; a member of the executive board of the New Jersey chapter of the Public Personnel Association; and served as chairman of the State Employees' Division of the Delaware Valley United Fund Drive. For over 15 years he has conducted courses in Public Personnel Administration at Rutgers University.

He lives with his wife, Cecile, and two sons, Michael and Dan, in Lawrence Township. Michael is a member of the staff of the Mercer County Community College and Dan attends the Lawrenceville School.

GIRANDOLA ADMINISTRATIVE HEAD OF VOCATIONAL ADVISORY COUNCIL

Rudolph J. Girandola, director of program development in the Department of Education's Division of Vocational Education, assumed duties June 1 as administrative secretary to the New Jersey Advisory Council on Vocational Education.

Appointment of Girandola as the Council's first full-time administrative head was announced by J. W. Helmstaedter, personnel supervisor of New Jersey Bell Telephone Co. and chairman of the Council.

The Council consists of 21 members appointed by the Governor, and was established under Federal law to evaluate Federally-funded programs, services and activities in vocational education in New Jersey and to advise the State Board of Education on the development of long-range plans for vocational education.

A graduate of Fairfield (Conn.) University with a master's degree, Girandola served on the editorial staffs of the Hartford (Conn.) Times and Trenton Sunday Times Advertiser, taught in schools in Connecticut and was an instructor at the former Trenton Junior College before joining the Department of Education in 1967 as coordinator of the research resource center in the vocational division. He became director of program development in 1969.

Girandola lives in Allentown. Administrative offices of the Council will be in the Trenton Trust Building.

STATE NEWS OF PUBLIC INTEREST

HEINRICH NAMED AS DIRECTOR OF HOUSING, RENEWAL DIVISION

Raymond Heinrich, an architect and professional planner with broad experience in housing design and urban development, was named last month as Director of the Division of Housing and Urban Renewal in the Department of Community Affairs.

Heinrich, 42, who has operated his own architectural and planning firm in New Brunswick since 1964, was appointed by Community Affairs Commissioner Edmund T. Hume. The post has a salary range of \$21,558 to \$28,026.

Heinrich's Division is responsible for assisting local governments and community groups in developing housing construction and maintenance standards for hotels, motels and multiple dwellings, and for providing technical and financial aid to communities for urban renewal and relocation programs.

Hume said Heinrich also will work closely with the New Jersey Housing Finance Agency, the Department's quasi-independent sister agency which finances moderate-income housing, and with the state housing coordinator to be named by Governor William T. Cahill.

"I think Mr. Heinrich's many years of experience in housing development planning and urban design will enable him to undertake the efforts needed to generate crucially needed new housing and to put a halt to the deterioration of our current housing supply through renovation and adequate maintenance," Commissioner Hume said.

Heinrich has served since 1967 as a lecturer in architecture and urban design in the College of Agriculture and Environmental Science of Rutgers University.

He received his B.Arch. degree in 1959 from Ohio State University, where he served as president of the student chapter of the American Institute of Architects.

From 1950 to 1954 he served with the U.S. Air Force in this country and in Japan.

Born in South River, Heinrich now resides in New Brunswick with his wife, Dolores, and their three daughters, Linda, 17, Barbara, 14, and Mavis, 8.

BLAWENBURG MAN APPOINTED AS AGRICULTURAL ECONOMIST

The State Board of Agriculture has approved the appointment of John P. Van Zandt of Blawenburg as an agricultural economist in the Division of Rural Resources of the Department of Agriculture.

In this capacity he will carry out studies and evaluations of agriculture and its rural environment, working closely with regional, county and local planning boards and with farm organizations with the aim of bringing about planned rural development.

He also will make studies and assist in resolving problems created by the impact of urbanization on New Jersey farms.

Van Zandt is a 1948 graduate of Cornell University where he majored in agriculture. From 1948 until 1969 he was associated with his father's farm equipment firm, the J.

Percy Van Zandt Co. of Blawenburg, moving up to president of the company. For the past two years he had been employed by Princeton University as manager of faculty housing.

Van Zandt is married and has four children.

BUREAU CHIEF NAMED FOR MARINE LAW ENFORCEMENT

Capt. B. Russell Henry, a veteran U.S. Coast Guard Officer retiring from the service June 30, has been appointed chief of the Bureau of Marine Law Enforcement in the Department of Environmental Protection. The bureau is in the department's Division of Marine Services.

Commissioner Richard J. Sullivan said Captain Henry's responsibilities include supervision of the state's Marine Police force, the coastal patrol and a force of shellfish inspectors. The marine bureau includes 63 full-time enforcement officers, a large contingent of special, part-time officers and 65 boats.

Captain Henry was graduated in 1937 from the U.S. Coast Guard Academy, New London, and was commissioned an ensign in May, 1941. He saw extensive active duty during World War II and since 1969 he has been the Commanding Officer, Coast Guard Training Center, Cape May.

He is married, father of two married daughters and a teen-age son, and lives in Moorestown.

NEW OFFICE OF ENVIRONMENTAL SERVICES AIDS MUNICIPALITIES

Creation of a new function in the state Department of Environmental Protection to coordinate and assist municipal conservation commissions was announced May 3, 1971 by Commissioner Richard J. Sullivan.

Mrs. Helen Fenske, who had been a special assistant to the Commissioner, heads the new Office of Environmental Services, which will serve as a contact and communication center, provide departmental technical support and consultation, and help coordinate various local programs and projects.

Pointing up the state-wide interest in the problem, the Commissioner noted that there are 90 such conservation commissions in the state.

"The effectiveness of the state's environmental protection efforts are dependent to a large extent on local understanding, support and action," he declared.

"These commissions are intended to provide an interdisciplinary approach to local environmental problems. Their efforts complement the resource management policies of this department and we welcome this 'grass roots' support."

Mrs. Fenske, who heads the new Office of Environmental Services at a \$17,000 salary, is a resident of Green Village, near Morristown. She joined the department in January of this year.

Mrs. Fenske for the past two years was a consultant with the Resources and Environment Office of the Ford Foundation.

She is well-known for her work as director of the North Jersey Conservation Foundation, the organization responsible for establishment of the Great Swamp National Wildlife Refuge. She also founded the Association of New Jersey Conservation Commissions and the Conservation Roundtable, a coalition of organizations working on environmental matters.

Mrs. Fenske is the mother of three teen-age children; her husband, Arthur, is a building contractor.

SECRETARY OF STATE RAISES FEES FOR VARIOUS FILINGS

Various fees charged by the Secretary of State of New Jersey are increased, effective as of June 1, 1971, covering five areas.

Under the Uniform Commercial Code, the fee for a search for a particular debtor is increased from \$3 to \$10 per search, with a \$1 per page charge for copies of any filed statement.

Under Domestic Corporations, there are general fee increases for filings, and a charge for a search or look-up has been set at \$1.00 per name in excess of five names per day. These charges become effective July 1, 1971, a month later than the other fee increases.

Fee for filing a Collection Agency Bond (R.S. 45:18-4) is increased from \$5.00 to \$25.00.

With reference to Hotel and Motel Names (R.S. 29:3-10), new fees to be charged by the Secretary of State and county clerks, are:

For filing and recording a petition or certificate of registration of name, proof of publication of registration of name, assignment of a name, or a certificate of abandonment—\$20.00

For a certificate of filing or a certified copy of any of the above—\$5.00.

With reference to Trademarks, the new fees are:

Filing application for registration of trademark—\$20.00

Issuing certified copy of certificate of registration of trademark—\$10.00

Filing application for renewal of trademark—\$20.00

Recording assignment of trademark—\$10.00

Filing description of trademark (R.S. 56:3-16) with county clerk—\$5.00, and with the Secretary of State—\$20.00.

FOOD-AGRICULTURE COMPLEX IS STATE'S BIGGEST, ALAMPI SAYS

Food and agriculture make up New Jersey's biggest business, contributing \$7,845,533,000 annually to the State's mercantile trade, Secretary of Agriculture Phillip Alampi reports.

Alampi declares that these two segments of the economy are responsible for more than 20 percent, or \$1 in every \$5, of New Jersey's total goods and services for one year.

He based his figures in part on a 1967 study made by a private consultant and inaugurated by the state Department of Agriculture and the Division of Economic Development. Its main objective was to trace farm and agricultural dollars through food processing and other trade channels to consumers and thus measure the final impact of these dollars in goods and services.

Looking ahead, Alampi says that New Jersey farmers have geared themselves for major development in the 1970's through greater mechanization, better management and the backing of research and service programs for their output.

Developments he hopes to see in New Jersey agriculture during the next decade include: the installation of automated egg complexes; the potential of automated egg installations for national egg-breaking plants and chain store distribution; investments by farmers in modern equipment and mechanical harvesting to upgrade labor skills and reduce labor costs and "stoop" labor; upgrading of food processing plants through modern food science and technology into fabrication of foods and ready-to-serve products; and an increase in warehousing and other agriculturally-oriented services in rural areas to expand jobs and improve the rural economy.

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Alampi also hopes to see the establishment of a \$100 million food distribution complex to serve eight North Jersey counties, which he says could be financed by private enterprise or by revenue-producing bonds. The food requirements of this area can be expected to increase, and such a food distribution center could result in important savings in food costs to all consumers of the area, he points out.

Although New Jersey has the highest farm income per acre in the United States, we need to continue the concentration of higher-per-acre commodities and enterprises at the farm level, Alampi feels.

NEW JERSEY TERMED LOWEST IN NUMBER OF STATE EMPLOYEES

New Jersey's state government has a smaller number of employees in proportion to population than any other state.

And only two states—South Carolina and Pennsylvania—have a lower ratio of total state and local public employees.

These are among the facts in a report recently published by Rutgers University under the title, "Patterns of Public Employment: New Jersey, 1957-67." The text is augmented with many charts and tables.

The 42-page paperbound report was prepared by Harold M. Klein and Ernest Reock Jr. of Rutgers's Bureau of Government Research.

Copies are available at \$2 each from the Bureau, Building 4053, Rutgers University, New Brunswick, N.J. 08903.

Other points brought out in the report:

- New Jersey ranks second only to New York in its reliance on local as distinct from state governments. (Local includes counties, school districts, special districts and authorities as well as municipalities.) There are four local employees for every state worker, compared to the national average of 2.8.

- Almost half (48.7 percent in 1967) of all public employees are involved with education.

- Federal employment is expected to increase marginally in the foreseeable future, while state and local governments will continue to make more sizeable increases.

Other newly-issued pamphlets of the Bureau of Government Research, likewise available at \$2 each, cover the following subjects:

- Legal Aspects of Planning and Zoning, by Harry E. and Daniel S. Bernstein, 98 pages.

- Proceedings of the Public Policy Forum on the Future Structures of Local Government, 65 pages. This reports on the June, 1969 forum which discussed past and current laws, studies and experiences with optional charters for municipal governments.

- Proceedings of the Public Policy Forum on Solid Waste Disposal, 47 pages. The April 1969 forum had discussions of the problem by federal, state and local officials, a contractor official and Sen. Milton Waldor, chairman of the state legislative commission on solid waste disposal.

- Proceedings of the 1970 Frontiers of Urban Planning Conference, 54 pages. Theoretical presentations by three educational experts, followed by general discussion. Includes reference materials.