

NEW JERSEY REGISTER



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DEPT OF TRANSPORTATION
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INDEX OF RULES IN THIS ISSUE

CHIEF EXECUTIVE

- Alternate Day Gas Purchase Order 6 N.J.R. 162(a)
- Revise Gasoline Sale Rules 6 N.J.R. 162(b)

AGRICULTURE

- Proposed Commercial Values Revisions 6 N.J.R. 165(a)
- Proposed Wax Scale Control Rule 6 N.J.R. 166(a)
- Adopt Milk Container Size Rules 6 N.J.R. 166(b)
- Amend Milk Marketing Rules 6 N.J.R. 166(c)

BANKING

- Proposed Credit Licensing Rule 6 N.J.R. 167(a)
- Proposed Bank Investment Rules 6 N.J.R. 167(b)
- Adopt Mortgage Loan Ratio Change 6 N.J.R. 168(a)
- Revise Listing of Obligations 6 N.J.R. 168(b)

CIVIL SERVICE

- Update State Personnel Manual 6 N.J.R. 168(c)
- Revise Two Personnel Manuals 6 N.J.R. 169(a)
- Revise State Personnel Manual 6 N.J.R. 170(a)

COMMUNITY AFFAIRS

- Proposed Hotel Construction Changes 6 N.J.R. 171(a)

EDUCATION

- Proposed School Bus Mirror Specs. 6 N.J.R. 172(a)
- Proposed Bus Driver Revisions 6 N.J.R. 172(b)
- Revise Pupil Transportation Rules 6 N.J.R. 172(c)

ENVIRONMENTAL PROTECTION

- Proposed Auto Emission Revisions 6 N.J.R. 173(a)
- Proposed New Game Code 6 N.J.R. 174(a)
- Proposed Controlled Hunting Changes 6 N.J.R. 175(a)
- Revise Shellfish Growing Rules 6 N.J.R. 175(b)
- Notice of Sulfur Content Variances 6 N.J.R. 176(a)
- Repeal Livery Vessel Rule 6 N.J.R. 178(a)
- Notice of Air Pollution Hearing 6 N.J.R. 178(b)

HEALTH

- Proposed Hazardous Foods Standards 6 N.J.R. 179(a)
- Proposed Homemaker Aid Standards 6 N.J.R. 179(b)
- Proposed Youth Camp Safety Standards 6 N.J.R. 180(a)
- Proposed Milk Expiration Date Rule 6 N.J.R. 184(a)
- Revise Practitioner Standards Rules 6 N.J.R. 184(b)
- Revise Nursing Homes Manual 6 N.J.R. 185(a)
- Revise Birth Records Rules 6 N.J.R. 185(b)

INSTITUTIONS AND AGENCIES

- Proposed Podiatry Manual Changes 6 N.J.R. 185(c)
- Proposed Provider Rules Changes 6 N.J.R. 187(a)
- Proposed Clinic Services Revisions 6 N.J.R. 192(a)
- Proposed Overpayment Revisions 6 N.J.R. 194(a)
- Proposed Welfare Manual Changes 6 N.J.R. 195(a)
- Amend Vocational Rehabilitation Rules 6 N.J.R. 195(b)
- Amend Physician Procedure Rules 6 N.J.R. 195(c)
- Adopt Rules for Blind 6 N.J.R. 195(d)
- Adopt Child Care Center Standards 6 N.J.R. 196(a)

INSURANCE

- Revise Organization Chart 6 N.J.R. 199(a)

LAW AND PUBLIC SAFETY

- Revise Foreign Nurses Exam Rules 6 N.J.R. 201(a)
- Note Ophthalmic Rule Error 6 N.J.R. 201(b)

PUBLIC UTILITIES

- Proposed Deposit Return Changes 6 N.J.R. 201(c)
- Adopt Gas Safety Rules 6 N.J.R. 201(d)
- Revise Tariff Filings Rules 6 N.J.R. 202(a)

TRANSPORTATION

- Proposed Highway No-Parking Changes 6 N.J.R. 203(a)
- Adopt Restricted Parking Rules 6 N.J.R. 203(b)
- Adopt Spilled Cargo Rules 6 N.J.R. 203(c)

TREASURY

- Proposed Daily Lottery Revisions 6 N.J.R. 203(d)
- Adopt Deposit Certificate Change 6 N.J.R. 205(a)
- Adopt County Tax Board Rules 6 N.J.R. 205(b)
- Adopt Rules on Bad Debts 6 N.J.R. 208(a)

HACKENSACK MEADOWLANDS

DEVELOPMENT COMMISSION

- Proposed Landfill Revisions 6 N.J.R. 208(b)
- Adopt Landfill Operation Changes 6 N.J.R. 208(c)
- Adopt Environmental Design Changes 6 N.J.R. 209(a)
- Adopt Rule on Indemnification 6 N.J.R. 209(b)

NEW JERSEY TURNPIKE AUTHORITY

- Proposed Turnpike Use, Noise Limit 6 N.J.R. 209(c)

PUBLIC INTEREST News Items—Pages 50-56

ADMINISTRATIVE CODE INTERIM INDEX—Page 28

EARLY RULES FILING DEADLINE—May 20

NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

OFFICE OF THE GOVERNOR

STATE ENERGY OFFICE

Administrative Order on Alternate Day Purchase of Gasoline Program

On March 27, 1974, Richard W. DeKorte, Administrator of the State Energy Office, pursuant to authority of P.L. 1974, c.2. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an administrative order concerning the existing alternate day purchase of gasoline program.

Full text of the adopted order follows:

SUBCHAPTER 3. ADMINISTRATIVE ORDERS

1:6-3.1 Alternate date purchase program

(a) The mandatory operation of N.J.A.C. 1:6-2.1 of the State Energy Office regulations, commonly known as the "alternate day purchase program", is suspended, until further order of the administrator, as affects operators of motor vehicles bearing license plates issued by the State of New Jersey and by other states which do not have or which in the future repeal or suspend the mandatory or voluntary operation of such an alternate day purchase program.

(b) All operators of motor vehicles are requested to voluntarily adhere to the alternate day purchase program, notwithstanding this order.

(c) Said alternate day purchase program will continue to be in effect on a mandatory basis as affects operators of passenger automobiles bearing license plates issued by neighboring states which continue to have in effect, on a mandatory or voluntary basis, a substantially similar program.

(d) This order shall take effect 12:01 A.M., April 1, 1974.

An order adopting this order was filed March 27, 1974, as R.1974 d.75 (Exempt, Exempt Agency) to become effective April 1, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

OFFICE OF THE GOVERNOR

STATE ENERGY OFFICE

Revised Rules on Regulation and Control of Sale of Motor Gasoline

On April 1, 1974, Richard W. DeKorte, Administrator of the State Energy Office, pursuant to authority of P.L. 1974, c.2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules concerning the regulation and control of sale of motor gasoline.

Full text of the adopted rules follows:

CHAPTER 6. SALE OF MOTOR GASOLINE

SUBCHAPTER 1. DEFINITIONS

1:6-1.1 Definitions

The following words and terms, when used herein, shall have the following meanings unless the context clearly indicates otherwise.

"Person" means and includes natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations, and any receiver, trustee, conservator or other officer appointed pursuant to law or by any court, State or Federal; also counties, municipalities and other political subdivisions of this State, singular or plural and the State of New Jersey. The use of the singular number shall include the plural number.

"Retail dealer" means any person as herein defined, who engages in the practice of selling motor gasoline as herein defined from a fixed location such as a service station, filling station, store or garage, directly into the service tank or tanks of any vehicle propelled by said motor gasoline.

"Sale" means and includes, in addition to its ordinary meaning, any exchange, gift or other disposition. In every case where motor gasoline is exchanged, given or otherwise disposed of, it shall be deemed to have been sold.

"Purchase" means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession.

"Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140 degrees to 390 degrees

NEW JERSEY REGISTER

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Fahrenheit and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

"Passenger automobile" means all motor vehicles used and designed for the transportation of passengers, except omnibuses, school buses and authorized emergency vehicles.

"Omnibus" includes all motor vehicles used for the transportation of passengers for hire, except school buses if the same are not otherwise used in the transportation of passengers for hire.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, which complies with the regulations of the Department of Education affecting school buses.

"Authorized emergency vehicles" mean vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety pursuant to the provisions of Title 39 of the Revised Statutes.

"Commercial vehicle" includes all motor vehicles not designed for the transportation of passengers; and motor vehicles, designed but not used for the transportation of passengers, which either bear commercial plates or bear the name and address of the owner of the vehicle affixed to the exterior of the vehicle in the manner prescribed for commercial vehicles in Chapter 4 of Title 39 of the Revised Statutes.

"Ambulatory handicap" means impairment requiring confinement to a wheelchair; or impairment causing difficulty or insecurity in walking or climbing stairs or requiring the use of braces, crutches or other artificial supports; or impairment caused by amputation, arthritis, spastic condition or pulmonary, cardiac or other ills rendering the person semi-ambulatory; or other disability where compliance with the provisions of Section 2.1 of these regulations would have the likelihood of seriously impairing or harming the health of the person.

"Truck stop" means any retail dealer who provides service predominantly to trucks and truck tractors, as defined in Chapter 1 of Title 39 of the Revised Statutes.

SUBCHAPTER 2. REGULATION AND CONTROL OF SALE OF MOTOR GASOLINE

1:6-2.1 Days of access to retail dealers

(a) No retail dealer shall sell any motor gasoline for use in a fuel tank in a passenger automobile except as set forth in the following schedule:

1. Operators of passenger automobiles bearing license plates the last number of which is an even number shall be permitted to purchase motor gasoline for use in the fuel tank of said passenger automobile on even-numbered days of each month.

2. Operators of passenger automobiles bearing license plates the last number of which is an odd number or containing no number shall be permitted to purchase motor gasoline for use in the fuel tank of said passenger automobile on odd-numbered days of each month.

3. Operators of passenger automobiles bearing license

plates from any other state or foreign nation which has substantially the same alternate day purchase program as New Jersey on either a voluntary or mandatory basis, notwithstanding the fact that a different system is utilized for determining odd or even, shall be permitted to purchase motor gasoline in accordance with these regulations, except that said other state's system for determining odd or even shall be controlling.

4. Operators of passenger automobiles bearing license plates from any other state or foreign nation which does not have substantially the same alternate day purchase program as New Jersey on either a voluntary or mandatory basis shall be permitted to purchase motor gasoline in accordance with these regulations; and in addition shall be permitted, on otherwise proscribed days, to purchase quantities of motor gasoline which in the discretion of the retail dealer are sufficient to relieve said operators' hardship, notwithstanding the provisions of paragraphs 1. and 2. above.

5. For the purpose of determining the last number of the license plate, any number preceded by a hyphen or "dash" shall not be used in determining the right to purchase motor gasoline described in this Section.

6. The provisions of this Section shall not be applicable on the 31st day of any month.

1:6-2.2 Quantity of motor gasoline

(a) No retail dealer shall sell motor gasoline to the operator of any passenger automobile the gasoline gauge of which indicates that the fuel tank of said passenger automobile is half full or more than half full with motor gasoline.

(b) No person shall purchase or attempt to purchase motor gasoline from any retail dealer for a passenger automobile the gasoline gauge of which indicates that the fuel tank is half full or more than half full with motor gasoline.

(c) No person or retail dealer shall authorize or perform any work upon a gasoline gauge of a passenger automobile which would render or tend to render said gauge inoperative or inaccurate.

1:6-2.3 Methods for notifying public and minimum purchase requirements

(a) Every retail dealer of motor gasoline shall display a flag in a conspicuous place during such time that his place of business is open, as follows:

1. A red flag shall be displayed when motor gasoline is not available for sale to members of the general public;

2. A green flag shall be displayed when motor gasoline is available for sale to members of the general public without limitation in regard to the maximum amount which may be purchased;

3. A yellow flag shall be displayed when motor gasoline is available for sale to members of the general public but such sales are limited in regard to the maximum amount which may be purchased.

(b) Any retail dealer who establishes a maximum amount of motor gasoline which may be purchased shall post such amount in a conspicuous place and manner during such time that his place of business is open for the sale of motor gasoline.

(c) Every retail dealer of motor gasoline shall post in a conspicuous place and manner the hours during which he shall be selling motor gasoline to members of the general public.

(d) Notwithstanding the provisions of subsection (b) of this Section any person who is eligible to purchase motor gasoline for use in a fuel tank of a motor vehicle shall be entitled to purchase at least (5) gallons of said motor

gasoline at the time of each and every sale. This provision shall not apply to those retail dealers subject to regulation by the New Jersey Highway Authority and the New Jersey Turnpike Authority.

(e) Notwithstanding the provisions of Section 1 of this Subchapter and Subsection (d) of this Section any operator of a passenger automobile which has run out of motor gasoline on a public highway in New Jersey shall be entitled to purchase, on an otherwise proscribed day, up to, but not more than, one gallon of motor gasoline.

1:6-2.4 Exemptions; self implementing

(a) Operators of motor vehicles bearing license plates with "MD" identification in which a physician is riding shall be exempt from the provisions of Section 1 of this Subchapter and shall be permitted to purchase motor gasoline on any day.

(b) Operators of commercial vehicles, omnibuses and school buses shall be exempt from the provisions of Sections 1 and 2 of this Subchapter and shall be permitted to purchase motor gasoline on any day.

(c) Operators of authorized emergency vehicles shall be exempt from the provisions of Sections 1, 2 and 7 of this Subchapter and shall be entitled to purchase as much motor gasoline as requested on any day.

1:6-2.5 Exemptions on application

Persons who can establish to the satisfaction of the State Energy Office that they suffer from an ambulatory handicap or disability, as defined in N.J.A.C. 1:6-1.1, and require the use of a passenger automobile for business in connection with their employment or to obtain medical care or the necessities of life, shall be issued a sticker in the form prescribed by the State Energy Office, which when affixed to said automobile in a manner prescribed by said Office shall exempt such persons from the provisions of Section 1 of this Subchapter. Such persons shall be required to furnish such proof as may be required by the State Energy Office in the form and manner as said Office may prescribe in order to establish such right to exemption.

1:6-2.6 Arrangements permitted

(a) Any retail dealer who had prior to February 11, 1974, a bona fide agreement or written contract with a commercial account for the periodic sale of motor gasoline to commercial vehicles, omnibuses, school buses or authorized emergency vehicles shall be allowed to continue those sale practices followed prior to February 11, 1974, in performing said dealer's obligations under such agreements or contracts with respect to said accounts, notwithstanding the provisions of Sections 1, 2, 3 and 7 of this Subchapter.

(b) Notwithstanding the provisions of Sections 1, 2 and 3 of this Subchapter, a retail dealer shall be permitted to sell motor gasoline during hours when said dealer is not open to the general public to an operator of a passenger automobile not otherwise entitled to purchase motor gasoline when said sale is made in connection with the providing and sale of other services and products customarily provided while the passenger automobile is left with the retail dealer, including but not limited to engine tune-ups, oil changes, lubrications, sale of tires and so forth, but excluding services and products which are customarily provided or sold contemporaneously with the sale of motor gasoline.

(c) Special arrangements for emergency services include:

1. The governing body of any New Jersey county or municipal or the senior officer of any Federal agency, the

jurisdiction of which includes New Jersey or any portion thereof, which utilizes the services of a volunteer fire department and/or rescue squad or ambulance service, or the hospital administrator of any New Jersey hospital which utilizes the services of emergency medical personnel, may enter into a written contract or agreement with a designated retail dealer or dealers to permit the sale of motor gasoline at any time to such persons that provide said emergency services, notwithstanding any of the provisions of these regulations.

2. Said contracts or agreements shall designate by name those persons who provide said emergency services and shall designate by license plate number the motor vehicle used by said persons when responding to a call to provide said emergency services. Said contracts or agreements shall be submitted to the State Energy Office for approval by said Office consistent with a policy of motor gasoline conservation and equitable allocation and the providing of essential emergency services.

3. Designated retail dealers shall obtain from persons purchasing motor gasoline under the provisions of this subsection a signed and dated receipt declaring the motor gasoline gallonage purchased. Said designated dealers shall, on a monthly basis, submit all such receipts to the appropriate governing body, senior officer or hospital administrator.

4. The governing body, senior officer, hospital administrator or authorized representative thereof shall conspicuously post in the appropriate municipal building, county office building, agency office building or hospital the names of all persons designated in any said contracts or agreements and the motor gasoline gallonage purchased on a monthly basis, if any, by each said designated person. Said governing body, senior officer or hospital administrator shall retain a record of all purchases made under the provisions of this subsection and submit same, upon demand, for review by the State Energy Office.

5. The exemption from these regulations permitted by this subsection shall be subject to revocation by the State Energy Office for noncompliance with the foregoing requirements, for abuse of discretion by the persons involved or for any other good cause. All persons permitted an exemption under the terms of this subsection are hereby encouraged and requested to purchase motor gasoline in accordance with Sections 1, 2 and 3 of this Subchapter of these regulations wherever and whenever possible.

(d) Notwithstanding the provisions of N.J.A.C. 1:6-2.7, a retail dealer who prior to the effective date of this regulation qualified as a truck stop as defined in N.J.A.C. 1:6-1.1 may, at the dealer's option, restrict its sales of motor gasoline to the operators of trucks and truck tractors only. Said option does not include the right to sell at the dealer's discretion to the operators of preferred customer passenger automobiles to the exclusion of all other passenger automobiles, and any such dealer who elects to sell to any operator of a passenger automobile after the effective date of this regulation shall be required to sell to all operators of passenger automobiles subject to these regulations. A retail dealer electing to sell only to the operators of trucks and truck tractors under the terms of this Section shall post in a conspicuous place such restriction.

1:6-2.7 Preferred customers

(a) Subject to all other provisions of these regulations a retail dealer may nevertheless sell to his preferred or regular customers a greater amount of motor gasoline than the minimum five-gallon amount required by Section 2.3 (d) of this Subchapter to be provided to the general

motoring public. No other form of preferential treatment, including but not limited to separate pumps, separate pump lines, separate hours of sale, sale by appointment and so forth, shall be permitted.

(b) A retail dealer who elects to provide preferential treatment, when selling motor gasoline in such a manner, shall fly a yellow flag.

1:6-2.8 Police authority to waive regulations in cases of emergency

(a) Notwithstanding any of the provisions of these regulations, police departments of the Division of State Police in the Department of Law and Public Safety and police departments of any New Jersey municipality may in cases of bona fide emergency waive any of these regulations and permit a retail dealer to sell motor gasoline at any time to the operator of a motor vehicle who would otherwise not be entitled to purchase motor gasoline. In every instance where a waiver of these regulations is granted, the name of the person requesting such waiver, the waiver granted and the reasons therefore shall be entered onto the police blotter of the police department involved. A bona fide emergency exists when a person considers that an emergency exists affecting the life, health or safety of an individual or community and the use of a motor vehicle is necessary in that emergency.

(b) Any person procuring motor gasoline by falsely claiming that he or she requires such motor gasoline because of a case of bona fide emergency shall be deemed to be in violation of this regulation.

(c) A retail dealer who sells motor gasoline pursuant to a waiver as described in subsection (a) above shall not be deemed to be in violation of these regulations.

1:6-2.9 Privileged vehicles

(a) Notwithstanding any of the provisions of these regulations, an operator of an authorized emergency vehicle shall be entitled to be sold motor gasoline immediately upon demand by a retail dealer at any time, including those hours when a retail dealer is not open for the sale of motor gasoline to the general public.

(b) A retail dealer who sells motor gasoline in accordance with the previous subsection (a) of this Section shall not be deemed to be in violation of these regulations.

SUBCHAPTER 3. RELATED PROVISIONS

1:6-3.1 Preemption

All local and county regulations, statutes, ordinances and proclamations dealing with the subject matter of these regulations are hereby superseded.

1:6-3.2 Interference with compliance

(a) No person shall threaten, interfere or attempt to interfere with a retail dealer with respect to compliance with the provisions of these regulations.

(b) No person shall knowingly or willfully misrepresent a motor vehicle as one entitled to an exemption from these regulations or a priority thereunder. Such misrepresentation includes, but is not limited to, falsely identifying a motor vehicle as a commercial vehicle as defined in N.J.A.C. 1:6-1.1. If such misrepresentation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. Any penalties imposed resulting from a violation of this Section shall not preclude the application of any other penalties, civil or criminal, as prescribed by law.

1:6-3.3 Modification or suspension of regulations

The administrator of the State Energy Office may, from

time to time and for such period of time as he deems appropriate, modify or suspend the operation and/or enforcement of any or all of these regulations, in whole or in part. Such modification or suspension may be made immediately effective without prior notice. Any modification or suspension order issued by said administrator may be for a definite or indefinite duration, and, notwithstanding the fact that any such order hereinafter issued is specified to be for a definite duration, said administrator may rescind any such order and reinstate any such modified or suspended regulations.

1:6-3.4 Effective date

(a) These regulations amend and supersede previous State Energy Office regulations promulgated on February 8, 1974, and effective February 11, 1974.

(b) These regulations shall take effect at 12:01 A.M., April 1, 1974.

An order adopting these revised rules was filed and effective April 1, 1974, as R.1974 d.86 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Proposed Revisions Concerning
Commercial Values

Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.33, proposes to revise N.J.A.C. 2:69-1.11 concerning commercial values.

Full text of the proposed revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

2:69-1.11 Commercial values

(a) Pursuant to N.J.S.A. 4:9-15.26, the commercial values for period July 1, 1974 [1973], through June 30, 1975 [1974], are:

- 1. Total nitrogen [14] 19 cents per pound
- 2. Water insoluble nitrogen 42 cents per pound
- 3. Available phosphoric acid [8] 10 cents per pound
- 4. Soluble potash [7] 8 cents per pound

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before May 29, 1974, to:

Delmar K. Myers, Director
Division of Regulatory Services
Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

DIVISION OF PLANT INDUSTRY

Proposed Rule for Control of Ceriferus (or Japanese) Wax Scale

The New Jersey State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5, proposes to adopt a new rule by which the Wax Scale is to be declared a dangerously injurious insect under N.J.S.A. 4:1-21.5.

Full text of the proposed rule follows:

CHAPTER 22. INSECT CONTROL

SUBCHAPTER 1. WAX SCALE

2:22-1.1 Ceriferus (or Japanese) Wax Scale

(Ceroplastes ceriferus F.)

(a) The fact has been determined by the New Jersey State Board of Agriculture that the Ceriferus (or Japanese) Wax Scale (Ceroplastes ceriferus F.) constitutes a menace to the trees and shrubs of the State of New Jersey.

(b) Now, therefore, the New Jersey State Board of Agriculture under authority conferred by the Revised Statutes of New Jersey, (N.J.S.A. 4:1-21.5) for the purpose of preventing the spread of this pest within the State, does hereby declare Ceriferus (or Japanese) Wax Scale a dangerously injurious insect and subject to measures of control in accordance with the laws of the State of New Jersey adopted by the State Board of Agriculture and effective May 27, 1969.

Interested persons may present statements or arguments orally or in writing relevant to the proposed action on or before May 29, 1974, to:

William M. Cranstoun
Director, Division of Plant Industry
Post Office Box 1888
Trenton, New Jersey 08625
Telephone: (609) 292-5440

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

STATE BOARD OF AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Rules on Sale of Milk in New Container Size

On March 27, 1974, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 and in accordance with applicable provisions of the Administrative Procedure

Act of 1968, adopted new rules concerning the sale of milk in new container size, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 95(a).

Such rules may be cited as N.J.A.C. 2:48-6.1 et seq.

An order adopting these rules was filed and effective March 27, 1974, as R.1974 d.72.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amendment Concerning Handling of Milk in New York-New Jersey And Middle Atlantic Milk Marketing Areas

On April 3, 1974, W. W. Moffet Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to the rules regulating the handling of milk in the New York-New Jersey and Middle Atlantic Milk Marketing Areas.

Full text of the new amendment follows:

2:54-3.3 Regulation of milk handling in the New York-New Jersey and Middle Atlantic Milk Marketing Areas

(a) In conformance with the memorandum of agreement with the United States Department of Agriculture and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the director of the Division of Dairy Industry participated with the United States Department of Agriculture in a joint hearing held in Washington, D.C. on February 20-28, 1974. Notice of hearing was published in the time and manner required by law.

(b) Pursuant to the provisions of N.J.A.C. 15:15-5.3 and after considering all of the evidence adduced at the hearing, the Director hereby adopts by reference the "partial decision on proposed amendments to marketing agreements and to orders" signed in Washington, D.C. on March 27, 1974, by Clayton Yeutter, Assistant Secretary, United States Department of Agriculture, and as published in Volume 39 of the Federal Register at pages 11567 ff. insofar as such findings and conclusions pertain to the marketing of milk in the State of New Jersey under 7 CFR 1002 and 7 CFR 1004, the same being commonly referred to as Federal Orders No. 2 and No. 4.

(c) The Director further finds that the terms of the "order amending orders" signed in Washington, D.C. on March 29, 1974, by Clayton Yeutter, Assistant Secretary, United States Department of Agriculture and as published in Volume 39 of the Federal Register at pages 10980 ff. should also be adopted by reference insofar as such order applies to the marketing of milk in the State of New Jersey under terms of the aforesaid joint and concurrent orders and that the adoption of said order will tend to effectuate the declared policy of the statute in N.J.S.A. 4:12A-1, et seq.

(d) It is therefore ordered that on and after the effective date hereof there is hereby adopted as an amendment to N.J.A.C. 2:54-1.1 et seq. and 2:54-2.1 et seq., by reference, the aforesaid amendment to the orders regulating the handling of milk in the New York-New Jersey milk marketing area and the Middle Atlantic milk marketing area as the said orders apply to the marketing of milk in the State of New Jersey.

(e) This order shall be effective from and after 12:01 A.M. on April 5, 1974.

An order adopting this amendment was filed April 15, 1974, as R.1974 d.91 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

BANKING

DIVISION OF BANKING

CONSUMER CREDIT BUREAU

Proposed Rule Concerning Licensed Places of Business

William B. Lewis, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-37a, proposes to adopt a new rule concerning licensed places of business.

Full text of the proposed rule follows:

SUBCHAPTER 8. LICENSED PLACES OF BUSINESS

3:18-8.1 Bank or savings and loan association location prohibited

(a) A licensee is hereby prohibited from engaging in business at a location which is also utilized by a bank or savings and loan association as a main, branch or any other office open to the general public.

(b) In the event a licensee is presently engaged in business at any such location or locations, the licensee shall have 60 days to relocate its office(s) elsewhere; otherwise said license(s) shall be voluntarily surrendered to the Commissioner for cancellation.

Statutory Reference
N.J.S.A. 17:11A-37a

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Clifford F. Blaze
Acting Deputy Commissioner
Department of Banking
Trenton, New Jersey 08625

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

William B. Lewis
Acting Commissioner
Department of Banking

(b)

BANKING

DIVISION OF BANKING

Proposed Rules Concerning Savings Banks Investment Securities

Clifford F. Blaze, Acting Deputy Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-182.3, proposes to adopt new rules concerning savings banks investment securities.

Full text of the proposed rules follows:

SUBCHAPTER 8

SAVINGS BANKS INVESTMENT SECURITIES

3:11-8.1 Investment securities

(a) In addition to investments otherwise authorized in Article 25 of the Banking Act of 1948, as amended, savings banks are further authorized to invest in the following investment securities:

1. Bonds, debentures, notes or other obligations of any business corporation organized under the laws of the United States or any state therein; provided, however, such investment security has received a quality rating in any of the first three quality classifications issued by Moody's Investors Service, Inc., Standard & Poor's Corporation, or Fitch Investors Service, or if such investment security shall be of a type commonly denominated as "commercial paper", such obligation shall have received a quality rating of P-1 by Moody's Investors Service, Inc., A-1 by Standard & Poor's Corporation or F-1 by Fitch Investors Service;

2. Bonds, debentures, notes and bankers acceptances issued by any banking institution, excluding a savings bank, as defined in Section 1(2) of N.J.S.A. 17:9A, which banking institution at the date of its last published statement preceding the date of investment had a combined total of capital stock, surplus, reserve for contingencies and undivided profits equal to at least \$40,000,000 and also equal to at least five per cent of its aggregate deposit liability;

3. Stocks, bonds, debentures, notes and bankers acceptances issued by any bank holding company authorized to do business in New Jersey which is registered as a bank holding company under the provisions of the Act of Congress, known as the "Bank Holding Company Act of 1956" (Act of May 9, 1956, 70 Stat. 133), as amended. Such holding company must have as at the date of its last published statement preceding the date of investment a combined total of capital stock, surplus, reserve for contingencies and undivided profits equal to at least \$40,000,000 and also equal to at least five per cent of its aggregate deposit liability;

4. Bonds, notes, debentures, or other obligations issued or insured or guaranteed by any agency, authority, instrumentality or corporate body created by and for the United States Government whether or not such obligations are guaranteed by the United States;

5. Bonds, notes, debentures, or other obligations issued or insured or guaranteed by any agency, authority, instrumentality or corporate body created by and for the State of New Jersey whether or not such obligations are guaranteed by the State of New Jersey.

(b) All investments by savings banks pursuant to the provisions of this Subchapter shall be subject to the following conditions and limitations:

1. No savings bank shall make any investment in any investment security issued by any individual business corporation when the making of such investment will cause the aggregate liability of such corporation to such savings bank in any capacity to exceed five per cent of the total indebtedness of such corporation or two per cent of the assets of such savings bank, whichever amount is lesser.

2. The board of managers shall at all times exercise reasonable discretion in the acquisition, retention and disposition of any investment security.

3. This Subchapter shall not be deemed to authorize any savings bank to acquire any investment which contravenes the specific provisions contained in Section 26.1 of N.J.S.A. 17:9A.

4. If any investment would be authorized both by this

Subchapter and Sections 174 through 180 or Sections 180.5 through 180.11 of N.J.S.A. 17:9A, then such investment shall be deemed to have been made under such Section of N.J.S.A. 17:9A and all limitations applicable to such Section shall apply.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Roger F. Wagner
Deputy Commissioner
Department of Banking
Trenton, New Jersey 08625

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

Clifford F. Blaze
Acting Deputy Commissioner
Department of Banking

(a)

BANKING

DIVISION OF BANKING

Revisions on Increase in Ratio Of Mortgage Loan to Appraised Value of Mortgaged Property

On March 28, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-181R and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions on the increase in ratio of mortgage loan to appraised value of mortgaged property, substantially as proposed in the Notice published March 7, 1974, at 6 N.J.R. 97(a), but with a subsequent substantive change not detrimental to the public, in the opinion of the Department of Banking.

The substantive change involved a portion of N.J.A.C. 3:10-4.3(b)1. and increased the excess ratio of mortgage to appraised value from 70 per cent to 75 per cent.

Such revisions may be cited as N.J.A.C. 3:10-4.1 et seq. An order adopting these revisions was filed and effective March 28, 1974, as R.1974 d.78.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Revised Listing of Obligations

On April 16, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-62H and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revised listing of obligations subject to the provisions of N.J.A.C. 3:11-1.1(b)1. In addition to this listing, the current listing of obligations subject to the provisions of N.J.A.C. 3:11-1.1(a)2, which has been in effect since May 1, 1973, was also filed and is printed herein as a matter of public information.

The revision to the listing subject to N.J.A.C. 3:11-1.1(b)1

concerns the addition of the New Jersey Sports and Exposition Authority to the list of obligations therein.

Full text of the listings follows:

3:11-1.1(a)2. i. Following is the current listing of obligations subject to the provisions of 3:11-1.1(a)2:

- (1) Banks for Cooperatives;
- (2) Commodity Credit Corporation;
- (3) Export-Import Bank
(Participation Certificates or Debentures);
- (4) Farmers Home Administration Insured Notes;
- (5) Federal Home Loan Bank System;
- (6) Federal Intermediate Credit Banks;
- (7) Federal Land Bank;
- (8) Federal National Mortgage Association;
- (9) Government National Mortgage Association.

3:11-1.1(b)1. i. Following is the current listing of obligations subject to the provisions of 3:11-1.1(b)1:

- (1) Delaware River and Bay Authority;
- (2) Delaware River Port Authority;
- (3) New Jersey Highway Authority
(nonguaranteed issues);
- (4) New Jersey Housing Finance Agency;
- (5) New Jersey Mortgage Finance Agency;
- (6) New Jersey Sports and Exposition Authority;
- (7) New Jersey Turnpike Authority;
- (8) Port Authority of New York and New Jersey.

An order adopting the revised listing was filed and effective April 16, 1974, as R.1974 d.93 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Updated List of Subparts to Personnel Manual (State Service)

On March 22, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an updated list of subparts in the Civil Service Personnel Manual (State Service).

Full text of the adopted list follows:

As of March 22, 1974, the following is an up-to-date list of subparts that should be contained in your Civil Service Personnel Manual (State Service).

| SUBPART | ISSUE DATE |
|--------------------|------------|
| Introduction | 2/5/73 |
| Rescissions | 2/5/73 |
| 2-1.101 | 8/9/71 |
| 5-6.101 (2 pages) | 8/11/71 |
| 5-10.101 | 10/2/72 |
| 5-15.101 (2 pages) | 2/5/73 |
| 5-15.102 | 5/18/73 |
| 6-3.101 | 7/27/73 |
| 6-5.101 (3 pages) | 1/19/73 |
| 6-6.101 | 8/25/71 |
| 6-6.102 | 4/9/73 |

| | | | |
|-----------------------------------|----------|---|----------|
| 6-7.101 | 4/9/73 | 20-5.103 (3 pages) | 12/28/71 |
| 6-7.102 | 3/1/74 | Appendix A (Supplementing 20-5.103) (page 1) | 2/16/72 |
| 7-3.101 (2 pages) | 6/18/73 | Appendix A (pages 2-8) | 12/28/71 |
| 7-3.102 (3 pages) | 6/18/73 | Appendix A (Correction Sheet #1) | 2/16/72 |
| 7-3.103 | 6/18/73 | Appendix A (Correction Sheet #2) | 9/8/72 |
| 7-3.104 (2 pages) | 4/9/73 | Appendix A (Correction Sheet #3) | 2/5/73 |
| 7-3.105 (2 pages) | 3/1/74 | Appendix A (Correction Sheet #4) | 12/18/73 |
| 7-3.106 (3 pages) | 5/18/73 | 20-5.104 (2 pages) | 12/8/72 |
| 7-3.107 | 4/9/73 | 20-5.105 | 12/8/72 |
| 7-3.108 (3 pages) | 5/18/73 | 20-5.106 | 10/2/72 |
| 7-3.109 (pages 1-4) | 5/18/73 | *20-5.107 | 3/1/74 |
| 7-3.109 (pages 5 & 6) | 1/25/74 | 20-6.101 (2 pages) | 3/2/70 |
| 7-3.110 (2 pages) | 5/18/73 | 20-7.101 (2 pages) | 4/9/73 |
| 7-4.101 (pages 1-4) | 2/22/71 | 22-1.101 (14 pages) | 3/24/71 |
| 7-4.101 (pages 5-6) | 3/24/74 | 23-1.101 | 3/2/70 |
| 7-4.101 (pages 7-9) | 2/22/71 | 23-2.101 (5 pages) | 4/9/73 |
| 7-4.102 | 2/22/71 | 23-2.102 (3 pages) | 4/9/73 |
| 8-6.101 | 8/25/71 | *NOTE: Subpart 20-5.107 - WIN/PSE program was incorrectly issued with designation of 20-5.106. | |
| 8-6.102 (2 pages) | 8/25/71 | An order adopting this list was filed March 27, 1974, as R.1974 d.73 (Exempt, Procedure Rule). | |
| 8-6.103 (2 pages) | 3/12/73 | This list is not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code. | |
| 8-8.101 | 2/5/73 | Thomas F. Kistner Director of Administrative Procedure Department of State | |
| 8-8.102 | 4/21/72 | (a) | |
| 8-8.103 | 1/27/71 | | |
| 8-8.104 | 10/20/71 | CIVIL SERVICE | |
| 8-8.105 | 10/2/72 | CIVIL SERVICE COMMISSION | |
| 8-8.106 | 10/2/72 | Revisions to Personnel Manuals | |
| 8-10.101 (1st page) | 3/2/70 | (State Service and Local Jurisdictions) | |
| 8-10.101 (2nd page) | 4/21/72 | On March 26, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subparts 6-3.102, 6-3.103, 6-3.104 and 12-7.101 in both the Civil Service Personnel Manual (State Service) and Civil Service Personnel Manual (Local Jurisdictions) concerning nondiscriminatory titles, bona fide occupational qualifications and certification without regard to sex. | |
| 8-11.101 | 8/25/71 | Full text of the adopted revisions to the State Service Manual follows (Note: The same revisions were adopted in the Local Jurisdictions Manual with changes regarding references to local jurisdictions codes and titles rather than State service): | |
| 9-6.101 (2 pages) | 8/25/71 | Subpart 6-3.102 Determination and application of nondiscriminatory titles by the Department of Civil Service | |
| 10-3.101 | 12/14/71 | 6-3.102a Subject | |
| 10-5.101 | 8/25/71 | This subpart will prescribe that class titles shall be established and/or revised so as to reflect nondiscriminatory job practices. | |
| 11-4.101 | 7/27/73 | 6-3.102b Definitions | |
| 11-4.102 | 11/24/71 | 1. Nondiscriminatory—a class title which does not express, overtly or covertly any limitation, specification, preference or discrimination based on race, creed, color, national origin, ancestry, age, marital status, physical handicap or sex, or has the intent of making such a limitation unless such is a bona fide occupational qualification, shall be considered nondiscriminatory. | |
| 11-6.101 | 1/29/73 | 2. Bona fide occupational qualification — qualifications which are reasonably necessary to the successful performance of the function. | |
| 12-4.101 | 3/8/71 | | |
| 12-6.101 | 8/25/71 | | |
| 12-11.101 (3 pages) | 6/18/73 | | |
| 12-11.102 (2 pages) | 1/25/74 | | |
| 12-15.101 | 12/15/72 | | |
| 15-1.101 (2 pages) | 7/19/71 | | |
| 16-2.101 | 10/6/70 | | |
| 16-4.101 | 8/25/71 | | |
| 16-5.101 (3 pages) | 8/25/71 | | |
| 16-7.101 | 8/25/71 | | |
| 16-13.101 | 12/18/73 | | |
| 16-14.101 | 3/30/72 | | |
| 16-15.101 (1st page) | 3/30/72 | | |
| 16-15.101 (2nd page) | 3/2/70 | | |
| 16-15.102 (2 pages) | 4/9/73 | | |
| 16-16.101 | 3/10/72 | | |
| 17-3.101 (2 pages) | 9/28/73 | | |
| 17-3.102 (3 pages) | 9/28/73 | | |
| 17-8.101 (1st page) | 8/25/71 | | |
| 17-8.101 (2nd page) | 3/2/70 | | |
| 17-8.102 (2 pages) | 7/24/72 | | |
| 17-8.103 | 12/18/73 | | |
| 17-9.101 (2 pages) | 11/25/70 | | |
| 17-16.101 | 6/1/70 | | |
| 17-16.102 | 12/23/70 | | |
| 18-3.101 | 3/22/74 | | |
| 18-4.101 | 10/2/72 | | |
| 20-1.101 (pages 1 & 2) | 5/20/71 | | |
| 20-1.101 (page 3) | 6/2/71 | | |
| 20-1.101 (pages 4 & 5) | 8/10/71 | | |
| 20-1.101 (Supplements (2 charts)) | 5/20/71 | | |
| 20-1.102 (3 pages) | 9/28/71 | | |
| 20-1.103 (2 pages) | 6/18/73 | | |
| 20-5.101 (3 pages) | 3/2/70 | | |
| 20-5.102 | 3/2/70 | | |

6-3.102c Policy

Any class title which contains words, phrases or expressions which tend to influence, persuade or dissuade, encourage or discourage, attract or repel, any person or persons because of race, creed, color, national origin, ancestry, age, marital status, physical handicap or sex and such are not bona fide occupational qualifications shall be changed to utilize a nondiscriminatory title wherever practicable.

6-3.102d Limitations

1. Where not practicable to change the title, the designation "M/W" meaning man or woman, is to be used as part of the title.

Example: Foreman, M/W

2. If the use of "M/W" or a neutral class title is not feasible, the use of the nonneutral title and the title which is the sex counterpart may be used subject to the approval of the Department of Civil Service.

Example: Salesman/Saleswoman

6-3.102e Application

Changes implementing the use of non-discriminatory titles should take into account all of the following factors:

1. Specifications should reflect the non-discriminatory titles.
2. Certifications which are issued for newly implemented nondiscriminatory titles should be issued under such titles.
3. All new record cards and future notations on existing record cards should indicate nondiscriminatory titles.
4. All examination announcements and other documents containing job titles or job descriptions will utilize the nondiscriminatory titles or its substitute.

Subpart 6-3.103 Determination of bona fide occupational qualifications

6-3.103a Subject

This subpart deals with the procedure by which a bona fide occupational qualification is to be determined for class titles in the classified service.

6-3.103b Policy

In seeking admission to the classified service, no person shall be unlawfully discriminated against because of sex or other characteristics as specified in N.J.A.C. 4:1-21.2. The principle of nondiscrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any qualities generally attributed to a group. Therefore, as indicated in Subpart 6-3.101, the general policy of the Department of Civil Service shall be to use neuter class titles and to eliminate sex discrimination in employment in the classified service.

The Department of Civil Service shall, however, permit differential treatment on the basis of sex when such action is determined by the Director of Classification and Compensation to be a bona fide occupational requirement.

6-3.103c Limitations

The following shall not warrant the application of the bona fide occupational qualification exception for creating sex differentiated class titles:

1. If the title is based on faulty assumptions of the comparative employment characteristics of women in general (for example, the turnover rate among women is higher than among men);
2. If the title is based on stereotypical characterizations of the type of work performed by the sexes (for example, men are less capable of assembling intricate equipment or that women are less capable of aggressive behavior);
3. If the title is based on the anticipated or existing preferences of co-workers, supervisors, clients or customers;

4. If the title limits the quality or quantity of work by sex (for example, females are excluded from jobs (a) requiring the lifting or carrying of weights exceeding certain limits, (b) scheduled during certain hours of the night or (c) scheduled for more than a specified number of hours per day or week).

6-3.103c In as much as this subpart is based on the provisions of Title VII of the Federal Civil Rights Act of 1964 as amended, no State statute, local ordinance, or local resolution shall cause the Department of Civil Service to discriminate on the basis of sex where such action is not based on a bona fide occupational requirement.

Subpart 12-7.101 Requests from appointing authorities regarding selective certification based on the sex of eligibles

12-7.101a Subject

This subpart deals with the Civil Service procedures regarding requests for selective certifications based on the sex of eligibles.

12-7.101b Policy

It is the policy of the Department of Civil Service to announce tests and certify from eligible lists without regard to the sex of the applicants or eligibles. Unless a bona fide occupational qualification on the basis of sex exists as determined by the Director of the Division of Classification and Compensation, all examinations shall be open to members of both sexes and certifications therefrom shall be without regard to sex.

12-7.101c Procedure

Appointing authorities may request and submit documentary evidence that the gender of the person performing the duties of the particular position must be limited to one sex for the safe and efficient operation of the governmental enterprise. This justification will be evaluated by the classification staff of the Department of Civil Service with technical assistance from the Career Development staff. A recommendation will be made to the Director of the Division of Classification and Compensation, who will make a determination regarding granting such exception. The appointing authority and the Director of Examinations will be advised of this determination.

Based on this determination, the Director of Examinations will take appropriate certification actions.

An order adopting the revisions to the State Service Manual was filed March 29, 1974, as R.1974 d.80 (Exempt, Procedure Rule) to become effective April 5, 1974. An order adopting the revisions to the Local Jurisdictions Manual was also filed March 29, 1974, as R.1974 d.79 (Exempt, Procedure Rule) to become effective April 5, 1974.

Such revisions to both Manuals are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

JOINT COMMITTEE ON OVERTIME

Revise Portions of Personnel Manual (State Service)

On December 10, 1973, the Joint Committee on Overtime,

pursuant to authority of N.J.S.A. 52:14-17.13 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subparts 7-4.101 and 18-3.101 of the Civil Service Personnel Manual (State Service) concerning time and one-half and holiday time payments.

Full text of the adopted revisions follows:

7-4.101c B. **On-Call situations**—In certain situations individuals in positions of a class that is designated to have regular work hours (35 or 40) may be required to live on the premises or to be on the premises near their work station or to be on call beyond his usual work hours for certain periods of time to be available on emergency. This shall not affect the regular work hours allocation of his position and the employee can receive cash overtime only while working at his normal work station in performance of his normal duties as required at the time.

C. **Training situations**—In certain situations individuals in positions of a class that is designated to have regular work hours (35 or 40) may be required to attend training or educational classes, lectures or conferences that extend beyond the normal daily work hours and/or the normal work-week. Overtime compensation shall not be paid in these cases. Any exceptions to this must be approved in writing by the Overtime Committee.

7-4.101d Conditions for cash payment or compensatory time at time and one-half

1. **Week defined**—In order that the regular work time and overtime may be certified to the appropriate period, the week within which work time is recorded shall begin at 12:01 A.M. Saturday and end midnight the following Friday.

2. **Recording compensable overtime**—Work does not accrue to become compensable overtime until after one hour has been worked continuously over and above the hours normally worked daily but will be recorded from the normal finish time once the first hour is completed for the balance of the day in units of ½ hour.

3. **Rate of compensation**—Cash overtime compensation for time worked in excess of the normal work-week in any week shall be at a rate representing one and one-half times the employee's hourly rate calculated by an hourly proration of his annual salary rate. An overtime rate conversion table is published with the State Compensation Plan.

4. Work on legal holidays

A. **General**—An employee in a regular work hours position assigned to work on a legal holiday or a special holiday declared by the Governor will earn compensable overtime at time and one-half for such work; this will be in addition to the normal credit due him for the holiday.

7-4.101d B. **Seven-day coverage**—For each of the following three situations which could occur on a legal holiday or a special holiday declared by the Governor, the proper action to be taken by appointing authorities is indicated for "seven-day coverage" positions.

(1). A holiday occurs on a regular work day of an employee and he works.

SOLUTION: Employee receives pay credit at his regular hourly rate and, additionally, is paid overtime at hourly overtime rates (time and one-half) on overtime payroll.

(2). A holiday occurs on a regular work day of an employee and he is told not to report to duty.

SOLUTION: Employee is paid at his regular hourly rate; no overtime is involved.

(3). A holiday occurs on a regular day off of an employee.

SOLUTION: Employee is to be given an alternate day

off in the same work week; this is a scheduling responsibility. Emergencies may require an employee to work on his alternate day off which might result in his exceeding his regular work week; in this situation overtime regulations apply. Application of these instructions will preclude the possibility of an employee working on a holiday occurring on his regular day off.

C. Amplifying remarks—

(1). It is pointed out that if an employee works on a legal holiday or a special holiday declared by the Governor, he is paid at overtime rates for such work even though he may not be paid for a full work week.

(2). Some of the more common examples are illustrated in the chart reprinted at the end of this subpart.

Subpart 18-3.101 Holiday time for permanent part-time employees

18-3.101a Subject

This subpart provides for proportionate holiday credit for permanent part-time employees, as authorized by Overtime Regulations. (See Subpart 7-4.101.)

18-3.101b Procedure

Permanent part-time employees shall receive holiday time allowance on a proportionate basis. In addition, when assigned to work on a legal holiday or special holiday declared by the Governor, these employees will earn compensable overtime at the rate of 1½ hours for each hour worked; this will be in addition to the normal credit due for the holiday.

18-3.101c Application

This policy shall apply to employees in those classes of part-time positions where the work schedule is consistently regular controllable and the nature of work lends itself to the establishment of a specific work week or standard for the class. These classes are considered to have "regular" work hours.

An order adopting these revisions was filed March 27, 1974, as R.1974 d.74 (Exempt, Procedure Rule).

These revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Revisions to Rules on Construction and Maintenance of Hotels and Multiple Dwellings

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:13A-6(a) and 52:27-21, proposes to revise a portion of the rules concerning the construction and maintenance of hotels and multiple dwellings.

The proposed revisions concern the plans required, floor coverings, exits from floors, exterior corridors, security requirements, handrails, railings, outdoor swimming pools, walls and balconies, maintenance of interiors, screens, interior common areas, space under stairs, exit signs, build-

ing security facilities, limitations on occupancy and swimming pool safety precautions.

These revisions, if adopted, will appear in Chapter 10 of Title 5 in the New Jersey Administrative Code.

Copies of the nine pages of the full text of the proposed revisions may be obtained from:

Division of Housing and Urban Renewal
Post Office Box 2768
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held on Friday, May 24, 1974, at 10:00 A.M. in the conference room at the Department of Community Affairs, 363 West State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to the Department of Community Affairs at the above address.

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

Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rule Concerning Bus Mirror Specification

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to adopt a new rule concerning school bus body and equipment specifications of mirrors.

Full text of the proposed rule follows:

6:21-6.26 (d) Two exterior convex type mirrors shall be mounted forward, one to the left and one to the right of the driver. Each mirror shall be a minimum of six by six inches overall, rectangular in shape and shall have a 21-inch radius of curvature on the convex. Each mirror shall be firmly supported and adjustable to give the driver a clear view of the left rear wheels and the immediate adjacent area and the right rear wheels and the immediate adjacent area.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Mrs. Anne Grandinetti
Division of Controversies and Disputes
Department of Education
225 West State Street
Trenton, New Jersey 08625

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

Edward W. Kilpatrick
Acting Commissioner of Education
Acting Secretary, State Board of Education

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revision in Bus Driver Procedure

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to delete N.J.A.C. 6:21-11.3(d) concerning driver procedure.

Full text of the proposed revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

6:21-11.3(d) [The driver shall be in full charge of the bus at all times and shall be responsible for order; he shall never exclude a pupil from the bus, but, if unable to manage any pupil, shall report the unmanageable pupil to the principal of the school which he attends.

Note: No pupil may be excluded from the bus for disciplinary reasons unless he is simultaneously suspended from school.] (Reserved)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Mrs. Anne Grandinetti
Division of Controversies and Disputes
Department of Education
225 West State Street
Trenton, New Jersey 08625

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

Edward W. Kilpatrick
Acting Commissioner of Education
Acting Secretary, State Board of Education

(c)

EDUCATION

STATE BOARD OF EDUCATION

Revisions for Pupil Transportation

On April 5, 1974, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to several of the rules in Chapter 21 of Title 6 in the New Jersey Administrative Code concerning pupil transportation, substantially as proposed in the Notice published March 7, 1974, at 6 N.J.R. 99(a), with only inconsequential structural or language changes, in the opinion of the Department of Education.

An order adopting these revisions was filed and effective April 11, 1974, as R.1974 d.90.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions in Emission Inspection Standards for Light-Duty Gasoline-Fueled Motor Vehicles

Joseph T. Barber, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., proposes to adopt revisions to the rules concerning emission inspection standards for light-duty gasoline-fueled motor vehicles.

Full text of the proposed revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

SUBCHAPTER 15. CONTROL AND PROHIBITION OF AIR POLLUTION FROM LIGHT-DUTY GASOLINE-FUELED MOTOR VEHICLES

Authority

Unless otherwise expressly noted, all provisions of this revised Subchapter 15 were adopted pursuant to authority delegated in N.J.S.A. 39:3-70.1 and 70.2 and 26:2C-8.1 to 8.5.

7:27-15.1 Definitions

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

"Approved exhaust gas analytical system" means a device for sensing the concentrations of air contaminants in the exhaust emissions of a motor vehicle. For purposes of this Subchapter this shall mean analyzing devices of the nondispersive infrared type sensitized to measure carbon monoxide at the 4.74 micron band expressed as per cent 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 of 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.

"Carbon monoxide" means a colorless, odorless, tasteless gas at standard conditions, having a molecular composition of one carbon atom and one oxygen atom.

"Crankcase emissions" means substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

"Exhaust emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

"Gasoline-fueled" means any motor vehicle engine, other than diesel, originally equipped or modified to consume a hydrocarbon fuel.

"Hydrocarbons" means organic compounds consisting of carbon and hydrogen.

"Light-duty" means any motor vehicle designed primarily for transportation of persons or property and registered at 6,000 pounds gross weight or less.

"Model year of vehicle" means 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 of the year in which production begins.

"Motor vehicle" means all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"New motor vehicle" means a newly manufactured motor vehicle registered in New Jersey, prior to delivery to the ultimate purchaser.

"New motor vehicle dealer" means a sales agency, his employees, and/or agents licensed pursuant to N.J.S.A. 39:10-19 to sell new motor vehicles.

"Person" means and shall include 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.

"Pre-delivery checklist" means a schedule of items and procedures which a new motor vehicle dealer is required or requested by a manufacturer to check or follow prior to delivery of a new motor vehicle to the ultimate purchaser.

"Smoke" means small gasborne and airborne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

"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.

7:27-15.2 Public highway standard

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

[(b)] The provisions of this Section shall become effective July 1, 1973.]

7:27-15.3 New motor vehicle dealer inspection compliance standard

(a) Any light-duty, gasoline-fueled new motor vehicle subject to inspection by any new motor vehicle dealer in accordance with regulations promulgated by the New Jersey Division of Motor Vehicles shall, prior to delivery by the new motor vehicle dealer to the ultimate purchaser [conform to the emission specifications prescribed by the manufacturer and/or such specifications as may be prescribed by the manufacturer in the new motor vehicle pre-delivery checklist to assure proper functioning of emission control devices.] be tested by such dealer using an approved exhaust gas analytical system. The exhaust emission test results expressed as the per cent carbon monoxide and the parts per million of hydrocarbons in the exhaust emissions shall be recorded on the new motor vehicle self-inspection record for such vehicle prior to delivery to the ultimate purchaser.

(b) [Whenever emission specifications are not prescribed, the inspection standards as set forth in Section 15.4(b) (Motor vehicle inspection standard) of this Chapter shall apply to such new motor vehicles.] Prior to the delivery of any new motor vehicle by a new motor vehicle dealer to the ultimate purchaser, the carbon monoxide and hydrocarbon levels shall conform to the exhaust emission specifications prescribed by the new motor vehicle manufacturer and/or such exhaust emission specifications as may be prescribed by the manufacturer in the new motor vehicle pre-delivery checklist.

(c) [The provisions of this Section shall become effective July 5, 1972] Whenever exhaust emission specifications are

not prescribed by a new motor vehicle manufacturer or are not included in specifications prescribed in the motor vehicle predelivery checklist, the exhaust emission shall, prior to delivery of the motor vehicle by the dealer to the ultimate purchaser, conform to the inspection standards as set forth in Table 1.

7:27-15.4 Motor vehicle inspection standards

(a) Any light-duty, gasoline-fueled motor vehicle which is subject to inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. Titles 39:8-1, 39:8-2 and 39:10-26, as a condition of compliance with said inspection, shall not emit visible smoke in the exhaust emissions or in the crankcase emissions when using the prescribed inspection test procedure.

(b) Any light-duty, gasoline-fueled motor vehicle which is subject to inspection by the Division of Motor Vehicles in accordance with the provisions of N.J.S.A. Titles 39:8-1, 39:8-2 and 39:10-26, as a condition of compliance with said inspection, shall not emit carbon monoxide (CO) and/or hydrocarbons (HC) in the exhaust emissions in excess of standards set forth in Table 1, when measured using an approved exhaust gas analytical system and the prescribed inspection procedure.

[(c) The provisions of this Section shall become effective July 5, 1972, subject to the exception set forth in Section 15.5 (Exceptions) of this Chapter.]

TABLE 1

INSPECTION STANDARDS

**VEHICLES SUBJECT TO INSPECTION
BY THE DIVISION OF MOTOR VEHICLES
(Reference N.J.S.A. Title 39:8-1, 39:8-2 and 39:10-26)**

| Model Year Of Vehicle | Effective July 5, 1972 | | Effective [July 1, 1974] Feb. 1, 1975 | | Effective [July 1, 1975] Feb. 1, 1976 | |
|-----------------------------|---------------------------|-------------|---|-------------|---|-------------|
| | CO(%) (PPM) | HC (PPM) | CO(%) (PPM) | HC (PPM) | CO(%) (PPM) | HC (PPM) |
| Up to and including 1967 | 10.0 | 1600 | 8.5 | 1400 | 7.5 | 1200 |
| 1968-1969 | 8.0 | 800 | 7.0 | 700 | [5.0] 6.0 | 600 |
| 1970-1974 | 6.0 | 600 | 5.0 | 500 | 4.0 | 400 |
| 1975-[and later] 1976 | | | 3.0 | 300 | 2.0 | 200 |
| 1977 and Later | | | | | * | |

* To be promulgated by amendment

PRESCRIBED INSPECTION TEST PROCEDURE

STEP 1: With the vehicle in neutral gear, all accessories off, handbrake secured, accelerate engine and observe for continuous visible smoke in the exhaust emissions and crankcase emissions after vehicle has reached a steady state condition.

STEP 2: With the engine running at idle, insert sampling probe of gas analytical system into the engine exhaust outlet. The steady state levels measured as per cent carbon monoxide and parts per million of hydrocarbons in the exhaust gas shall be the inspection test result.

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

7:27-15.5 Exceptions

[(a) Noncompliance with standards set forth in Section 15.4 (Motor vehicle inspection standard) of this Subchapter by any motor vehicle during the period July 5, 1972, to June 30, 1973, shall not be cause for rejection or reinspection.]

[(b)] (a) The provisions of Sections 15.3 (New Motor Vehicle Dealer Inspection Compliance Standard) and 15.4 (Motor Vehicle Inspection Standard) of this Chapter shall not apply to motorcycles or to motor vehicles with an engine displacement of less than 50 cubic inches.

[(c)] (b) Nothing in this Subchapter is intended to limit or deny the inspection of motor vehicles for exhaust systems in accordance with regulations established pursuant to N.J.S.A. Title 39:8-1, 39:8-2, 39:3-70, 39:3-76 and 39:10-26.

7:27-15.6 Variances

Whenever the Director, Division of Motor Vehicles, has reason to believe that any model year of vehicle (or classification of light-duty gasoline-fueled vehicles) up to and including 1967 cannot comply with the emission standards as set forth in Section 4 of this Subchapter he shall so advise the Commissioner, Department of Environmental Protection, stating the manufacturer, model, year and classification of such vehicles. After consultation with the Commissioner, Department of Environmental Protection, the Director, Division of Motor Vehicles, may waive any inspection standards for such motor vehicles.

A public hearing respecting the proposed action will be held on June 11, 1974, from 10:00 A.M. to 5:00 P.M. in the Cultural Center Auditorium, 205 West State Street, Trenton, New Jersey. This hearing will be held in accordance with the provisions of the Air Pollution Control Act (1954) as amended. The record will be closed at the conclusion of the hearing. All testimony presented orally or in writing will be considered.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 10, 1974, to:

Bureau of Air Pollution Control
Department of Environmental Protection
John Fitch Plaza
Trenton, New Jersey 08625

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

Joseph T. Barber
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

**DIVISION OF FISH, GAME
AND SHELLFISHERIES**

FISH AND GAME COUNCIL

Proposed 1974-1975 Game Code

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt the Game Code for the 1974-1975 hunting seasons. Such Code, if adopted, will be cited as N.J.A.C. 7:25-5.1 et seq.

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

Copies of the full text of 11 pages of the proposed Game Code may be obtained from:

Division of Fish, Game and Shellfisheries
Post Office Box 1809
Trenton, New Jersey 08625

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing to be held in the State Museum Cultural Center, West State Street, Trenton, New Jersey, on Tuesday, June 11, 1974, at 8:00 P.M.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before June 11, 1974, to the New Jersey Fish and Game Council, Division of Fish, Game and Shellfisheries at the above address.

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

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed Revisions for Controlled Hunting

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9, proposes to delete in its entirety the current text of N.J.A.C. 7:25-2.15 (filed and effective October 15, 1973, as R.1973 d.293; See: 5 N.J.R. 304(a), 5 N.J.R. 370(a)) concerning controlled hunting, and adopt in place thereof a new rule concerning controlled hunting on the Black River, Assumpink, Port Republic, Clinton and Whittingham Fish and Wildlife Management areas.

Full text of the proposed new rule follows:

7:25-2.15 Controlled hunting

(a) The wildlife management areas selected for limited hunter density are Black River in Morris County, Assumpink in Monmouth County, Port Republic in Atlantic County, Clinton in Hunterdon County, and Whittingham in Sussex County. Hunter numbers at Black River, Assumpink, and Port Republic will be controlled on five Saturdays and two weekdays. The dates are: November 9, November 16, November 23, November 28 and 29 (Thanksgiving holidays), November 30 and December 7, 1974. Hunter numbers at Clinton and Whittingham will be controlled on four Saturdays and two weekdays. The dates are: November 16, November 23, November 28 and 29 (Thanksgiving holidays), November 30, and December 7, 1974. Registration will begin at 5:00 A.M. All hunters must check out by 12:00 noon. Registration is not required after 12:00 noon.

(b) The 3,000-acre Black River area will be limited to 400 hunters at one time on the above dates; the Assumpink area up to 3,800 acres, is limited to a maximum of 475 hunters; the quota for the 750-acre Port Republic area is 100 hunters. Quotas for the 900-acre Clinton area and the

1,200-acre Whittingham area will be 200 and 250 hunters respectively. Additional hunters will be accommodated as registrants complete hunting and check out for the day.

(c) Hunters will be admitted on a first-come, first-served basis at the five tracts. No reservations will be accepted and hunters must register in person. Registration booths for the Black River area will be located at each of four parking lots. The Assumpink registration station will be located at the main office. Location directions will be posted on the area. The Port Republic registration station will be located at the main entrance to the area. Two registration stations will be located at the Clinton area, one on the north side of Spruce Run Reservoir and one on the south side. Registration booths at Whittingham will be located at each of the three parking lots.

(d) Each registrant in possession of a current hunting license will be issued an arm band and each car a windshield tag. The arm band is good only for hunting on the associated wildlife management area and must be displayed in addition to the regular hunting license. The check-in procedure is reversed at the conclusion of the day's hunt. Bag checks and other pertinent information will be collected during the check-out procedure.

(e) Anyone found hunting without proper registration on these areas on the dates specified will be prosecuted. Special patrol officers will be on duty to insure adherence to the registration process.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 11, 1974, to:

Fish and Game Council
Division of Fish, Game and Shellfisheries
Post Office 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 these revisions substantially as proposed without further notice.

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

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Revisions in Shellfish-Growing Water Classifications

On April 23, 1974, Joseph T. Barber, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning shellfish-growing water classifications, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 101(a).

Such revised rules may be cited as N.J.A.C. 7:12-1.1 et seq. The rules currently cited as N.J.A.C. 7:25-7.1 et seq. dealing with the same topic are hereby deleted and that Subchapter will be designated Reserved.

An order adopting the revised rules was filed and effective April 23, 1974, as R.1974 d.99.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

3.0 per cent sulfur

ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
BUREAU OF AIR POLLUTION CONTROL

**Notice of Variances Regarding
Sulfur Content of Fuels**

Take notice that, during the period of March 8, 1974 through April 11, 1974, the Bureau of Air Pollution Control, Division of Environmental Quality in the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 52:14 B-4(c) and N.J.A.C. 15:15-4.18 and in accordance with the provisions of N.J.A.C. 7:1-3.3 of administrative order number 39 issued variances to the following applicants authorizing the use of No. 5 and No. 6 fuel oils having a sulfur content not in excess of the percentage indicated, in fuel burning equipment located at the addresses shown below for a period not extending beyond July 1, 1974. All variances are conditioned upon the implementation of approved standby plans in the event an air pollution alert, warning or emergency is declared.

1.5 per cent sulfur

General Cable Corporation
236 West First Street, Bayonne City
New Departure Hyatt Bearings, Division of General Motors Corporation
1300 Raritan Road, Clark Township
Presto Lock Company
100 Outwater Lane, Garfield City
Universal Foods Corporation
800 Mill Street, Belleville Town
Helmsley-Spear, Inc.
744 Broad Street, Newark City
Refined Onyx Division, Millmaster Onyx Corporation
624 Schuyler Avenue, Lyndhurst Township
Seton Leather Company, A Division of Seton Company
849 Broadway, Newark City
Atlas Refinery, Inc.
142 Lockwood Street, Newark City
Philadelphia Quartz Company
Paddock Street, Woodbridge Township
Swift Processed Meats Company
1215 Harrison Avenue, Kearny Town
Central Uniform Service, Inc.
137 Ralph Street, Belleville Town
Itamco Industries
1 Montgomery Street, Belleville Town
Muhlenberg Hospital
Park Avenue & Randolph Road, Plainfield City
John F. Boyle Company
500 Montgomery Street, Jersey City
Stevens Institute of Technology
9th Street, Hoboken City
Stevens Institute of Technology
Hudson Street, Hoboken City
Schiffenhaus Packaging Corp.
2013 McCarter Highway, Newark City
Garden State Container Corp.
27-35 Kennedy Boulevard, Bayonne City
Ashland Chemical Company
Meadow Road, Edison Township
General Foods Corporation
1125 Hudson Street, Hoboken City

Givaudan Corporation
100 Delawanna Avenue, Clifton City
Como Textile Prints, Inc.
191-195 East Railway Avenue, Paterson City
GAF Corporation
1361 Alps Road, Wayne Township
PVO International Inc.
416 Division Street, Boonton Town
Barbruce Realty Company
Carteret Arms, 333 West State Street, Trenton City
Riegel Products Corporation
River Road & Penna. Bridge, Pohatcong Township
Riegel Products Corporation
Warren Glen, Pohatcong Township
Riegel Products Corporation
Milford-Frenchtown Road, Milford Borough

During the period of March 8, 1974 through April 11, 1974, the Bureau of Air Pollution Control, Division of Environmental Quality in the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 52:14 B-4(c) and N.J.A.C. 15:15-4.18 and in accordance with the provisions of N.J.A.C. 7:1-3.3 of administrative order number 39 has issued new variances to the following applicants authorizing the use of No. 5 and No. 6 fuel oils having a sulfur content not in excess of the percentage indicated in fuel burning equipment located at the addresses shown below for a period not extending beyond July 1, 1974. All variances are conditioned upon the implementation of approved standby plans in the event an air pollution alert, warning or emergency is declared.

3 per cent sulfur

Eureka Realty Associates
791 Paulison Avenue, Clifton City
Albert Hailparn, et. al.
4681 Totowa Avenue, Paterson City
Hoffman-LaRoche
Belvidere Plant, Belvidere Town
Hoffman-LaRoche
Nutley Plant, Clifton City
Packaging Corporation of America
227-253 Clifton Blvd., Clifton City
J. L. Prescott Company
27 Eighth Street, Passaic City
Ingersoll Rand Company
942 Memorial Parkway, Phillipsburg
Spartan Operating Company, Inc.
9 Brighton Road, Clifton City
Witco Chemical Corporation
2 Wood Street, Paterson City
Anchor Hocking Corporation
Griffith Street, Salem City
Arnot Realty Company
1 Arnot Street, Lodi Borough
American Cyanamid Company
Warner Plant, Linden City
American Cyanamid Company
East Main Street, Bridgewater Township
J. T. Baker Chemical Company
222 Red School Lane, Phillipsburg
Barnet Memorial Hospital
680 Broadway, Paterson City
Bergen Mall Shopping Center
221 South Mall, Paramus Borough
Blair Academy
Blairstown Township

Brewster Finishing Company Inc.
4th Avenue & McClean Blvd., Paterson City
Castle Creek Fabrics Inc.
Brass Castle Road, Washington Borough
Celanese Research Company
Morris Court, Summit City
Celotex Corporation
1 River Road, Edgewater Borough
Chelton Realty Inc.
245 Fourth Street, Passaic City

During the period of March 8, 1974 through April 11, 1974, the Bureau of Air Pollution Control, Division of Environmental Quality in the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 52:14B-4(c) and N.J.A.C. 15:15-4.18 and in accordance with the provisions of N.J.A.C. 7:1-3.3 of administrative order number 39 has terminated the variances previously issued to the following:

Congoleum Industries, Inc.
861 Sloane Avenue, Hamilton Township
Sears Industries, Inc.
35 High Street, Newark City
Sears Industries, Inc.
12 Clifton Street, Newark City
The Dumar Company
84-182 Dayton Avenue, Passaic City
E. I. DuPont de Nemours & Co., Inc.
Chambers Works, Pennsville Township
E. I. DuPont de Nemours & Co., Inc.
Grasselli Plant, Linden City
Vis Queen, Ethyl Corporation
River Road, Flemington Borough
General Foods Corporation
1125 Hudson Street, Hoboken City
Garden State Paper Co., Inc.
950 River Drive, Garfield City
Giant Mills Inc.
93 Montgomery Street, Paterson City
The Glidden Company
Route #571, Jackson Township
Heinz, U.S.A.
Griffith Street, Salem City
Hercules Incorporated
Parlin Plant, Sayreville Borough
Hercules Incorporated
Neck Road, Burlington Township
Hoffman-LaRoche Inc.
Kingsland Street, Nutley Town
Hydro Feed Inc.
305 Doremus Avenue, Newark City
Jersey Central Power & Light Co.
E. H. Werner Station, South Amboy City
New Jersey Power & Light Co.
Gilbert Station, Holland Township
Jersey Central Power & Light Co.
Sayreville Station, Sayreville Borough
Johnson & Johnson
Van Liew Avenue, North Brunswick Township
Kentile Floors Inc.
Kentile Road, South Plainfield Borough
Kraftco Corporation (Metro Containers)
West Side Avenue, Jersey City
Kraftco Corporation (Metro Containers)
Minue Street, Carteret Borough

Hoffman-LaRoche Inc.
Belvidere Plant, Belvidere Town
Jan Leach Ltd. (Berkeley Arms)
208 Anderson Street, Hackensack City
Lever Brothers Company
101 River Road, Edgewater Borough
Limestone Products Corp. of America
Lime Crest Road, Sparta Township
M & M & Mars Incorporated
High Street, Hackettstown City
Merck & Co., Inc.
126 East Lincoln Avenue, Rahway City
Midland Glass Company
Cliffwood Avenue, Matawan Township
NL Industries
Chevalier Avenue, Sayreville Borough
News Printing Company
News Plaza, Paterson City
Pabst Brewing Company
400 Grove Street, Newark City
Georgia-Pacific Corporation
20 Kings Highway, Pennsauken Township
Paterson Dyeing & Finishing Co., Inc.
69-71 Chadwick Street, Paterson City
Perennial Print Corporation
3 East 20th Street, Paterson City
Phelps Dodge Copper Products Company
Dayway & South Front Streets, Elizabeth City
Pinner Chemical Co., Inc.
Route 46, Ridgefield Borough
Poughkeepsie Finishing Corporation
48 East 11th Street, Paterson City
Potlatch Corporation
River Road, Holland Township
Public Service Electric & Gas Company
Burlington Station, Burlington City
Public Service Electric & Gas Company
Belgen Station, Ridgefield Borough
Public Service Electric & Gas Company
(Gas Dept.) Trenton Plant, Trenton City
Public Service Electric & Gas Company
(Gas Dept.) Paterson Plant, Paterson City
Public Service Electric & Gas Company
(Gas Dept.) Edison Plant, Edison Township
Public Service Electric & Gas Company
(Gas Dept.) Harrison Plant, Harrison City
Public Service Electric & Gas Company
(Gas Dept.) West End Plant, Jersey City
Public Service Electric & Gas Company
Hudson Station, Jersey City
Public Service Electric & Gas Company
Kearny Station, Kearny Town
Public Service Electric & Gas Company
Essex Station, Newark City
Public Service Electric & Gas Company
Marion Station, Jersey City
Public Service Electric & Gas Company
Sewaren Station, Woodbridge Township
RCA Corporation
Foot of Cooper Street, Camden City
Ingersoll-Rand Company
942 Memorial Parkway, Phillipsburg
Riegel Products Corporation
River Road & Penna. Bridge, Pohatcong Township
Riegel Products Corporation
Milford-Frenchtown Road, Milford Borough

Riegel Products Corporation
Warren Glen, Pohatcong Township
Royce Chemical Company
17 Carlton Avenue, East Rutherford Borough
Peter J. Schweitzer Division Kimberly Clark Corporation
Main Street, Spotswood Borough
Peter J. Schweitzer Division Kimberly Clark Corporation
1029 Newark Avenue, Elizabeth City
Singer (Kearfott Division)
Totowa Road, Wayne Township
Shell Chemical Company
Mantua Grove Road, Woodbury City
Singer (Kearfott Division)
McBride Avenue, Little Falls Township
Standard Overall Service Inc.
56 Woolsey Street, Irvington Town
Tenneco Chemicals Inc.
Meadow Road, Woodbridge Township
Tenneco Chemicals Inc.
830 Magnolia Avenue, Elizabeth City
Tenneco Chemicals Inc.
290 River Road, Garfield City
Tenneco Chemicals Inc.
River Road, Raritan Township
Tenneco Chemicals Inc.
Nixon Lane, Edison Township
Tenneco Chemicals Inc.
Beverly Road, Burlington City
Tenneco Chemicals Inc.
Turner Place, Piscataway Township
United States Metals Refining Company
400 Middlesex Avenue, Carteret Borough
U.S. Gypsum Company
193 Henderson Street, Jersey City
U.S. Gypsum Company
1255 Raritan Road, Clark Township
Washington Greenhouses
282 East Washington Avenue, Washington Township
Whippany Paper Board Co., Inc.
Eden Mill, Hanover Township
Worthington Standard Pump Corporation
14 Fourth Avenue, East Orange City
Curtis-Wright Corporation
1 Passaic Street, Wood-Ridge Borough
Curtis-Wright Corporation
460 Main Street, Wallington Borough
Yeast Products Inc.
455 Fifth Avenue, Paterson City
Harbison-Walker Refractories U.S.
Cape May Point, Cape May Point Borough
Atlantic City Electric Company
Gibbstown Station, Greenwich Township
Atlantic City Electric Company
Deepwater Station, Penns Grove Borough
Gulf & Western, N.J. Zinc
Foot of Water Street, Gloucester City
Atlantic City Electric Company
B. L. England Station, Upper Township
PVO International Inc.
416 Division Street, Boonton Town
U.S. Govt., Dept. of the Army headquarters
Military Ocean Terminal, Bayonne City

An order adopting this Notice was filed and effective April 23, 1974, as R.1974 d.100 (Exempt, Procedure Rule). This listing is not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION DIVISION OF MARINE SERVICES

Repeal of Rule Concerning Livery Vessels Registration Requirements

On April 24, 1974, Donald T. Graham, Acting Director of the Division of Marine Services in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 12:7-34.49 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, approved the action of the Boat Regulation Commission in which N.J.A.C. 7:6-5.2, Registration requirements; livery vessels, was repealed in its entirety.

Full text of the repealed rule follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

7:6-5.2 [Registration requirements; livery vessels] **Re-served**

[(a) The requirement for the carrying of a registration certificate aboard vessels is waived for vessels rented for a period of less than 24 hours.

(b) The owner of the rental vessel shall have the right to retain the registration cards for such vessels at his place of business. The registration cards shall be available for inspection by members of the New Jersey Marine Police, United States Coast Guard or other enforcement agencies at place of business.

(c) Nothing in this regulation is to be construed to mean that decals also are exempt from being placed on these vessels. Decals shall be displayed as provided for in other regulations.]

An order repealing this rule was filed and effective April 24, 1974, as R.1974 d.102 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION DIVISION OF ENVIRONMENTAL QUALITY BUREAU OF AIR POLLUTION CONTROL

Notice of Hearing

Take notice that, Irwin S. Zonis, Chairman of the Clean Air Council in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-3.3(h) will hold a public hearing concerning:

**"PHOTOCHEMICAL OXIDANTS AND THEIR
RELATIONSHIP TO THE NEW JERSEY
IMPLEMENTATION PLAN FOR MEETING
FEDERAL STANDARDS."**

The hearing will be held May 30, 1974 at the Gateway Downtowner Motor Inn, Raymond Boulevard at McCarter Highway, Newark, New Jersey (opposite Penn Central Station).

Time: Registrations: 9:00 A.M.; Presentations: 9:30 A.M. until completion of testimony.

Main Concerns

Recognizing that photochemical oxidants play an important role in determining the overall effect on New Jersey's quest for cleaner air, the Clean Air Council is holding this public hearing to consider formation, sources, causes and effects of photochemical oxidants in New Jersey. The Council invites testimony to enable it to recommend to the Department means for coping with the problem, and remedial measures to meet clean air standards as promulgated by the Federal government.

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Proposed Bacteriological Standards For Potentially Hazardous Foods

William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-8(A)(1) and (2), 26:3-31 and Chapter 12, Section 3.1.6 of the State Sanitary Code, proposes to adopt bacteriological standards for potentially hazardous foods which shall be enforced by local boards of health as well as by the New Jersey Department of Health. Proposals on this subject were originally published in the August 9, 1973, issue of the New Jersey Register at 5 N.J.R. 262(b) but, due to substantive changes proposed, are republished herein.

Full text of the proposed standards follows:

8:21-2.38 Bacteriological standards for potentially hazardous foods

(a) Bacteriological standards shall be applied to the following ready-to-eat products sold in New Jersey:

1. Chicken salad;
2. Chopped chicken liver;
3. Coleslaw;
4. Egg salad;
5. Macaroni salad;
6. Potato salad;
7. Shrimp salad;
8. Tuna salad;
9. Turkey salad.

(b) No sample of these foods shall, by bacteriological analysis, contain any of the following:

1. More than 100,000 per gram in total aerobic bacteria plate count;
2. More than 100 per gram of total coliform organisms;
3. More than 100 per gram of coagulase positive staphylococcus aureus;
4. Any salmonella, shigella or enteropathogenic strains of E. coli.

(c) However, if these standards are not met for the potentially hazardous foods specified due to the addition of otherwise wholesome foods having naturally high total bacteria plate counts, the onus of demonstrating that this is indeed the case rests with the food establishment at the point of sampling.

(d) Penalty action shall not be taken on the basis of a single sample violating the standard included in (b) 1. or 2. unless such sample was obtained during an inspection in which existing sanitary conditions constitute a potential

hazard to public health. Whenever two of the last four consecutive bacteria counts or coliform determinations taken on separate days, exceed the limit of the standard for potentially hazardous food, the health authority or representative so designated shall send a written warning notice thereof to the person concerned. This warning notice shall be effective so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within 14 days of the sending of such warning notice, but not before the lapse of three days. Immediate penalty action shall be instituted whenever the standard is violated by three of the last five bacteria counts or coliform determinations.

(e) Any potentially hazardous food sample which violates the provisions of (b) 3. or (b) 4. shall be subject to immediate administrative and/or penalty action by the health authority.

(f) Samples of potentially hazardous foods collected at an establishment other than the manufacturer or processor and which products have not been further processed, and violate Sections (b) 1. or (b) 2. shall result in action by the health authority to collect additional samples of the product from the original unopened container at the time of delivery from the manufacturer or processor in order to determine whether the cause of the high bacteria count is due to faulty handling in production, distribution and/or storage.

(g) Nothin in (a), (b), (c), (d), (e) and (f) shall preclude the right of the State or local health authority from embargoing foods which are or are suspected of being adulterated within the meaning of N.J.S.A. 24:5-8.

A public hearing respecting the proposed action will be held on Wednesday, June 26, 1974, at 10:00 A.M. in the auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1974, to:

Dr. Martin Goldfield
Assistant Commissioner for Laboratories
and Epidemiology
State Department of Health
Post Office Box 1540
Trenton, New Jersey 08625

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

William J. Dougherty
Acting Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Manual of Standards For Licensure of Homemaker - Home Health Aid Services

William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a Manual of Standards for licensure of homemaker-home health aide services. Such standards, if adopted, will be cited as a new Chapter 41 in Title 8 of the New Jersey Administrative Code.

The proposed standards concern the licensure of home-

maker-home health aid services, definition of personnel and their qualifications and training, supervision, record keeping and reports, organization, services and administration, bylaws and general criteria under which the agency will operate.

Copies of the full text of 13 pages of the proposed standards may be obtained from:

Mrs. Wanda Schorn, Coordinator
Standards and Special Studies
Division of Health Facilities
Post Office Box 1540
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to the Department of Health at the above address.

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

William J. Dougherty
Acting Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed New Jersey Youth Camp Safety Act Standards

William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:12-1, proposes to adopt New Jersey Youth Camp Safety Act Standards.

Full text of the proposed standards follows:

CHAPTER 25. YOUTH CAMP SAFETY ACT STANDARDS

SUBCHAPTER 1. DEFINITIONS

8:25-1.1 Definitions

"Adult" means a person aged 18 years or older.

"Aquatics supervisor" means adult in charge at a waterfront supervising swimming, watercraft activities and related staff.

"Assistant aquatics supervisor" means adult in charge at a waterfront supervising swimming and watercraft activities in the absence of the aquatics supervisor.

"Aquatics guard" means a person aged 16 years or older on duty at a waterfront for guarding or rescue purposes.

"Buddy system" means a pairing of campers to facilitate accounting of all children.

"Campsite" means land including natural features where the main camp facilities are located.

"Department" means the New Jersey State Department of Health.

"Local department" means a county or municipal department of health, or a regional health commission.

"Facility" means a structure including furnishings and installations on a campsite for living and program purposes.

"Youth camp" means any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating five or more children under 18 years of age for

a period of, or portions of, two days or more and includes a site that is operated as a day camp or as a resident camp.

"Youth camp operator" means any private agency, organization or person, and any individual who operates, controls or supervises a youth camp, whether such camp is operated for profit or not.

"Vehicle" means a carrier used in transporting children on public highways to and from camp or other places incidental to the camp program.

SUBCHAPTER 2. GENERAL PROVISIONS

8:25-2.1 Modification and waiver of standard

(a) Any person or his authorized agent, confronted with practical difficulties in carrying out the strict letter of any standard, may apply to the Department in writing for a modification thereof. Only a modification that will not constitute a definite hazard to life or property will be considered. The decision of the Department, including the particulars of the application, shall be entered upon the records of the Department and a copy thereof sent to the applicant.

(b) The Department may waive temporarily any standard to allow for experimentation and demonstration of new and innovative approaches to a camp program.

8:25-2.2 Site, plans, facilities and equipment

(a) The location of a camp shall not present a fire, health or safety hazard. The camp facilities built after enactment of these regulations shall not be divided by a major public highway or railroad.

(b) Camp structures and facilities shall comply with local building, zoning and health codes.

(c) In new construction, an enclosed structure containing sleeping quarters in a resident camp shall be separated from all other such enclosed structures by a distance of not less than 25 feet.

(d) In a resident camp each child shall be provided with not less than 300 cubic feet of air space in sleeping quarters and a separate bed. There shall be not less than two feet of space between the sides of each bed. If tents are used as permanent sleeping quarters not less than 30 square feet of floor space shall be provided for each camper.

(e) A room, tent or building to serve as a health center shall be maintained on the campsite for the temporary isolation and treatment of sick or injured members of the camp community. This facility shall be protected from flies and insects; be located to insure privacy and quiet; and not located in or directly off the kitchen. It shall include first aid equipment and medical equipment supplies deemed necessary by the directing physician for the health and welfare of the camp. Hot water shall be available at this location.

(f) Equipment used in the camp program shall be of good quality and not present undue risk to children. Power equipment, especially that used for maintenance of the camp, shall not be stored, operated or left unattended without proper safeguards in camp areas.

8:25-2.3 Staff

(a) A camp shall have a written statement of personnel policies and practices. Staff members shall be informed of these policies, practices and specific duties by means of a written job description of each staff classification.

(b) A camp director shall not be less than 21 years of age and have not less than two years administrative experience in an organized camp.

(c) Hazardous camp activities, such as aquatics, archery, horseback riding, riflery and out of camp trips, shall be conducted by a qualified adult activity specialist capable of implementing safety standards established by the

Department or other recognized body in the specialized field. He shall also have training or experience in conducting the activity.

(d) An adult leader shall be responsible for the care and supervision of every ten children in the camp. The camp director shall not be included in this ratio in camps serving over 50 children.

8:25-2.4 General care of children

(a) Policies and practices for discipline of a child shall be clearly stated and furnished in writing to all employees of the camp. A child shall not be deprived of food, isolated or subjected to corporal punishment or abusive physical exercise as a means of punishment either by staff or by another camper.

(b) Reasonable grouping according to age and the capabilities of each child shall be observed in all activities, including contact sports.

(c) Camps accepting children under five years of age should notify the New Jersey Department of Institutions and Agencies, Division of Youth and Family Services.

8:25-2.5 Records and reports

Records of personal data for each child shall be kept at camp when in session and shall include as a minimum: the child's name, age and address; the parent's or guardian's name, address, telephone number and where they or their designees may be reached in case of emergency; and the dates of admission and release.

8:25-2.6 Liability insurance

Liability coverage shall be carried by the camp.

8:25-2.7 Sanitation and fire hazards

The Department may require a camp to correct or eliminate any specific condition not described in these standards but which it deems necessary for proper sanitation or fire protection at the camp.

SUBCHAPTER 3. HEALTH

8:25-3.1 Medical examination and supervision

(a) A camp medical program shall be under the direction of a physician and consultation for medical treatment shall be readily available. A written arrangement for emergency medical treatment shall be made with a hospital, clinic or doctor's office as close as possible to the camp where children can be taken in case of serious injury or illness.

(b) The health staff of a youth camp shall have on duty in residence a licensed physician; or a registered nurse or licensed practical nurse complying with the rules of the State Board of Nursing; or a camp health director certified by the American Camping Association; or certified by the American Red Cross in advanced first aid and emergency care.

(c) A bound medical log listing date, name of patient, ailment and treatment prescribed shall be maintained at the health center. If an injury or illness is serious, the camp physician shall be consulted immediately, and the parents or guardians when the patient is a child shall be notified as soon as possible.

(d) A camp shall have a written outline of daily procedures for camper and staff health surveillance. If a child or staff member is suspected of having a communicable disease, he shall be isolated and medical assistance obtained.

(e) On or before October 1, of each year, every youth camp shall report to the Department all accidents resulting in death, injury and illness. This does not include minor injuries which require only first aid treatment and which do not involve professional medical treatment, loss of consciousness, restriction of activity or motion or premature

termination of the camper's stay at the camp.

8:25-3.2 Physical examinations

(a) A camper or staff member at the time of admission to a day or resident camp shall submit a written report of a physical examination performed by a qualified physician within the preceding 12 months. He shall also have protection against diphtheria, tetanus, poliomyelitis, measles and rubella, or a statement from a physician that immunization is in progress. If there is a religious objection to physical examination or immunization, a child shall submit a written statement signed by the parents or legal guardians to the effect that the child is in good health and they assume the health responsibility for the child while in camp with the understanding they will be notified immediately if anything unforeseen occurs.

(b) A signed statement shall be required of each parent or guardian, in advance, giving permission to the physician selected by the camp director to hospitalize, secure proper treatment for and to order injection, anaesthesia or surgery for each camper.

(c) Required physical examination records shall be on file in the camp for review by the staff of the Department.

8:25-3.3 Nutrition and meal service

(a) Food provided by the camp shall be of sufficient quantity and nutritional quality to provide for the dietary needs of each child.

(b) The current week's menu shall be posted in the food preparation area. Food substitutes shall be noted on the menus in writing. After use, the menus shall be kept on file for the period of the camping season.

(c) Mealtimes shall be scheduled to meet the children's needs and spaced so there are no excessively long periods without food. At least three meals shall be provided each day in a resident camp.

(d) Meals shall be prepared and served in an appetizing and sanitary manner. Meals shall be prepared as close to serving time as possible.

SUBCHAPTER 4. SAFETY

8:25-4.1 General provision

Written emergency procedures shall be provided at a camp for emergency evacuation, fire, natural disasters, serious accident, illness or injury, and a lost camper. Each member of the camp staff shall be informed of his duties in case of an emergency. Fire and emergency drills shall be conducted at least once each camp period or every two weeks, whichever is more frequent.

8:25-4.2 Dangerous substances

Containers for gasoline and similar products, herbicides, insecticides, rodenticides or any material which might be hazardous shall be labeled and stored in a locked building not occupied by campers or staff. This building shall be located at a safe distance from occupied quarters.

8:25-4.3 Fire fighting equipment

Regularly serviced fire extinguishers meeting the requirements of the Fire Underwriters Association shall be placed at strategic and easily accessible locations. Each fire extinguisher shall be inspected prior to the opening of camp and at periodic intervals thereafter for proper care and maintenance.

8:25-4.4 Fire safety

(a) A statement shall be obtained from the local fire authority or the State Fire Marshall certifying that the camp is in compliance with local and State fire regulations.

(b) The camp shall also conform to New Jersey Forest Fire Law N.J.R.S. 13:9-19, as follows:

"13:9-19. Burning waste or other material; permits. In any district for which fire wardens have been appointed under the provisions of this chapter, no person shall set fire to or cause to be burned waste, fallows, stumps, logs, brush, dry grass, fallen timber or anything that may cause a forest fire, without first obtaining the written permission of the State fire warden, or a division, section or district fire warden. No such permission shall be granted by any fire warden, if, in his opinion, any forest or woodland will be endangered thereby; nor shall any such permission, if granted, relieve or exonerate any person from any penalties provided by this Chapter, if by reason of such fire, any forest, brush land or salt marsh be burned. Permits shall not be necessary for burning any of the above enumerated materials when the fire is set a distance of not less than 200 feet from any forest, brush land, salt marsh, or field containing dry grass or the inflammable material, from which fire may be transmitted to any forest, brush land or salt marsh."

8:25-4.5 Vehicles and drivers

(a) A vehicle in good running condition shall be available at all times for use in emergency situations.

(b) A vehicle used for the transportation of children shall be capable of passing a New Jersey Division of Motor Vehicle inspection.

(c) Operators of motor vehicles shall be licensed.

(d) At least one adult in addition to the driver shall ride with the children being transported when more than 20 children are transported in any one vehicle.

SUBCHAPTER 5. WATERFRONT SAFETY

8:25-5.1 Swimming areas

(a) A swimming area shall be maintained in a clean and safe condition, free from rocks, holes and hidden dangers. Any known hazard in the vicinity shall be properly safeguarded and posted.

(b) The permanent swimming area of a resident camp or a day camp shall have a delineation of areas for non-swimmers, intermediates, and swimmers, in accordance with the standards of the American Red Cross, YMCA or Boy Scouts of America.

(c) Lifesaving equipment shall be provided at a swimming area and placed so it is immediately available in case of an emergency. The equipment shall be kept in good working order and at a minimum shall include a bell or whistle, two assist poles, and a ring buoy firmly attached to sufficient line to reach the perimeter of the swimming area.

8:25-5.2 Waterfront staff

(a) The aquatics supervisor and assistant aquatics supervisor in a resident camp or day camp for swimming programs shall be currently certified as an American Red Cross water safety instructor, a YMCA aquatics instructor or a Boy Scouts of America national aquatics instructor.

(b) The aquatics supervisor, assistant aquatics supervisor and aquatics guard in any camp who supervise wading, swimming or watercraft programs shall be currently certified as an American Red Cross senior lifesaver, a YMCA senior lifesaver or a Boy Scouts of America life-guard.

(c) When swimming or watercraft activities are in progress, the aquatics supervisor shall be in attendance supervising the program.

(d) The aquatics supervisor is responsible for the procedures of waterfront supervision and they shall be strictly enforced. The aquatics staff shall not engage in recreational swimming or boating while on waterfront duty.

(e) The aquatics supervisor and one aquatics guard shall be on duty for 20 or fewer children in the water. One additional aquatics guard shall be on duty for every additional 20 children or portion thereof.

8:25-5.3 Swimming procedures

(a) American Red Cross, YMCA and Boy Scouts of America tests shall be used to determine each child's swimming ability. Children shall be confined to an area equal to the limits of their swimming skills or an area requiring lesser skills for which they have been classified.

(b) A method of supervising and checking bathers shall be established and enforced. Recommended methods are the check or buddy board, the buddy system, the colored cap system or any combination of these. The system used shall be supervised during swimming periods by a member of the aquatics staff and checks shall be conducted not less than every ten minutes. A written "lost swimmer" plan shall be established and all staff shall know exactly what their duties are in case of an emergency at the waterfront. A "lost swimmer" drill shall be held at least every two weeks.

(c) Swimming is prohibited at sites other than the permanent camp waterfront without prior approval of the camp management.

8:25-5.4 Watercraft and waterskiing

(a) Watercraft activities shall be conducted during daylight hours and supervised by the aquatics supervisor. A Type 1 personal flotation device shall be provided for each occupant of a watercraft. A nonswimmer shall wear a Type 1 PFD and not be permitted in a sailboat unless accompanied by a certified senior lifesaver. A camper or staff member shall wear a Type 1 PFD before entering and while in white water or on a lake when the water is rough or while waterskiing.

(b) During a watercraft activity period, an aquatics guard shall patrol the watercraft area in a lifeboat. A watercraft docking area shall not be in the swimming area.

(c) The swimming area shall not be used for the launching or stopping of waterskiers.

SUBCHAPTER 6. SANITATION

8:25-6.1 General provisions

(a) A campsite shall be located on land that provides good natural drainage or be properly drained. Children shall be protected from hazardous areas such as traffic, cliffs, sinkholes, pits and abandoned excavations. These areas shall be guarded or posted to eliminate the possibility of accidents.

(b) A camp building shall comply with applicable local building, plumbing, electrical and similar codes.

(c) A tent used for sleeping and living purposes which remains in one location for more than two weeks shall be provided with a floor which is level, easily cleaned and in good repair.

(d) Sleeping quarters shall be convenient to toilet facilities. A room arrangement shall not be such that access to a sleeping room is only by going through another sleeping room, bathroom or water closet compartment.

8:25-6.2 Heating

(a) Heating equipment shall be capable of maintaining a temperature of at least 68 degrees Fahrenheit at a point three feet above the floor, when the outside temperature is zero degrees Fahrenheit. An accurate thermometer shall be provided. A portable heating device or space heater shall not be used.

(b) Fireplaces, hot water and steam radiators, and pipes shall be shielded to prevent burns.

8:25-6.3 Lighting, ventilation and screening

(a) The minimum total window or skylite area measured between stops for every habitable room shall be ten per cent of the floor area of such room. Forty-five per cent of this minimum window or skylight area shall be openable.

(b) During fly season each door, window and other opening to the outside used for ventilation purposes of a building occupied by campers shall be supplied with a screen of not less than 16 mesh. Each screen door shall swing outward and have a self-closing device in working condition.

8:25-6.4 Sewage disposal

Any toilet or receptacle for human excrement shall be constructed and maintained so that flies cannot gain access to the excremental matter contained therein and such excremental matter shall at all times be prevented from falling over or upon the surface of the ground and shall be prevented from gaining access to any of the waters of the State. This provision also applies to wastes resulting from water closets, laundry tubs, washing machines, sinks, dishwashers or any other source of water-carried wastes of human origin or containing putrescible material.

8:25-6.5 Garbage disposal

All garbage and rubbish shall be stored and disposed of in such manner that flies and rodents are not attracted or furnished breeding places, or that air pollution will be created. Refuse shall be removed from camp as required by local regulation, but not less than twice a week. If this is not possible, it shall be completely burned in a proper manner in an incinerator or buried. If buried, an earth cover of six inches shall be provided. Final cover shall be two feet.

8:25-6.6 Toilets, lavatories and showers

(a) Conveniently located and properly designated toilet facilities shall be provided for each sex. Where flush type toilets are employed, waste shall be disposed of in accordance with local requirements. Properly constructed and located privies or chemical toilets may be permitted. One toilet or privy seat shall be available for every ten female occupants of the camp. In camps or units of camps occupied by males and where urinals are used, one toilet or privy shall be provided for every 15 occupants and one urinal for every 30 occupants. Toilets shall be supplied at all times with toilet tissue. Hand washing facilities shall be provided in close proximity to toilets, privies or urinals.

(b) The use of a common towel shall not be permitted. Means shall be provided to enable the use of showers by campers as well as by camp staff. Showers shall be supplied with hot water. The floors, walls and fixtures of showers shall be constructed of durable and easily cleaned material.

8:25-6.7 Food service, milk supply and water supply

(a) All food service, milk, and water supply shall comply with Chapter XII of the New Jersey State Sanitary Code, (N.J.A.C. 8:21-2) and (N.J.S.A. 26:1A-9).

(b) Drinking fountains, if provided, shall be constructed of impervious material and have an angle jet with a nozzle above the overflow rim of the bowl. The nozzle shall be protected by a nonoxidizing guard. The bowl shall be of easily cleanable design, without corners, and the bowl opening shall be equipped with a strainer. Wastewater from the bowl shall be discharged to a suitable drain by means of a pipe with a suitable air gap.

8:25-6.8 Insect, rodent and weed control

(a) Rules concerning insects include:

1. Campsites shall be kept free from cans, jars, buckets, old tires and other articles which may hold water and

provide temporary breeding places for mosquitoes. Mosquito control measures and supplemental larvicidal measures shall be undertaken by the owner when the need is indicated.

2. Fly breeding shall be controlled by eliminating unsanitary practices which provide breeding places. Refuse containers shall be repaired or replaced when so damaged that they leak. The area surrounding the containers shall not be permitted to become littered with garbage nor saturated with waste liquid from garbage. All refuse containers shall be maintained in a clean and sanitary condition.

3. Insecticidal measures shall be applied if necessary.

(b) Rules concerning rodents include:

1. All buildings within the camp shall be rat-proofed, with special emphasis on those in which food is stored or served.

2. Storage areas shall be maintained in such a manner as to eliminate the possibility of rodent harborage.

(c) The growth of weeds within each campsite shall be controlled as a means toward the elimination of ticks and chiggers. Poison ivy, poison oak and poison sumac shall be controlled within each campsite.

8:25-6.9 Swimming and bathing

(a) Swimming pools shall conform to municipal ordinances, statutes and applicable regulations governing their construction and operation. In the absence of the same they shall conform to the provisions of the Swimming Pool Code of New Jersey (1970) as approved by the State Department of Health for adoption by reference by local boards of health.

(b) Rules concerning natural bathing waters include:

1. Natural bathing waters, such as rivers, lakes and inland waterways shall not exceed a coliform density indicating a most probable number of 2,400 per 100 ml.

2. Bathing waters shall be sampled and evaluated at least once each month during June, July and August of each year.

3. Toilet facilities shall be provided within a reasonable distance of the bathing area.

8:25-6.10 Farm and domestic animals

(a) A horse or other farm animal shall not be permanently quartered within 300 feet of living quarters, kitchen or mess hall.

(b) Manure shall not be allowed to remain more than 24 hours at any location wherein or whereon horses or other domestic animals are kept. Fly repellent and other precaution shall be used to prevent such place or location from becoming an attraction for or breeding place for flies.

(c) Drainage from stables and temporary quarters for horses shall not be permitted to flow into a spring, stream or lake.

(d) A horse, dog or other domestic animal or pet shall not be permitted on a bathing beach or in the water in the area used for waterfront activities.

8:25-6.11 Maintenance

(a) A campsite shall be maintained in a clean, sanitary and safe condition.

(b) A roof, exterior wall, door, skylight and window shall be weathertight and watertight and shall be kept in sound condition and good repair.

(c) Floors, interior walls and ceilings shall be sound and in good repair and maintained in a clean and sanitary condition.

(d) All plumbing fixtures, water and waste pipes shall be maintained in working condition and kept clean.

(e) A water closet compartment, bathroom and kitchen floor surface shall be maintained so as to be reasonably

impervious to water and to permit the floor to be easily kept in a clean and sanitary condition. Floor finishes should be of nonslip material. A floor shall be cleaned not less than once a day and kept in good repair.

(f) Recreational equipment, including playground devices, shall be inspected periodically for defects. Proper maintenance shall be carried out to keep it in a safe operating condition.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Dr. Oscar Sussman
Director, Consumer Health Services
State Department of Health
Post Office Box 1540
Trenton, New Jersey 08625

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

William J. Dougherty
Acting Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

**Proposed Rule On Expiration Dates
For Fluid Milk Products**

William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:10-57.23, proposes to adopt a new rule concerning expiration dates for fluid milk products.

Full text of the proposed rule follows:

8:21-4.44 Expiration dates for fluid milk products

(a) N.J.S.A. 24:10-57.23 gives the State Department of Health the authority to promulgate rules and regulations dealing with the "Dating and Labeling" of dairy products other than those prescribed by 24:10-57.23 (whole white milk).

(b) All packages and/or containers of fluid milk products as defined in N.J.S.A. 24:10-57.1, and all types and varieties of cottage and soft cheeses designated by the Department, intended for direct sale to consumers, shall be legibly marked with a "shelf-life expiration date". The "shelf-life expiration date" is the date after which products may not be offered for sale. This date shall be determined and applied on the final consumer package or container by the initial processor or manufacturer except as hereinafter provided. All data and material used by the processor or manufacturer in his determination of this date shall be made available to the Commissioner upon written request within 30 days of receipt of the request. If the data and material submitted does not, in the opinion of the Commissioner, justify the "shelf-life expiration date," the Commissioner shall prohibit the sale of the product until such time as satisfactory data is supplied or until a new "shelf-life expiration date" consistent with the data is applied to the product.

(c) The "shelf-life expiration date" shall appear in conspicuous and easily legible bold-face print or type in distinct contrast to the background color and layout and shall be placed on that part of the container most likely

to be displayed, presented, or shown or examined under customary conditions of display for retail sale, and shall not interfere with the legibility of other mandatory labeling requirements of the product. However, cup containers that are labeled with the date on the bottom of the container shall have displayed on the cap or other conspicuous position information indicating the location of the date. The same provision applies for dates molded into plastic containers. Individual portion-pak containers not intended for direct resale to consumers shall be exempted, provided the bulk container in which they are distributed is properly dated. Containers and packages of frozen cream and/or ice cream or ice milk mix not intended for resale to consumers shall also be exempted from the provisions of this regulation.

(d) The containers shall be marked with the legend "not to be sold after," or "sell by," followed by the "shelf-life expiration date". The designation of the month and date of the month after which the product shall not be sold may be numerical, such as "9-15" or "0915" for September 15 or with the use of an abbreviation for the month such as "Sep 15" or "SE 15". All products offered for sale after the "shelf-life expiration date" shall be deemed to be misbranded and subject to provisions of N.J.S.A. 24:4-12 (embargo) and 24:17-1 (penalties).

(e) In the event the Department determines a processor's or manufacturer's "shelf-life expiration date" for a given product is improper, the Department shall immediately take such samples as are necessary for full and complete recheck of the shelf-life of the product. If the recheck confirms that the shelf-life of the product is improper, the Department shall serve written notice on the processor or manufacturer and the processor or manufacturer immediately upon receipt of such notice shall alter the "shelf-life expiration date" of the product to comply with the Department's tests.

(f) This regulation shall take effect immediately, but shall remain inoperative until December 31, 1974. Action to comply with the provisions of this regulation may be taken by any processor or manufacturer at any time prior to December 31, 1974.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Francis A. Timko
Chief, Food and Milk Program
Consumer Health Services
Post Office Box 1540
Trenton, New Jersey 08625

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

William J. Dougherty
Acting Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

**Revisions in Physical Security
Controls for Practitioners**

On April 11, 1974, William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted re-

visions to N.J.A.C. 8:65-2.5 concerning physical security controls for practitioners, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 107(b).

An order adopting these revisions was filed and effective April 24, 1974, as R.1974 d.103.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

HEALTH

HEALTH CARE ADMINISTRATION BOARD

Revision to Manual of Standards For Nursing Homes

On April 2, 1974, William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 8:30-5.1(a)1. concerning standards for nursing homes as proposed in the Notice published February 7, 1974, at 6 N.J.R. 61(a).

An order adopting these revisions was filed and effective April 9, 1974, as R.1974 d.88.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Revisions Regarding Recording and/or Correcting Original Birth Records of a Child Born Out of Wedlock

On April 23, 1974, William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-15, 26:8-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to portions of N.J.A.C. 8:2-1.1 concerning the recording and/or correcting of original birth records of a child born out of wedlock, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 107(a).

An order adopting these revisions was filed April 24, 1974, as R.1974 d.104 to become effective May 20, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Podiatry Manual

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes

to revise portions of the Health Services Program manual for podiatry services.

Full text of the proposed revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:57-1.1 Definitions

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

"Podiatrist" means any person licensed as a podiatrist by the New Jersey State Board of Medical Examiners, or similarly by a comparable agency of the state in which he practices.

"Podiatry services" means those services performed by a licensed podiatrist within the scope of his practice as defined by the laws of New Jersey (N.J.S.A. 45:5) and which are within the scope of services covered by the New Jersey Health Services Program.

10:57-1.2 Standards

Podiatry care furnished covered persons shall be in conformity with the professional and ethical standards of the American Podiatry Association [...] as defined by the laws of New Jersey N.J.S.A. 45:5.

10:57-1.5(d) **Prior authorization is required for arch supports.** Casting for arch supports shall be reimbursed by a fee not to exceed program limitations. This shall be billed on a physicians and practitioners claim form (MC-8). The actual cost of supports shall be within the limits of the program and must be billed by the vendor on an MC-11 medical suppliers claim form.

10:57-1.8 Diagnostic radiology services

Payment will be allowed for necessary radiological services by a podiatrist, subject to the limitations of his licensure. Routine x-rays for screening purposes are not reimbursable.

10:57-1.9 Prior authorization

[Except in an emergency, prior approval by the Podiatry Services Unit, Division of Medical Assistance and Health Services, P.O. Box 2485, Trenton, New Jersey 08625, is required for all treatments beyond initial examination and evaluation. A written request must be submitted, identifying the case and containing sufficient information about the problem and plan of treatment to enable the unit to make a proper evaluation.]

(a) The following services need prior approval by the Podiatry Services Unit, Division of Medical Assistance and Health Services, P.O. Box 2485, Trenton, New Jersey 08625:

1. Moulded shoes—205.1;
2. Arch supports—205.2;

(b) A written request for authorization (Form 33030) must be submitted, identifying the case and containing sufficient information about the problem and plan of treatment to enable the unit to make a proper evaluation.

10:57-1.12 Record keeping

[Podiatrists are to keep such records as are necessary to fully disclose the kind and extent of services provided and make such information available as the Division or its agents may request.]

(a) Podiatrists are to keep individual records as are necessary to fully disclose the kind and extent of services provided and to make such information available as the Division or its agents may request. For the initial examination, the records shall show the following as a minimum:

1. Date of service;
2. Chief complaint(s);

3. Pertinent historical and physical data;
 4. Reports of diagnostic procedures ordered or performed;
 5. Diagnosis;
 6. Prescription (including medication) and treatment.
- (b) Progress notes may be brief but shall include date(s) of service, changes in patient's condition, specific medications and/or other treatments.

10:57-1.13 [Pharmaceutical services generally] **Prescription policies**

(a) Sections 13 through 21 of this Subchapter are intended to describe the [podiatrist's responsibility] practitioner's responsibilities in the writing of prescriptions in order to maintain the traditional patient-prescriber-[provider] pharmacist relationship [.] and to insure the recipient free choice of provider.

[Podiatrists] Practitioners are urged to familiarize themselves with all aspects of these Sections in order to effect economies consistent with good medical [and pharmaceutical] practices and to facilitate prompt payment to the pharmacist [provider].

(b) [All practitioners licensed or authorized by the State of New Jersey to prescribe drugs and medicines (physician, dentist or podiatrist, within the scope of his license and practice) are to be considered eligible practitioners under this program]. All podiatrists licensed or authorized to prescribe by the State of New Jersey and falling as indicated within policies of New Jersey Health Services Program are eligible. Out-of-State practitioners may prescribe under this program, as herein outlined, if they meet the same requirements in their state.

10:57-1.14 [General prescription policies]

(a) Original prescriptions should be written by the practitioner and must be personally signed and dated. Stamped or typewritten signatures are not acceptable.

(b) The practitioner's Social Security number must appear on the original prescription. Pharmacist is obligated to call prescriber if this information is not provided].

10:57-[1.15] 1.14 Prescriptions; dosage and directions

The practitioner must include specific directions on all drug prescriptions or the prescription will not be eligible for payment. Examples of nonacceptable directions are "PRN", "as directed", "ad lib", and so forth. This ruling does not apply to [for] prescriptions such as topical preparations [aerosol inhalers or Nitroglycerin tablets] since specific directions are seldom possible in these instances.

10:57-[1.16] 1.15 Choice of prescription drugs

(a) The choice of prescription drugs remains at the discretion of the prescribing practitioner. However, the practitioner should be aware that pharmacies will not receive payment for certain prescription drugs, under specific conditions, as listed below [under Sections 1.19 (services requiring prior authorization) and 1.20 (pharmaceutical services not eligible for payment) of this Chapter].

(b) The practitioner should give preference to:

1. Drugs listed in the latest edition of the U.S. Pharmacopeia (U.S.P.), National Formulary (N.F.), New Drugs, and Accepted Dental Therapeutics.
2. Oral medication when as effective as injectable preparations.
3. Nonproprietary or generic named drugs of equal therapeutic effectiveness if available at a lower cost than proprietary or brand-named drugs.

[(a) Medical supplies and equipment, prefabricated prosthetics and orthotics, and other assistive devices that are essential for the patient's medical condition are allowable unless otherwise available at no charge from com-

munity resources (such as, the American Cancer Society, service organizations and the like).

(b) Prior authorization must be obtained by the practitioner when prescribing custom-made prosthetic and orthotic appliances required to support or strengthen the body or replace parts thereof (excluding the eye, ear and mouth). Such custom-made appliances may be provided only by certified prosthetists and/or orthotists].

10:57-[1.17]1.16 Quantity of medication

(a) The quantity [of medication] prescribed should provide a sufficient amount of medication necessary for the duration of the illness or an amount sufficient to cover the interval between visits, but may not exceed a 60-day supply. Any drug used continuously (that is, daily, three times daily, every other day, and so forth) for 14 days or more is considered to be a sustaining drug or maintenance medication and should be prescribed in sufficient quantities to treat the patient for up to 60 days.

(b) [Exceptions to subsection (a) of this Section: oral antibiotics, oral penicillin and oral penicillin derivatives may not be prescribed for more than a ten-day supply].

In long term medical care facilities (that is, skilled nursing facility, intermediate care facility, infirmary section of home for the aged or public medical institution), if the quantity of sustaining drug or maintenance medication is not indicated in writing by the prescriber, the pharmacy provider must dispense a minimum of 100 tablets or capsules, a pint, or a 30-day supply, whichever is less.

10:57-[1.19]1.17 Services requiring prior authorization

(a) [The following] Certain therapeutic classes and dosage forms require prior authorization obtained by the prescribing practitioner from the local medical assistance unit. If the request is approved, an authorization number will be provided and must appear on the prescriber's original prescription. The pharmacist must check the box in the space provided on the prescription claim form identifying a prior-authorized item, and enter the authorization number in the proper spaces in this area.

(b) The following require prior authorization:

1. Antiobesics and anorexics;
2. Oral antibiotics, oral penicillin, and oral penicillin derivatives when prescribed in quantity greater than a 10-day supply;
3. Injectable medication, exceptions:
 - i. Insulin;
 - ii. All injectable medication when prescribed for and provided to a patient in a long-term care facility, such as, a skilled nursing home, infirmary section of a home for the aged or public medical institution;
4. Custom-made prosthetic and orthotic appliances required to support or strengthen the body or replace parts thereof (excluding the eye, ear and mouth). Such custom-made appliances may be provided only by certified prosthetists and/or orthotists:
 - i. Exception: fabrication of arch supports and moulded shoes].
 2. Protein replacement products, such as (but not limited to) Prohana, Portagen, Nutramigen, Neo-Mullsoy.
 3. Preventive drugs and biologicals when not available through listed distributing stations.

10:57-[1.20]1.18 Pharmaceutical services not eligible for payment

(a) Pharmaceutical services not eligible for payment include:

1. Drugs for which adequate literature, such as package inserts, and price catalogues are not readily available;
2. Experimental drugs;
3. Drugs administered or directly furnished by the prac-

tioner. (Payment for drugs will be made only when dispensed by a registered pharmacist in a licensed pharmacy);

4. Drugs and biologicals provided without charge through programs of other public or voluntary agencies (for example, New Jersey State Department of Health, New Jersey Heart Association);

5. Medications prescribed for use by hospital inpatients;

6. Prescribed nonlegend (OTC) drugs for patients in long-term medical care facilities, such as, skilled nursing homes, infirmary sections of a home for the aged or public medical institutions. Exceptions:

i. Insulin;

ii. All vitamins, minerals, vitamin mineral combinations.

7. Prescriptions written and dispensed with nonspecific directions;

8. Telephoned "refill" prescriptions;

9. Methadone [in any form, in tablets, capsules, liquid or powder] policy: The New Jersey Health Services Program will not reimburse pharmacies for prescriptions for methadone. This policy applies to all uses of the drug and is not limited to its uses in persons who are addicts;

10. 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);

11. Prescribed nonlegend drugs unless specifically listed in Appendix B (allowable nonlegend drugs) of the New Jersey Blue Cross code register;

12. Food supplements, milk modifiers, infant formula and therapeutic diets. Exception: Protein replacements;

13. Drugs for which final orders have been published by the Food and Drug Administration, withdrawing the approval of their New Drug Application (NDA);

[10]14. Telephone ordered original prescriptions:

i. Telephone orders from the prescriber for original prescriptions (with the exception of Class A Narcotics) will be permitted, except as incident to an office visit.

ii. Telephone orders for refills are not permitted.

10:57-[1.21]1.19 Prescription refill

(a) Refill instructions must be indicated by the practitioner [on his original prescription].

(b) Prescription refills will be limited to two times within a six-month period if so indicated by the prescriber on the original prescription [except that oral antibiotics, oral penicillin and oral penicillin derivatives may be refilled one time within ten days from the original dispensing date if so indicated by the prescriber on the original prescription].

(c) Medical-surgical supplies and equipment, prosthetics, orthotics and other [resistive] assistive devices are renewable **only on prior authorization** [not refillable. If additional quantities are required, a new prescription must be written by the practitioner].

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Administrative Analyst
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Multi-Location Providers

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt revisions to N.J.A.C. 10:49-1.20 concerning multi-location providers.

Full text of the proposed revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:49-1.20 Multi-location providers

(a) The New Jersey Health Services Program requires that all independent clinics, pharmacies, hearing aid dealers, skilled nursing facilities, independent laboratories, transportation carriers and [opticians] **suppliers of optical appliances** applying to participate in the program or presently participating in the program identify each and every branch or satellite location from which they will provide services to Medicaid eligible individuals.

(b) Each separate location must meet all required standards for Health Services Program participation and that location will receive a Health Services Program provider number if approved for participation. Services rendered to Medicaid eligibles at an unapproved satellite may not be billed under the approved parent organization's provider number.

(c) All approved providers who have, to date, been billing through the parent organization for their nonapproved branch/satellite locations by utilizing the parent organization's provider number may make application for Medicaid approval for such facilities within 60 days following adoption of this [rule] **change in rule** without penalty.

(d) Failure to make application within this 60-day period and continued billing on behalf of nonapproved facilities will result in action by the New Jersey Health Services Program to recover funds paid as the result of improper billing and will subject the approved parent organization to suspension from the Program. (See Chapter I, Section 116-A.7 of the New Jersey Health Services Program Provider Manual.)

(e) Provider applications may be obtained by contacting:
Chief, Medical Care Administration
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

(f) Billing through a central location for approved multi-location providers is allowable; however, the provider must utilize the preaddressed claims for each office location as they reflect the proper address and provider number for that location. Selection of central or localized billing is left to the provider, who states the preference on the application.

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before May 29, 1974, to the Division of Medical Assistance and Health Services, Administrative Analyst, 324 East State Street, Trenton, New Jersey 08625.

The Department of Institutions and Agencies, upon its

(Continued on Page 32)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted by the various State Departments.

The index is current, and will be adjusted the month following the mailing to Code subscribers of update

pages for all 19 Departmental Titles.

Since the most recent update, covering rules adopted up to August 15, 1973, these Departments have adopted the following additional rules—printed in the Register but not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

| <u>N.J.A.C. Citation</u> | | <u>Document Citation</u> | <u>Notice of Adoption N.J.R. Citation</u> |
|------------------------------------|---|--------------------------|---|
| CHIEF EXECUTIVE — TITLE 1 | | | |
| 1:6-1.1 et seq. | Rules on sale of motor gasoline | R.1974 d.33 | 6 N.J.R. 94(a) |
| 1:6-1.1 et seq. | Revised rules on motor gasoline | R.1974 d.86 | 6 N.J.R. 162(b) |
| 1:6-3.1 | Revised alternate day gas purchase program | R.1974 d.75 | 6 N.J.R. 162(a) |
| AGRICULTURE — TITLE 2 | | | |
| 2:2-2.10 | Times established for Brucellosis tests | R.1973 d.273 | 5 N.J.R. 327(c) |
| 2:2-3.3 | Times established for tuberculin tests | R.1973 d.274 | 5 N.J.R. 327(d) |
| 2:2-4.34(a) | Method of appraisal for indemnity purposes | R.1973 d.305 | 5 N.J.R. 363(b) |
| 2:3-2.5 | Requirements on equidae entering New Jersey | R.1974 d.55 | 6 N.J.R. 130(a) |
| 2:5-2.1 | Quarantining, handling of infected equine infectious anemia horses | R.1973 d.233 | 5 N.J.R. 327(a) |
| 2:17-4.2(c) | Revisions on special exemption for Florida tomato plants | R.1974 d.41 | 6 N.J.R. 96(a) |
| 2:48-6.1 et seq. | Sale of milk in new container size | R.1974 d.72 | 6 N.J.R. 166(b) |
| 2:54-3.2 | Suspension of portions of Milk Marketing Order | R.1973 d.257 | 5 N.J.R. 327(b) |
| 2:54-3.3 | Milk handling in New York-New Jersey and Middle Atlantic areas | R.1974 d.91 | 6 N.J.R. 166(c) |
| 2:67-1.1 | Prompt settlement | R.1973 d.355 | 5 N.J.R. 363(a) |
| 2:67-1.1 | Prompt settlement | R.1974 d.42 | 6 N.J.R. 96(b) |
| 2:71-1.38 | Labeling of eggs | R.1973 d.275 | 5 N.J.R. 328(a) |
| 2:71-1.39 | Labeling of eggs | R.1973 d.356 | 6 N.J.R. 2(a) |
| BANKING — TITLE 3 | | | |
| 3:1-1.1 | Interest rates revised | R.1973 d.366 | 6 N.J.R. 50(b) |
| 3:1-2.1(b) | Amend population estimate rules | R.1973 d.229 | 5 N.J.R. 328(b) |
| 3:1-2.13(a) | Delete current text | R.1973 d.342 | 6 N.J.R. 3(a) |
| 3:1-2.13(b) | Financial reports | R.1973 d.281 | 5 N.J.R. 364(d) |
| 3:6-5.1 et seq. | Revisions concerning Federal funds transactions | R.1974 d.27 | 6 N.J.R. 97(b) |
| 3:6-7.1 | Banking offices protection | R.1973 d.344 | 6 N.J.R. 3(c) |
| 3:8-3.1 | Required reserve | R.1973 d.252 | 5 N.J.R. 328(e) |
| 3:8-5.1 | Required reserve; savings banks | R.1973 d.251 | 5 N.J.R. 328(d) |
| 3:10-4.1 et seq. | Revisions in ratio of mortgage loan to appraised value | R.1974 d.78 | 6 N.J.R. 168(a) |
| 3:11-1.1 | Revised listing of obligations | R.1974 d.93 | 6 N.J.R. 168(b) |
| 3:11-6.3 | Approval of investment in Student Loan Marketing Association | R.1973 d.250 | 5 N.J.R. 328(c) |
| 3:16-2.1 | Revisions concerning pawnbroking service charges | R.1974 d.7 | 6 N.J.R. 51(a) |
| 3:18-5.4 | Prior notice to borrower; final disclosure of specific dollar amounts | R.1973 d.343 | 6 N.J.R. 3(b) |
| 3:18-6.1 et seq. | Solicitation of business | R.1973 d.280 | 5 N.J.R. 364(c) |
| 3:18-7.3 | Delete rule on legal fees | R.1973 d.343 | 6 N.J.R. 3(b) |
| 3:18-7.6 | Verbal advertisement | R.1973 d.282 | 5 N.J.R. 365(a) |
| COMMUNITY AFFAIRS — TITLE 5 | | | |
| 5:10-1.1 et seq. | Revisions concerning construction, maintenance of hotels | R.1973 d.357 | 6 N.J.R. 5(b) |
| 5:10-19.4(c) | Revised exterior lighting requirements | R.1974 d.14 | 6 N.J.R. 55(a) |
| 5:10-19.4(1) | Revised heating requirements | R.1974 d.14 | 6 N.J.R. 55(a) |
| 5:30-13.2 | Form of resolution; State and Local Fiscal Assistance Act of 1972 | R.1973 d.352 | 6 N.J.R. 5(a) |
| 5:10-2.2 | Revised definitions of building and multiple dwelling | R.1973 d.310 | 5 N.J.R. 369(a) |
| EDUCATION — TITLE 6 | | | |
| 6:1-2.2 | Revisions concerning regular meetings | R.1974 d.38 | 6 N.J.R. 100(b) |
| 6:2-1.3 et seq. | Revised appeal procedures | R.1973 d.329 | 6 N.J.R. 6(a) |
| 6:11-12.3 | Vocational-technical coordinator; co-op industrial education | R.1973 d.269 | 5 N.J.R. 333(c) |
| 6:21-6.31(e) | Stanchions and guard rails | R.1973 d.267 | 5 N.J.R. 333(a) |
| 6:21-7.1 | Limit of apportionment of State aid | R.1973 d.267 | 5 N.J.R. 333(a) |
| 6:21-8.2 et seq. | Revised rules concerning pupil transportation | R.1974 d.90 | 6 N.J.R. 172(c) |

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|------------------|---|--------------|-----------------|
| 6:21-18.25 | Stanchions and guard rails | R.1973 d.267 | 5 N.J.R. 333(a) |
| 6:22-8.4 et seq. | Revised guide for schoolhouse planning and construction | R.1973 d.316 | 5 N.J.R. 403(b) |
| 6:24-1.16 | Additional revisions concerning written decisions | R.1973 d.266 | 5 N.J.R. 332(b) |
| 6:24-1.16 | Written decisions | R.1973 d.232 | 5 N.J.R. 332(a) |
| 6:27-1.4 | Graduation | R.1973 d.268 | 5 N.J.R. 333(b) |
| 6:27-1.13 | Definitions | R.1973 d.268 | 5 N.J.R. 333(b) |
| 6:44-6.1 et seq. | High school equivalency | R.1973 d.317 | 5 N.J.R. 330(a) |
| 6:44-7.1 et seq. | Adult high schools (accredited evening high schools) | R.1973 d.318 | 5 N.J.R. 331(a) |
| 6:78-1.3 | Transportation revisions | R.1974 d.70 | 6 N.J.R. 132(a) |

ENVIRONMENTAL PROTECTION — TITLE 7

| | | | |
|------------------|---|--------------|-----------------|
| 7:1-3.1 et seq. | Emergency rules on sulfur in fuels | R.1973 d.326 | 5 N.J.R. 404(a) |
| 7:1-3.5 | Extension of emergency sulfur rules, Order 39 | R.1974 d.64 | 6 N.J.R. 134(a) |
| 7:1-4.1 et seq. | Importation of solid and liquid waste from outside New Jersey | R.1974 d.10 | 6 N.J.R. 58(a) |
| 7:2-2.8 et seq. | Revisions concerning lands, waters and facilities under jurisdiction of Bureau of Parks | R.1974 d.13 | 6 N.J.R. 60(a) |
| 7:6-1.8 | Reporting boat accidents | R.1973 d.367 | 6 N.J.R. 60(b) |
| 7:6-1.38 | Lifesaving devices | R.1973 d.271 | 5 N.J.R. 337(b) |
| 7:6-5.2 | Repeal rule on registration for livery vessels | R.1974 d.102 | 6 N.J.R. 178(a) |
| 7:7A-1.1(a)12. | Extend wetlands order to parts of Cape May County | R.1973 d.324 | 5 N.J.R. 408(b) |
| 7:7A-1.1(a)13. | Extension of wetlands order to Atlantic County | R.1973 d.364 | 6 N.J.R. 6(c) |
| 7:7C-1.1 et seq. | Revised procedural rules concerning hearings | R.1974 d.32 | 6 N.J.R. 101(c) |
| 7:7C-1.1 et seq. | Rules on hearings under Coastal Area Facilities Review Act | R.1974 d.26 | 6 N.J.R. 101(b) |
| 7:9-9.1 et seq. | Sealing abandoned wells | R.1973 d.299 | 5 N.J.R. 370(b) |
| 7:12-1.1 et seq. | Shellfish growing water classifications | R.1974 d.99 | 6 N.J.R. 175(b) |
| 7:25-2.15 | Rules for controlled hunting in certain areas | R.1973 d.293 | 5 N.J.R. 370(a) |
| 7:25-5.27 | Waterfowl hunting | R.1973 d.263 | 5 N.J.R. 336(b) |
| 7:25-5.28 | Use of conibear traps | R.1973 d.263 | 5 N.J.R. 336(b) |
| 7:25-6.1 et seq. | 1974 Fish Code | R.1973 d.265 | 5 N.J.R. 337(a) |
| 7:25-6.14 | Amend 1973 Fish Code | R.1973 d.264 | 5 N.J.R. 336(c) |
| 7:25-6.15 | Natural trout fishing areas | R.1973 d.347 | 6 N.J.R. 6(b) |
| 7:25-7.1 et seq. | Revisions in shellfish-growing water classification | R.1974 d.44 | 6 N.J.R. 103(a) |
| 7:25-7.1 et seq. | Delete current text and mark Subchapter as "Reserved" | R.1974 d.99 | 6 N.J.R. 175(b) |
| 7:25-7.6 | Conservation order; reef bed | R.1973 d.301 | 5 N.J.R. 370(d) |
| 7:25-9.1(h) | Rescind portions of prior resolution | R.1973 d.303 | 5 N.J.R. 371(b) |
| 7:25-10.1 | Resolution dated September 19, 1973 | R.1973 d.302 | 5 N.J.R. 371(a) |
| 7:26-1.5 | Waste collected out-of-State | R.1973 d.245 | 5 N.J.R. 336(a) |
| 7:26-5.1 et seq. | Rules of practice & procedure of Bureau of Solid Waste Management | R.1973 d.300 | 5 N.J.R. 370(c) |
| 7:29-1.1 et seq. | Noise control regulations | R.1974 d.12 | 6 N.J.R. 59(b) |
| 7:30-1.1 et seq. | Pesticides control | R.1974 d.11 | 6 N.J.R. 59(a) |

HEALTH — TITLE 8

| | | | |
|------------------|---|--------------|-----------------|
| 8:2-1.1 | Revisions for birth records of children born out of wedlock | R.1974 d.104 | 6 N.J.R. 185(b) |
| 8:30-5.1(a)1. | Revisions concerning nursing personnel | R.1974 d.88 | 6 N.J.R. 185(a) |
| 8:31-7.1 | Standards for boarding homes for sheltered care | R.1973 d.361 | 6 N.J.R. 10(e) |
| 8:31-8.1 | Criteria for evaluation of certificate of need | R.1973 d.362 | 6 N.J.R. 11(a) |
| 8:31-8.1(d) | Significant change in cost of financing | R.1974 d.65 | 6 N.J.R. 140(c) |
| 8:32-3.43 | Uniform financial and statistical reports for New Jersey hospitals | R.1973 d.360 | 6 N.J.R. 10(d) |
| 8:33-1.11 | Policy on skilled nursing and intermediate care beds | R.1973 d.246 | 5 N.J.R. 337(d) |
| 8:33-1.11 | Skilled nursing and intermediate care beds | R.1974 d.20 | 6 N.J.R. 63(b) |
| 8:36-1.1 et seq. | Standards for licensure of intermediate dialysis facilities | R.1973 d.363 | 6 N.J.R. 11(b) |
| 8:37-1.1 et seq. | Manual of standards for intermediate care facilities | R.1974 d.21 | 6 N.J.R. 63(c) |
| 8:48-1.1 et seq. | Revised administrative policies | R.1973 d.289 | 5 N.J.R. 375(d) |
| 8:49-1.1 et seq. | Administration and supporting services | R.1973 d.288 | 5 N.J.R. 375(c) |
| 8:49-2.1 et seq. | Environmental sanitation | R.1973 d.288 | 5 N.J.R. 375(c) |
| 8:51-4.18 | Compulsory rabies vaccination of dogs | R.1974 d.54 | 6 N.J.R. 140(b) |
| 8:65-2.2 | Revisions to physical security controls for nonpractitioners, storage | R.1973 d.358 | 6 N.J.R. 10(b) |
| 8:65-2.5 | Physical security controls for practitioners | R.1974 d.103 | 6 N.J.R. 184(b) |
| 8:65-10.1 | Revised schedules of controlled dangerous substances | R.1974 d.2 | 6 N.J.R. 63(a) |
| 8:65-10.1(a)3. | Revisions concerning methaqualone | R.1973 d.359 | 6 N.J.R. 10(c) |
| 8:65-10.1(a)4. | Emergency rule on control of mecloqualone | R.1973 d.325 | 5 N.J.R. 413(b) |

HIGHER EDUCATION — TITLE 9

| | | | |
|-----------------|--|--------------|-----------------|
| 9:3-1.1 et seq. | Standards and approval procedures | R.1973 d.282 | 5 N.J.R. 376(a) |
| 9:4-1.1 et seq. | Revised regulations and standards for Community Colleges | R.1973 d.287 | 5 N.J.R. 376(b) |
| 9:9-1.12(a)d. | Student loans policies and procedures | R.1974 d.50 | 6 N.J.R. 141(a) |
| 9:14-3.8 | Contract performance standards | R.1973 d.346 | 6 N.J.R. 11(c) |

(Continued on next page)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

(Continued from previous page)

INSTITUTIONS AND AGENCIES — TITLE 10

| | | | |
|--------------------|---|--------------|-----------------|
| 10:35-1.1 et seq. | Standards of the Division of Correction and Parole | R.1973 d.349 | 6 N.J.R. 15(c) |
| 10:37-6.1 et seq. | State aid, community mental health | R.1974 d.69 | 6 N.J.R. 151(a) |
| 10:49-1.20 | Multi-location providers | R.1973 d.323 | 5 N.J.R. 420(b) |
| 10:49-1.21 | Dental providers | R.1973 d.340 | 6 N.J.R. 14(d) |
| 10:49-1.22 | Prohibition on factoring | R.1973 d.313 | 5 N.J.R. 415(b) |
| 10:49-1.24 | Pharmaceutical providers | R.1973 d.249 | 5 N.J.R. 341(e) |
| 10:50-1.1 et seq. | Revision concerning transportation services | R.1974 d.52 | 6 N.J.R. 150(a) |
| 10:50-1.10(g) | Payment for legend drugs | R.1974 d.19 | 6 N.J.R. 68(c) |
| 10:51-1.1 et seq. | Revisions in pharmaceutical services | R.1973 d.304 | 5 N.J.R. 384(a) |
| 10:54-1.1 et seq. | Revised physicians manual | R.1974 d.68 | 5 N.J.R. 150(c) |
| 10:54-3.1 et seq. | Revised procedure codes | R.1974 d.84 | 6 N.J.R. 195(c) |
| 10:56-1.3 | Procedures not requiring prior authorization | R.1974 d.53 | 6 N.J.R. 150(b) |
| 10:56-1.4 | Procedures requiring prior authorization | R.1974 d.53 | 6 N.J.R. 150(b) |
| 10:56-1.42 | Specialist referral | R.1974 d.53 | 6 N.J.R. 150(b) |
| 10:63-1.12 | Skilled nursing facility requirements | R.1974 d.29 | 6 N.J.R. 117(b) |
| 10:63-3.1 et seq. | Cost study for skilled facility services; instructions | R.1974 d.43 | 6 N.J.R. 117(c) |
| 10:66-1.1 et seq. | Manual for independent clinic services | R.1973 d.228 | 5 N.J.R. 339(b) |
| 10:67-1.1 et seq. | Manual for psychological services | R.1973 d.368 | 6 N.J.R. 68(a) |
| 10:68-1.1 et seq. | Manual for chiropractic services | R.1973 d.369 | 6 N.J.R. 68(b) |
| 10:81-24.94 | Eligibility for continued assistance | R.1973 d.345 | 6 N.J.R. 15(b) |
| 10:81-26.9(a)3. | Child born out of wedlock; assistance | R.1974 d.22 | 6 N.J.R. 67(a) |
| 10:81-26.52(d) | No denial of assistance | R.1974 d.22 | 6 N.J.R. 67(a) |
| 10:28-21.1 | Noncontributing person(s) in the household | R.1974 d.51 | 6 N.J.R. 149(a) |
| 10:82-1.1 | Revised definition of household | R.1973 d.235 | 5 N.J.R. 340(a) |
| 10:82-1.1 | Revised definition of household | R.1974 d.51 | 6 N.J.R. 149(a) |
| 10:82-3.2(b) | Eligible unit | R.1973 d.242 | 5 N.J.R. 341(b) |
| 10:82-3.3 | AFWP program | R.1973 d.239 | 5 N.J.R. 340(e) |
| 10:82-4.2(a) | Extensive personal services | R.1973 d.237 | 5 N.J.R. 340(c) |
| 10:82-4.3(b) | Adult eligibility | R.1973 d.315 | 5 N.J.R. 415(c) |
| 10:82-5.2(e)4. | Companion cases | R.1973 d.243 | 5 N.J.R. 341(c) |
| 10:82-5.4(d) | Eligible family unit | R.1973 d.239 | 5 N.J.R. 340(e) |
| 10:82-5.4(e) | Calculated earned income | R.1973 d.243 | 5 N.J.R. 341(c) |
| 10:82-7.1(a)6. | Delete rule on income | R.1973 d.241 | 5 N.J.R. 341(a) |
| 10:82-8.1 | Stepparents | R.1973 d.240 | 5 N.J.R. 340(f) |
| 10:82-10.2(b) | Eligible unit; undue hardship | R.1973 d.238 | 5 N.J.R. 340(d) |
| 10:82-11.6(g)12. | Subsidization of adoption | R.1973 d.235 | 5 N.J.R. 340(a) |
| 10:82-11.10 | Obligatory and nonobligatory contributions | R.1973 d.244 | 5 N.J.R. 341(d) |
| 10:82-11.16 | Revisions concerning earned income | R.1973 d.241 | 5 N.J.R. 341(a) |
| 10:82-11.28 | Responsible relative's obligatory support to the eligible unit | R.1973 d.244 | 5 N.J.R. 341(d) |
| 10:82-12.2(f) | Child care service | R.1973 d.236 | 5 N.J.R. 340(b) |
| 10:82-12.8 | Temporary care arrangement for ADC children | R.1973 d.236 | 5 N.J.R. 340(b) |
| 10:82-12.9(a) | Homemaker service | R.1973 d.237 | 5 N.J.R. 340(c) |
| 10:98-1.4 | Vocational rehabilitation services | R.1974 d.76 | 6 N.J.R. 195(b) |
| 10:100-1.1 et seq. | Service programs for the aged, blind or disabled persons | R.1974 d.85 | 6 N.J.R. 195(d) |
| 10:109-1.1 et seq. | Ruling Number 11 | R.1974 d.23 | 6 N.J.R. 117(a) |
| 10:122-1.2 | Physical facilities | R.1973 d.290 | 5 N.J.R. 379(b) |
| 10:122-2.1 et seq. | Standards of approval for child care centers | R.1974 d.97 | 6 N.J.R. 196(a) |
| 10:123-1.1 et seq. | State plan for services to families and children | R.1973 d.279 | 5 N.J.R. 379(a) |
| 10:123-1.1 et seq. | Service programs for families and children | R.1974 d.85 | 6 N.J.R. 195(d) |
| 10:124-1.1 et seq. | Standards for shelters accepting juveniles awaiting court disposition | R.1974 d.45 | 6 N.J.R. 116(c) |
| 10:140-1.1 et seq. | State plan—1974 | R.1973 d.321 | 5 N.J.R. 415(d) |

INSURANCE — TITLE 11

| | | | |
|--------------------|---|--------------|-----------------|
| 11:1-1.1 | Revised Departmental organization chart | R.1974 d.89 | 6 N.J.R. 199(a) |
| 11:3-2.11 | Classification of private passenger autos used in car pools | R.1973 d.337 | 6 N.J.R. 15(d) |
| 11:3-6.2(b)4.viii. | Amend rules on insurance identification cards | R.1973 d.247 | 5 N.J.R. 350(b) |
| 11:5-1.5 | Examination rules | R.1973 d.306 | 5 N.J.R. 388(a) |
| 11:5-1.6 | Examinations; failures | R.1973 d.306 | 5 N.J.R. 388(a) |
| 11:5-1.25(b)14. | Amend sales rule | R.1974 d.71 | 6 N.J.R. 151(b) |

LAW AND PUBLIC SAFETY — TITLE 13

| | | | |
|-------------------|--|--------------|-----------------|
| 13:2-1.1 et seq. | Revised rules of the Division | R.1973 d.234 | 5 N.J.R. 356(a) |
| 13:2-6.3(c) | Repeal portion of ABC liquor transfer rule | R.1974 d.4 | 6 N.J.R. 82(a) |
| 13:2-13.1 et seq. | Employment of convicted persons; crimes of moral turpitude | R.1974 d.40 | 6 N.J.R. 119(c) |



INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

| | | | |
|---------------------|---|--------------|-----------------|
| 13:2-34.2(j) | Cash discounts to retailers | R.1973 d.312 | 5 N.J.R. 426(a) |
| 13:13-10.1 | Repeal rule on notification of interstate securities offerings | R.1973 d.230 | 5 N.J.R. 356(b) |
| 13:18-1.5(c) | Revised fees for overdimensional or overweight vehicles | R.1973 d.261 | 5 N.J.R. 357(a) |
| 13:18-2.1 | Uninsured's current financial status | R.1973 d.278 | 5 N.J.R. 390(b) |
| 13:18-3.1 et seq. | Rules on overwidth vehicles | R.1974 d.30 | 6 N.J.R. 120(a) |
| 13:18-4.15 | Exceptions for motor fuels use tax | R.1973 d.291 | 5 N.J.R. 390(c) |
| 13:20-7.1 | Adjustments, corrections or repairs of motor vehicles | R.1974 d.28 | 6 N.J.R. 119(b) |
| 13:21-14.8 et seq. | Bus driver licensing regulations | R.1973 d.328 | 6 N.J.R. 21(b) |
| 13:33-1.13 et seq. | Revised rules for ophthalmic dispensers and technicians | R.1974 d.66 | 6 N.J.R. 153(a) |
| 13:37-2.7 | Examinations | R.1974 d.92 | 6 N.J.R. 201(a) |
| 13:37-3.7 | Delete rule on Puerto Rican nurses | R.1974 d.92 | 6 N.J.R. 201(a) |
| 13:37-9.5 | Examinations | R.1974 d.92 | 6 N.J.R. 201(a) |
| 13:39-6.7 | Copies of prescriptions | R.1973 d.255 | 5 N.J.R. 356(e) |
| 13:39-7.19 | Requirements for permit for pharmacy in facilities not hospitals | R.1973 d.254 | 5 N.J.R. 356(d) |
| 13:39-7.20 | Guidelines for use of drug-dispensing devices | R.1973 d.255 | 5 N.J.R. 356(e) |
| 13:39-8.4 | Change of ownership | R.1973 d.253 | 5 N.J.R. 356(c) |
| 13:39-8.14 | Pharmacist-in-charge | R.1973 d.253 | 5 N.J.R. 356(c) |
| 13:45A-5.1 et seq. | Deceptive practices in delivery of household furniture, furnishings | R.1973 d.262 | 5 N.J.R. 357(b) |
| 13:45A-7.1 et seq. | Automobile repair work and advertising practices | R.1973 d.307 | 5 N.J.R. 390(d) |
| 13:45A-8.1 et seq. | Deceptive practices by tire distributors or dealers | R.1973 d.309 | 5 N.J.R. 390(e) |
| 13:45A-9.1 et seq. | Rules for advertising and marketing practices | R.1974 d.15 | 6 N.J.R. 82(b) |
| 13:45A-10.1 et seq. | Servicing and repairing of home appliances | R.1974 d.16 | 6 N.J.R. 82(c) |
| 13:51-3.5 | Revise chemical breath testing rules | R.1973 d.354 | 6 N.J.R. 21(c) |

PUBLIC UTILITIES — TITLE 14

| | | | |
|-------------------|---|--------------|-----------------|
| 14:1-6.16(a)5 | Revisions concerning tariff filings | R.1974 d.98 | 6 N.J.R. 202(a) |
| 14:5-4.1 et seq. | Revisions concerning residential electric underground extensions | R.1973 d.335 | 6 N.J.R. 22(b) |
| 14:6-1.4 et seq. | Rules on gas safety | R.1974 d.87 | 6 N.J.R. 201(d) |
| 14:9-4.2 | Property, equipment and facilities | R.1973 d.270 | 5 N.J.R. 357(d) |
| 14:10-4.1 et seq. | Revisions concerning residential telephone underground extensions | R.1973 d.335 | 6 N.J.R. 22(b) |

TRANSPORTATION — TITLE 16

| | | | |
|-------------------|---|--------------|-----------------|
| 16:6-1.1 et seq. | Relocation assistance | R.1973 d.256 | 5 N.J.R. 358(a) |
| 16:14-1.1 et seq. | Revisions to State Aid Road System Program | R.1973 d.311 | 5 N.J.R. 426(b) |
| 16:38-2.2 | Responsibility | R.1973 d.283 | 5 N.J.R. 391(a) |
| 16:40-1.1 et seq. | Snow and ice control | R.1973 d.283 | 5 N.J.R. 391(a) |
| 16:41-1.1 et seq. | Permits | R.1973 d.283 | 5 N.J.R. 391(a) |
| 16:27-1.3 | Reduction of rates of speed; ratification of such rules | R.1973 d.319 | 5 N.J.R. 426(c) |
| 16:27-1.3 | Revisions in reduction of rates of speed | R.1974 d.48 | 6 N.J.R. 155(a) |
| 16:28-3.1 et seq. | Restricted parking on various State highways | R.1974 d.77 | 6 N.J.R. 203(b) |
| 16:39-3.1 et seq. | Spilled cargo on State highways | R.1974 d.101 | 6 N.J.R. 203(c) |
| 16:42-1.1 et seq. | Road equipment rental agreements | R.1973 d.283 | 5 N.J.R. 391(a) |

TREASURY GENERAL — TITLE 17

| | | | |
|--------------------|---|--------------|-----------------|
| 17:1-1.1 | Foreword, Chapter 1 | R.1973 d.258 | 5 N.J.R. 358(b) |
| 17:1-1.7 et seq. | Revised administration rules | R.1974 d.62 | 6 N.J.R. 158(b) |
| 17:1-6.1 et seq. | Delete entire Subchapter | R.1973 d.258 | 5 N.J.R. 358(b) |
| 17:3-1.1 et seq. | Revisions concerning Teachers' Pension and Annuity Fund | R.1974 d.24 | 6 N.J.R. 124(a) |
| 17:4-1.5 et seq. | Revisions for Police and Firemen's Retirement System | R.1974 d.61 | 6 N.J.R. 158(a) |
| 17:7-3.2 et seq. | Revisions concerning Prison Officers' Pension Fund | R.1973 d.314 | 5 N.J.R. 429(a) |
| 17:9-3.3 et seq. | Revisions in administration of Health Benefits Program | R.1973 d.285 | 5 N.J.R. 393(a) |
| 17:16-27.3 | Limitations regarding certificates of deposit | R.1974 d.63 | 6 N.J.R. 158(c) |
| 17:16-27.3 | Amendment concerning other limitations | R.1974 d.94 | 6 N.J.R. 205(a) |
| 17:16-27.4 | Legal Papers; certificates of deposit | R.1974 d.63 | 6 N.J.R. 158(c) |
| 17:16-32.8(b) | Revisions concerning valuation of units | R.1974 d.35 | 6 N.J.R. 124(d) |
| 17:16-32.9(b) | Revisions concerning admission date | R.1974 d.35 | 6 N.J.R. 124(d) |
| 17:16-37.1 et seq. | Repurchase agreements | R.1974 d.36 | 6 N.J.R. 125(a) |
| 17:20-5.10 | Agent's compensation | R.1973 d.353 | 6 N.J.R. 36(a) |
| 17:21-2.3 et seq. | Revised rules on lottery prize structure | R.1973 d.353 | 6 N.J.R. 36(a) |
| 17:21-5.6(a)6. | Revisions concerning conducting drawings | R.1974 d.31 | 6 N.J.R. 124(b) |

(Continued on next page)

(Continued from Page 27)

own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Independent Clinic Services Manual

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt revisions to certain portions of Chapter 66 in Title 10 of the New Jersey Administrative Code concerning the independent clinic services manual.

Full text of the proposed revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:66-1.10 Podiatry services

[(a) When recommended by the supervising physician or supervising podiatrist as an integral part of the patient's medical care plan, and provided by a licensed podiatrist. Except in an emergency, prior authorization from the Podiatry Services Unit, Division of Medical Assistance and Health Services, P.O. Box 2485, Trenton, New Jersey 08625 is required for all treatments beyond the initial examination and evaluation. A written request identifying the case and containing sufficient information about the

problem and plan of treatment to enable the Unit to make an evaluation must be submitted together with all three copies of claim form MC-14 C1 to the Podiatry Services Unit. Items 1-9 of the MC-14 C1 must be completed by the Clinic. If authorized the Clinic will receive the Provider and Contractor copies of the MC-14 C1 with appropriate comments in item 10.

(b) Upon completion of the authorized service(s), complete items 11, 12 and 13 and submit the Contractor's copy to Prudential for payment.

(c) If not authorized the Clinic will receive notification of the reason(s) for the denial.]

(a) Necessary podiatry service(s) may be provided by a licensed podiatrist in a clinic approved by the Division of Medical Assistance and Health Services in accordance with Section 2. of this Subchapter.

(b) Upon completion of authorized services submit the contractor's copy of the MC-14 C1 to Prudential.

10:66-1.12 Dental services (See Dental Manual for complete details)

(a) Dental services includes diagnostic, preventive and restorative dental treatments performed by a qualified dentist. All approved clinics providing dental services will be reimbursed on a fee-for-service basis. [The mechanism for reimbursement will be to pay billed charges up to 60 per cent of the Health Services Program schedule of maximum dental allowances.]

(b) Clinics are instructed to charge their regular and customary fee for each service. [Prudential will pay the billed charges or 60 per cent of the Health Services Program schedule of maximum dental allowances, whichever is less.] Reimbursement will be on the basis of the billed charges not to exceed the schedule of maximum dental allowances of the Division.

(c) The following "routine" [dental services] procedures do not require prior authorization: [up to a maximum of \$75.00:]

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

(Continued from previous page)

TREASURY TAXATION — TITLE 18

| | | | |
|--------------------|---|--------------|-----------------|
| 18:3-1.1 et seq. | Revisions concerning Alcoholic Beverage Tax Law | R.1973 d.297 | 5 N.J.R. 393(d) |
| 18:4-1.1 et seq. | Revisions concerning retail licenses and Alcoholic Beverage Tax Act | R.1973 d.296 | 5 N.J.R. 393(c) |
| 18:12A-1.1 et seq. | Rules for county boards of taxation | R.1974 d.95 | 6 N.J.R. 205(b) |
| 18:15-6.1 et seq. | Revise definitions on agricultural use | R.1973 d.295 | 5 N.J.R. 393(b) |
| 18:24-5.3 | Purchase of materials and supplies by contractors | R.1973 d.336 | 6 N.J.R. 38(a) |
| 18:24-23.1 et seq. | Rules on bad debts | R.1974 d.96 | 6 N.J.R. 208(a) |
| 18:26-8.10 | Amendments concerning valuations | R.1974 d.34 | 6 N.J.R. 124(c) |
| 18:26 Appendix A | Revised list of inheritance tax supervisors | R.1973 d.298 | 5 N.J.R. 393(e) |

OTHER AGENCIES — TITLE 19

| | | | |
|-------------------|---|--------------|-----------------|
| 19:2-7.1 et seq. | Purchasing regulations of Expressway Authority | R.1973 d.284 | 5 N.J.R. 396(a) |
| 19:3-1.1 et seq. | Revised fee schedules, Hackensack Meadowlands | R.1973 d.334 | 6 N.J.R. 39(a) |
| 19:3-1.7 | Solid waste collection fee schedule, Hackensack Meadowlands | R.1973 d.333 | 6 N.J.R. 40(a) |
| 19:3A-1 | Indemnification for Meadowlands District | R.1974 d.83 | 6 N.J.R. 209(b) |
| 19:4-4.4 et seq. | Revised Hackensack Meadowlands zoning regulations | R.1974 d.1 | 6 N.J.R. 87(b) |
| 19:4-6.19 | Appointment and operation of environmental design committee | R.1974 d.82 | 6 N.J.R. 209(a) |
| 19:7-1.1(g) | Revised Meadowland sanitary landfill rules | R.1974 d.49 | 6 N.J.R. 158(d) |
| 19:7-1.1(i) | Hackensack Meadowlands sanitary landfill operations | R.1974 d.81 | 6 N.J.R. 208(c) |
| 19:8-1.2(a) | Revised Garden State Parkway speed limits | R.1974 d.6 | 6 N.J.R. 88(b) |
| 19:8-31.1(b) | Revised Garden State Parkway tolls | R.1974 d.8 | 6 N.J.R. 88(a) |
| 19:10-1.1 | PERC amends employee definitions | R.1974 d.56 | 6 N.J.R. 159(a) |
| 19:13-1.1 et seq. | Delete entire Chapter of PERC rules | R.1973 d.248 | 5 N.J.R. 358(c) |
| 19:15-4.1 | Motions for PERC reconsideration | R.1974 d.56 | 6 N.J.R. 159(a) |

1. [Diagnostic examination and required radiography (limit \$25.00).]

Diagnostic examination with required radiography necessary to develop a treatment plan limited to a maximum of \$25.00. Refer to Sections 231.1, 231.2 and 233.7 of Dental Manual; and Health Services Program newsletter Volume 1-50.

2. [Initial "routine" emergency treatment with required radiography as defined below: (See item 3 for routine procedures.)]

i. Initial "routine" emergencies are defined as those emergencies (limited to procedures in 3, v. and vi., below) which initially bring the patient to the dentist's office and which, following an examination with required radiography, generate a plan of treatment. Emergencies of this nature must be included on the claim for "routine" services and the charges are applied toward the \$75.00 maximum.]

Emergency treatment with required radiography. Refer to Sections 230 and 231.2 of Dental Manual.

3. "Routine" [procedures] dental services are limited to those designated below:

i. Oral prophylaxis (refer to Section 232 of Dental Manual);

ii. Topical fluoride application for persons twenty years of age and under;

NOTE: This is not a covered service for persons 21 years of age and over.

iii. Restoration of carious permanent and deciduous teeth with silver amalgam, silicate cement, composite [and] or other plastic materials. (Refer to Section 233.1 of Dental Manual and Health Services Program newsletter Volume 1-47 and 1-68.);

iv. Pulp capping for permanent and deciduous teeth;

v. Pulpotomy [for permanent and deciduous teeth.] of one tooth, permanent or deciduous; [If more than one pulpotomy is necessary, prior authorization of the complete treatment plan is necessary.]

vi. Extractions of nonrestorable teeth; [where] multiple extractions [are recommended and] necessitating a dental prosthesis. [will be needed, prior authorization will be necessary.]

(d) [The above services may be billed directly to Prudential, P.O. Box 5000, Millville, New Jersey 08332, on the New Dental Claim (form MC-10) without prior authorization if performed by the same provider for a recipient up to a maximum of \$75.00 with the following limitations:]

All dental services other than those listed above are defined as "nonroutine dental services". The above routine dental services may be performed without prior authorization by the same provider (group) for a recipient with the following limitations:

1. That all such "routine" services should be completed within 90 days of the date of the initial visit; and
2. That any such "routine" services may not be initiated again within six months from the date of last service. [and
3. All initial emergency, examination and routine dentistry services are to be included on one claim. Interim or split bills will be reviewed for compliance with limitations No. 1 and 2 above.]

NOTE: If you [are] submit[ing] a claim for payment before completion of your established treatment plan because the recipient has not returned to complete that treatment, [broken appointments] you must indicate this on the claim. In the event the same recipient returns to you at a later date to complete that [the] "routine" treatment plan, you may submit the second claim to Prudential without prior authorization provided [that the total amount of the

initial and second claims does not exceed \$75.00 and] there is no charge in the treatment plan and that the second claim is marked "continuation of previously established treatment plan".

(e) Procedures for "routine" dental services are:

1. Following verification of the recipient validation card, dentist examines patient, takes necessary X-rays, performs emergency treatment if any, and develops a treatment plan on the Dental Claim (MC-10) (Exhibit II) using procedure codes supplied in Appendix A.
2. Treatment is completed by provider (should be within 90 days from initial visit).

i. Post-treatment X-rays as necessary are taken.

3. Dental Claim MC-10 (contractor's copy) sent to Prudential within 90 days of last date of service. Clinic retains provider copy. Pretreatment and post-treatment X-rays must be retained by clinic for a minimum of three (3) years from the last date of service and must be available upon request of the Health Services Program or any of its agents.

(f) The following services require prior authorization from a dental consultant of the [the Central Office] Division of Medical Assistance and Health Services.

1. [Claims for routine services exceeding \$75.00.
2. Claims for additional routine services excluding emergencies rendered within six months from the date of last service.
3. All claims involving a combination of routine and non-routine services.
4. All claims for nonroutine services.

(g) In order to obtain prior authorization, the clinic should examine the patient, develop a treatment plan on claim form MC-10 and submit the MC-10 (Contractor's and Provider's copies) together with pretreatment X-rays to: Dental Director, New Jersey Division of Medical Assistance and Health Services, P.O. Box 2706, Trenton, New Jersey 08625. If authorized, both copies of the MC-10 and the X-rays will be returned to the clinic. Upon completion of the authorized treatment the clinic should submit the MC-10 (Contractor's copy) to Prudential for payment within 90 days from date of last service. Pretreatment and post-treatment X-rays must be retained by the clinic for a minimum of three years from the last date of service and must be available upon request of the Health Services Program or any of its agents.

(h) DENTAL CLINICS WILL UTILIZE ONLY THE DENTAL CLAIM (MC-10) AND NOT THE CLINIC SERVICES CLAIM (MC-14). It is recommended that dental clinics also request the New Jersey Health Services Program Dental Manual to supplement this publication.]

Treatment plans for additional "routine dental services" rendered within six months from the date of last service.

2. Treatment plans which are a combination of "routine" and "nonroutine dental services".
3. Treatment plans for "nonroutine dental services" only.

NOTE: If you submit a claim for payment before completion of your prior authorized treatment plan because the recipient has not returned to complete treatment, you should indicate this on that claim. In the event the same recipient returns to you at a later date to complete the prior authorized treatment you may submit the second claim to Prudential without prior authorization provided that there is no change in the treatment plan and the second claim is marked "continuation of previously authorized treatment plan". (Should not exceed one year from date of initial examination.)

(g) In order to obtain prior authorization, the clinic

should examine the patient, develop a treatment plan on claim form M-10 and submit the MC-10 (Contractor and Provider copies) together with pretreatment X-rays to: Dental Director, New Jersey Division of Medical Assistance and Health Services, P.O. Box 2706, Trenton, New Jersey 08625. If authorized, both copies of the MC-10 and the X-rays will be returned to the clinic. Upon completion of the authorized treatment the clinic should submit the MC-10 (Contractor's copy) to Prudential for payment within 90 days from date of last service. Pretreatment and post-treatment X-rays must be retained by the clinic for a minimum of three years from the last date of service and must be available upon request of the Health Services Program or any of its agents.

(h) The individual clinic practitioner will use the MC-10 Dental Services claim form exclusively.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Administrative Analyst
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08608

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Overpayments and Underpayments

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise a portion of the Financial Assistance Manual concerning overpayments and underpayments. These revisions were initially proposed in the November 8, 1973, issue of the New Jersey Register at 5 N.J.R. 378(b) but, since major changes have been suggested, are being re-published herein.

Full text of the proposed revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:82-10.1 Overpayments; underpayments.

(a) In situations where an administrative error or failure of a member of an eligible unit to inform the county welfare board of [a] any change in [income or resources] circumstances results in an overpayment or underpayment in the monthly grant, the county welfare board shall proceed as follows:

1. Immediately upon discovery of the overpayment or underpayment inform the eligible unit, in writing, that such error in payment has occurred, its amount, and that it will be taken into consideration in issuing the next payment(s) of assistance. [if any, subject to subsection b.-1 below.]

2. [The county welfare board shall] Correct the monthly grant for the period of assistance next following the discovery of the overpayment or underpayment, unless in the case of an underpayment an immediate additional payment is issued pursuant to Section 252.-b., and where appropriate, proceed according to subsection c. or d.

3. Overpayment: When an overpayment of \$10.00 or more in the amount of the monthly grant was due to error or negligence on the part of the client, the county welfare board shall effect recoupment of the total amount overpaid in the following manner:

i. Deduct from the amount of the grant a dollar amount equivalent to ten per cent of the allowance standard as determined from Schedules I and/or II; and

ii. In addition, if there is earned income to the eligible unit, deduct from the amount of the grant a dollar amount equivalent to 20 per cent of the total gross earnings, but not to exceed the total amount of the grant;

iii. If the client requests (in writing) a greater deduction for the purpose of satisfying the overpayment, deduct such amount so long as it is clearly evident that the greater deduction will not cause undue hardship to the family.

iv. Deductions as specified in this Section shall not, even when encompassing the total monthly payment, affect Medicaid eligibility.

v. Deductions as specified in this Section shall be continued until the entire amount of overpayment has been recouped by the county welfare board.

(1) In the event assistance is terminated, the client shall be advised that the overpayment constitutes a collectible debt: the county welfare board will continue to make every effort to complete recoupment.

vi. Recoupment shall be limited to overpayments made during the 12 months immediately preceding the month in which overpayment is discovered, except in situations where evidence clearly establishes that the client willfully withheld information about his income and resources. In such instances, the recoupment shall extend to the time when overpayment commenced.

4. Underpayment:

i. When underpayment was due to failure of a member of the eligible unit to provide appropriate information, the next regular payment shall reflect the corrected grant for that payment period and the amount necessary to correct the payment for the period immediately preceding.

ii. When underpayment was due exclusively to administrative error by the agency, corrective payment shall be made retroactively to that month, within the [six] 12 months immediately preceding the discovery of the underpayment, in which the administrative error first occurred.

Such retroactive adjustment shall be made as an additional payment as promptly as possible but in no event later than the time of the next regular payment.

iii. [When administrative error occurred earlier than within the preceding six months, a report of all relevant facts and recommendation for corrective action shall be submitted to the State office. Corrective payment for any period greater than six months shall not be issued without approval and authorization by the State office.]

For purposes of determining continuing eligibility or the amount of assistance, retroactive corrective payments shall not be considered as income or resource to the eligible unit either in the month paid or in the next following month.

5. No further or subsequent adjustments in the grant are authorized to account for the overpayment or underpayment.

6. In all situations of overpayments, the facts and circumstances in each case shall be evaluated and, where indicated, action taken as appropriate in accordance with regulations pertaining to fraudulent receipt of assistance.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to Manual Of Administrative Appendix VI

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt revisions to clarify the Manual of Administration, 2900 Appendix VI, page 4.

Full text of the proposed revised text follows:

Eligibility for Continued Assistance

In cases in which there is a request for a fair hearing within 15 days from the date of mailing of a notice of termination, suspension or reduction, assistance is continued at an unreduced level until a fair hearing decision is rendered by the State agency, unless a determination is made at the hearing by the hearing officer that the issue is one of Federal or State law, policy or regulation and not one of incorrect grant computation, or a change affecting the recipient's grant which occurs while the hearing decision is pending and the recipient fails to request a hearing after notice of the change.

The agency will promptly inform the client in writing if assistance will be discontinued, based on the State agency's determination.

In all cases where assistance is continued unreduced and the proposed agency action to reduce, suspend or terminate assistance is sustained, recovery of any overpayment will be effected by methods prescribed in the Financial Assistance Manual.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

STATE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Amendment Concerning Vocational Rehabilitation Services

On March 27, 1974, Ann Klein, Commissioner of Institu-

tions and Agencies, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to the rules concerning vocational rehabilitation services, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 116(b).

Such amendment may be cited as N.J.A.C. 10:98-1.4.

An order adopting this amendment was filed and effective March 28, 1974, as R.1974 d.76.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions Concerning Procedure Code Numbers in Physicians Manual

On March 21, 1974, Ann Klein, 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 to the procedure code numbers in the Physicians Manual.

Such revisions involve psychologic testing, psychotherapy and family conference procedure code numbers.

Full text of the adopted revisions may be obtained by writing to:

Administrative Analyst
Division of Medical Assistance and Health Services
Post Office Box 2486
Trenton, New Jersey 08625

An order adopting these revisions was filed and effective March 29, 1974, as R.1974 d.84 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Rules for Service Programs for Aged, Blind or Disabled Persons And for Families and Children

On March 29, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for service programs for the aged, blind or disabled persons and for families and children, substantially as proposed in the Notice published March 7, 1974, at 6 N.J.R. 116(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

The rules concerning service programs for the aged, blind or disabled persons may be cited as N.J.A.C. 10:100-1.1 et seq. The rules concerning service programs for families and children may be cited as N.J.A.C. 10:123-1.1 et seq.

A summary of the substantive changes, by pages, made in the adopted rules follows:

Changes made on Title IV plan:

- P. 3 Changed language to read that Advisory Committees at local level will be established.
- P. 9 Changed reference to Alcoholism Control Program to the Department of Health.
- P. 10 Item B5—Allowance made for Variable Rates in purchase of service.
- P. 16 Fair Hearings: "her" changed to "her/his".
- P. 18 Provisions made for priority setting under the spending ceiling and for the implementation of sliding fees for formers and potentials.
- P. 19 Added goals toward which services may be provided: preserving, rehabilitating and reuniting families and assisting members of a family in attaining or retaining capability for the maximum self-support and personal independence.
- P. 20 Altered Family Planning definition to distinguish between provision of service in accordance with State policy and the prompt provision of services; also to soften statement on relationship between Title XIX and IV.
- P. 21 Typographical error corrected under Homemaker Service (Title X & VI was changed to Title XIX).
- P. 22 Definition of legal service was significantly broadened.
- P. 23 The reference to "trainable and educable" was removed from the definition of Special Services for exceptional children.
- P. 24 Footnoted the maximum gross annual income for "potentials".
- P. 26 Changed "Protective and Vendor Payment related services" to "Protective and Representative Payee Services".
- P. 27 Added explanatory statement of day care sliding fee scale.
- P. 28 Expanded range of services potentially purchasable from the Department of Education, the Department of Labor and Industry, and the Department of Community Affairs.
- P. 29 Expanded range of services potentially available through the Commission for the Blind.
- P. 30 Same correction as p. 26.
- P. 32 Included phone number of Office of Child Abuse Control.
- P. 37 Added Annual Review of State and County Plans and Provision for annual public meeting.

Changes made on Title VI plan:

- P. 2 Item B5—Allowance made for variable rates in purchasing services.
- P. 6 Item B-23—Technical correction made in citation of Federal regulations; 23.c—provisions made for priority setting under the spending ceiling and for the implementation of sliding fees for formers and potentials.
- P. 7 Added two goals towards which services may be provided: to improve living arrangements and enhance activities of daily living.
- P. 8 Altered family planning definition—to distinguish between provision in accordance with state policy and prompt provision of services. Also to soften statement on relationship between Title XIX and VI. Typographical correction in Homemaker Service definition.
- P. 9 Definition of legal services, services significantly broadened.
- P. 10 Companionship services added to definition of services to alcohol abusers.

- P. 11 Companionship services added to definition of services to drug abusers.
- P. 13 Footnoted maximum gross annual income for "potentials".
- P. 15 Expanded family planning to aged; made consistency changes in sheltered workshops, special services for the blind and Information and Referral.
- P. 16 Expanded range of services potentially purchasable for the Department of Labor and Industry and the Department of Education.
- P. 17 Expanded range of services potentially available through the Commission for the Blind; changed "Protective and Vendor Payment Related Services" to "Protective and Representative Payee Service".
- P. 18 Added annual review of State and County Plans and provision for an annual public meeting. Attachment A—appended preprinted interim State Plan for Title IV.

An order adopting these rules was filed and effective March 29, 1974, as R.1974 d.85. Take notice that these rules are still subject to Federal approval.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Standards for Approval of Child Care Centers

On April 18, 1974, Frederick A. Schenck, Director of the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J. S.A. 18A:70-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted standards for approval of child care centers concerning children from two to five years of age.

Full text of the adopted standards follows:

CHAPTER 122

SUBCHAPTER 2. STANDARDS FOR APPROVAL OF CHILD CARE CENTERS

10:122-2.1 Definitions

(a) The term, child care center, used in Chapter 303, P.L. 1946, applies to all private centers enrolling more than five children between two and five years of age with four exceptions.¹

(b) By whatever name the group is called, i.g., private nursery school, day nursery, cooperative group, play group, the program should provide for all phases of a child's physical, social, emotional and mental development.

¹ It shall not include (1) the State Board of Children's Guardians of the Department of Institutions and Agencies, or (2) any aid society of a properly organized and accredited church or fraternal society organized for aid and relief of its members, or (3) any children's home, orphan, asylum, children's aid society or society for the prevention of cruelty to children, incorporated under the laws of this State and subject to visitation or supervision by the State Department of Institutions and Agencies, except in the conduct of a philanthropic day nursery, or (4) any other public agency operated by a county, city, municipality or school district.

10:122-2.2 Purposes of standards

(a) The purposes of these standards are:

1. To establish adequate standards for physical facilities,

personnel and a program for the care and guidance of children in the two to five year age group;

2. To provide a basis for consultation with boards and staffs of child care centers and to inform them regarding the requirements necessary for obtaining a certificate of approval from the State Department of Institutions and Agencies;

3. To provide a source of information whereby the public may be informed of the status of these groups;

4. To protect the standing of reputable nursery schools and other child care centers.

10:122-2.3 Procedure for operating centers

(a) A person or persons planning to open a center for a group of more than five children over the age of two and under the age of five years, in which any tuition, fee, board, or other form of compensation for the care of the children is charged, shall apply to the State Department of Institutions and Agencies for an application for certificate of approval.

(b) Every private group, coming under the provisions of N.J.S.A. 18A:70-1 to 9 shall apply for and obtain from the Commissioner of Institutions and Agencies a certificate of approval before opening.²

(c) The application form shall be completely filled in and filed with the Commissioner of Institutions and Agencies, accompanied by a money order or a certified check for \$75.00 made payable to "Treasurer, State of New Jersey" (Chapter 116, P.L. 1954). In the event the certificate is denied this fee shall be returned.

(d) A visit shall be made by a representative of the State Department of Institutions and Agencies and a report made to the Commissioner of Institutions and Agencies.

(e) The housing shall meet local building, sanitation and fire codes.

(f) The local health and fire departments shall certify that there is no hazard to the health and safety of the children. Stairs, furnace, hot water heater, bathroom, kitchen, exits, fire escapes, fire extinguishers, plumbing and the electrical facilities shall have been found to be safe and there shall be no other undue hazards.

(g) A certificate of approval shall be issued to any child care center that qualifies under the standards. This certificate of approval shall be in force for a period of three years unless revoked for a good cause. The Commissioner of Institutions and Agencies may issue a temporary certificate for a shorter period.

(h) The certificate of approval shall state the maximum number of children for which approval is granted.

(i) The certificate of approval shall be renewed every three years, subject always to the approval standards.

(j) Any changes in the location of the nursery, the building, enrollment or staff after a certificate of approval is issued, shall be reported to the State Department of Institutions and Agencies within 30 days.

(k) A certificate of approval of a child care center or facility may be denied, suspended or revoked if, after a physical inspection of the premises and a hearing performed, conditions are found which are hazardous and which, if not corrected or abated, would endanger the health, safety and well-being of the children and/or occupants of the child care facility. If such conditions are found to exist, the Commissioner, or his designated representative, shall order an immediate correction or abatement of any and all violations that present an imminent hazard to the health, safety and well-being of the children and/or occupants of the center or facility, or, upon good cause, may request the premises to be vacated until such time as the safety and well-being of the occupants has been secured.

² Standards for the issuance of a certificate of approval for a child care center pursuant to N.J.S.A. 18A:70-1 to 9.

10:122-2.4 Personnel

(a) There shall be a minimum of two adults for any total school group.

(b) The children shall not be left unattended at any time.

(c) Rules concerning the qualification of staff include:

1. The person responsible for setting the educational policies and program shall be a qualified nursery school teacher as here and after prescribed.

2. Each adult person connected with a child care center shall present to the center an annual written statement from a qualified physician certifying his physical health, including freedom from tuberculosis determined by medical and chest X-ray examinations.

(d) Rules concerning the director include:

1. The director shall be qualified by professional knowledge, training and experience in the fields of education, child psychology, social group work or social case work.

2. If he is responsible for the educational program, he shall meet the qualifications hereinafter prescribed for the head teacher and in addition should have administrative ability and be able to work effectively with people. (The director and head teacher may be the same person.)

(e) The head teacher shall be the person responsible for the school program:

1. The head teacher shall:

i. Hold a New Jersey nursery school certificate;

ii. Have had at least two years' teaching experience in an approved nursery school as a teacher; or

2. The head teacher shall:

i. Hold a New Jersey teacher's certificate with a nursery school endorsement, based on six semester hour credits of specialized nursery school training as specified in the rule;

ii. Have had at least two years' teaching experience in an approved nursery school (under a qualified nursery school teacher).

(f) A group teacher is one who teaches under the supervision of a head teacher:

1. A group teacher shall:

i. Have had two full years of college work;

ii. Have had fifteen semester hours of college work in the areas of nursery school curriculum and child development;

iii. Have had one years' teaching experience as an assistant or as a student teacher in an approved nursery school; or

2. A group teacher shall:

i. Have had 15 semester hours of college work in early childhood education including child development and curriculum, and be enrolled in a college program;

ii. Have had two years' experience as an assistant in an approved nursery school (under a qualified nursery school teacher).

(g) An assistant shall be a high school or secondary school graduate, or a parent.

10:122-2.5 Physical facilities

(a) All centers shall include play rooms, isolation room, coat room or lockers, storage space, washing and toilet facilities and outdoor play space.

(b) Kitchen and sleeping facilities shall be provided for a full day program.

(c) Rules concerning housing include:

1. All child care center facilities as defined in N.J.S.A. 18A:70-1 shall be located on the street floor of a building. Applicants seeking to locate a center in other than a ground floor location must have prior written approval of the Division of Youth and Family Services of the Department of

Institutions and Agencies and must meet safeguards as determined and approved by the Division to protect the health, safety and well being of the occupants.

2. Street floor shall be defined as a floor, usually the principal entrance floor, that is not more than ½ story above or below grade at the location from which egress is provided to the street.

3. Basement rooms shall not be used unless specially approved, except when used during short periods as necessary play space in inclement weather. Ventilation and lighting shall be adequate. The floor and walls shall be free from dampness and odors.

4. Rooms used as family living quarters shall not be included, unless specially approved.

5. Two unobstructed exits shall be provided from all floors and basement areas used by the children, as a safety precaution. These exits shall be easily accessible to the rooms and to the out of doors. Outside exit doors shall open outward.

6. Walls and floors shall be finished in such a manner that they may be cleaned frequently.

7. Fireplaces, open face heaters, stoves, hot radiators, electrical outlets and hazardous windows, in rooms used by children, shall be adequately protected by screens or guards.

8. Stairs shall be easy and safe for children's use with a handrail that children can easily reach.

9. A temperature of 68-72 degrees shall be maintained throughout the day at a point two or three feet from the floor when the outdoor temperature is below 68 degrees.

10. The water shall be of a safe, sanitary quality obtained from a water system which has been approved by the Board of Health.

11. No common drinking utensil shall be permitted.

(d) Rules concerning play rooms include:

1. To provide for varied activities, the play room shall allow a minimum of thirty square feet of floor space per child based on the enrollment, exclusive of bathroom, lockers, kitchen, office and storage.

2. There shall be a minimum of 20 foot candles of light in all parts of the play room.

3. Low open shelves shall be provided for unit blocks, transportation toys, and other materials with enough adjacent space in which to build.

4. Furniture shall be child size and sturdy.

(e) Rules concerning resting facilities include:

1. For the half day program each child shall be provided with an individual rug, mat or cot.

2. For the all day program, children shall have individual cots, sheets and blankets. Beds used by members of the household shall not be used by the children. Cots, bedding and rugs shall be kept clean.

(f) Rules concerning toilet facilities include:

1. At least one toilet and washbowl with low mirror shall be provided for every fifteen children. These facilities shall be kept in a sanitary condition. A supply of hot and cold water shall be provided. Location of these facilities shall at least in part, be on the same floor as the main play room.

2. If cloth towels and wash cloths are used, they shall be individually marked and hung up.

(g) Rules concerning the isolation room include:

1. Suitable arrangements shall be made for the isolation of a child in the event of illness until such time as he can be taken home.

2. The isolation room shall be furnished with articles that can be thoroughly cleaned and with bedding that can be boiled or aired in the sunshine.

(h) Rules concerning the kitchen include:

1. When children remain for lunch, a separate unit shall be provided for the kitchen. This shall be equipped with stove, refrigerator, sink, with hot and cold water, dishes and cooking utensils, adequate to prepare and serve the noon meal as well as morning and afternoon snacks. It shall be kept clean and well lighted.

2. Closed cupboards shall be provided for the storage of dishes and cooking equipment.

3. All dishes and utensils used for serving or preparing food shall be sanitized. If used, towels shall be boiled daily.

4. Kitchens shall be screened from May 1 to November 1 and effective methods used as a protection against insects and rodents.

5. Garbage shall be kept in closed containers, removed from the building daily, and garbage cans washed frequently.

(i) Regarding outdoor play space, a minimum of 100 square feet per child of outdoor space shall be provided and shall be adequately fenced or otherwise protected from hazards from traffic and driveways.

(j) Regarding equipment and materials, the equipment shall be safe, with no sharp edges, points or splinters, easily cared for and suitable. It shall provide for different types of activities and serve particular needs and interests of the age groups.

10:122-2.6 Health care

(a) Each child shall be inspected daily by a person familiar with the child and competent to recognize symptoms of communicable diseases and ill health.

(b) Each child shall have a complete physical examination by a physician before admission.

(c) The school shall provide a form upon which the physician shall submit a record of the child's health history, immunization data, and the findings of the last medical examination.

(d) A child having a physical or mental handicap which requires special care or continued close supervision shall be enrolled only with the approval of the physician.

(e) A first aid kit shall be provided and kept completely stocked and a person on the staff qualified to give first aid. A doctor shall be readily available for advice in planning the health program and for emergencies.

(f) Any child who has been absent because of illness shall be readmitted only with a certificate from the family physician, the school physician, or the local Department of Health.

(g) Children in an all day program shall have a rest period on cots of at least one half hour after the noon meal.

(h) A hot lunch shall be served, if the program runs through the noon meal. Meals shall be nutritionally adequate. An adequate lunch shall include at least:

1. One-half pint of plain whole milk as a beverage;
2. One ounce of protein (lean meat, poultry, fish or cheese);
3. One-half cup of vegetables or fruit or both;
4. One portion of bread;
5. One teaspoon of butter or margarine.

10:122-2.7 Transportation of children to and from child care centers

Historical Note

(Formerly Rules 1611 through 1615, Rules of the Commissioner) (Pursuant to N.J.S.A. Title 18A:70-3) (See Also: N.J.A.C. 6:21-1.1 et seq., Rules and Regulations of State Board of Education, Transportation of Pupils in Small Vehicles)

(a) Regarding qualification of drivers (formerly Rule 1611, Rules of the Commissioner), a driver transporting

pupils to and from any child care center shall possess a valid school bus driver's license issued by the Division of Motor Vehicles. He shall be a reliable person of good moral character and not less than 21 years of age.

Note: A parent transporting only his own child or children on a for-hire basis will not be required to possess a school bus driver's license. If, however, the parent in this case utilizes a vehicle which has a capacity greater than six, the Division of Motor Vehicles will require the driver to possess a special bus driver's license as required by N.J.S.A. 39:3-10.1.

(b) Vehicle specifications (formerly Rule 1612, Rules of the Commissioner) include:

1. No small vehicle, as defined in N.J.A.C. 6:21-10.1 et seq., shall carry more than 16 children; there shall be no standees.

2. When 17 or more children are transported, the vehicle shall comply with all the bus specifications prescribed by N.J.A.C. 6:21-10.1 et seq.

3. The body and equipment of every small vehicle shall conform to the following:

i. Minimum seat width: 12 inches for each child; 15 inches for each adult;

ii. Seats and back rests: Securely fastened (no "jump-type" or folding seat will be approved), forward facing, spring or foam rubber upholstered. Exit from any seat in the vehicle must be clear of all obstruction. No vehicle will be approved where exit requires the folding of any seat ahead;

iii. Heater capacity: 50 degrees F minimum;

iv. Windshield wipers: Dual;

v. Rear-view mirrors: Approved inside and outside. Outside mirror must be mounted on driver's side of vehicle;

vi. Minimum emergency equipment: Spare tire, jack and at least three red reflector warning devices;

vii. Chains and snow tires: As required by the county superintendent of schools; must be used for safe operation in areas of snow and/or ice;

viii. Fire extinguisher: Fully charged, with minimum Underwriters rating of B-2, C-2, (or ½ B.C.), located at the front and to the right of the driver;

ix. First-aid kit: Dust-proof metal unit without a lock, with the words First Aid printed on the cover and with contents to be maintained as hereinafter provided:

- (1) 6—single units sterile pads 3 x 3 inches;
- (2) 2—1 inch x 10 yds. bandage;
- (3) 12—plastic strip bandages;
- (4) 1—triangular bandage, 1 - 1 inch x 2½ yds. adhesive;
- (5) 2—paper cups;
- (6) 1—scissors;
- (7) 1—First aid guide booklet.

x. Sun visor adjustable;

xi. Floor covering—must be non-skid material securely attached.

(c) Insurance (formerly Rule 1613, Rules of the Commissioner) rules include:

1. Each contractor shall furnish liability insurance for bodily injury or death in the following minimum amounts: \$300,000 for one person, \$500,000 for one accident.

2. Such insurance shall be through a company authorized to insure in New Jersey.

3. In lieu of the policy or certificate of insurance hereinafter prescribed, self-insuring corporations may file the certificate prescribed in N.J.S.A. 48:4-12 and 13.

4. Photostat of the policy or certificate of insurance shall be attached to the application for certificate of approval. The original or certified copy shall be retained on file in the child care center.

(d) Safety practices (formerly Rule 1614, Rules of the Commissioner) include:

1. When more than six children are transported in one vehicle, there shall be another adult in the vehicle in addition to the driver.

2. At no time shall children be unattended in a vehicle.

3. All small vehicles shall be inspected semi-annually by the Division of Motor Vehicles, in cooperation with the county superintendent, who shall notify each center of the schedule of inspections; the responsibility for notifying the county superintendent of vehicles to be inspected shall be that of each center.

4. Children shall be loaded and unloaded from the curb side of the vehicle and on the right side of the street, except one-way streets.

5. When unloading, the driver shall make certain that a responsible person is present to take care of the child.

6. Each vehicle shall be uncluttered and thoroughly clean at all times.

7. Doors shall be opened and closed by the driver or by the attendant, and no obstacle shall obstruct clear passage to doors.

8. Windows shall not be more than 50 per cent open at any time.

9. When a tire is worn smooth or is otherwise in poor condition, the tire shall be replaced with an approvable tire.

(e) Transportation records (formerly Rule 1615, Rules of the Commissioner) rules include:

1. Each center shall keep on file a list of the children transported, the distance each child is transported, the name of each driver, and the year, make and model of each vehicle used.

2. These records shall be available to the Commissioner of Institutions and Agencies or his representative.

Editor's Note: An appendix setting forth the provisions of N.J.S.A. 18A:70-1 through 18A:70-9 was also filed with the above rules but is not reproduced herein.

An order adopting these standards was filed and effective April 19, 1974, as R.1974 d.97 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Revised Organization Chart

On April 3, 1974, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revised organization chart for the Department of Insurance.

Full text of the adopted rule follows:

11:1-1.1 Organization of the Department

(a) The organization chart of the Department of Insurance is as follows (next page):

An order adopting this revised chart was filed and effective April 9, 1974, as R.1974 d.89 (Exempt, Procedure Rule).

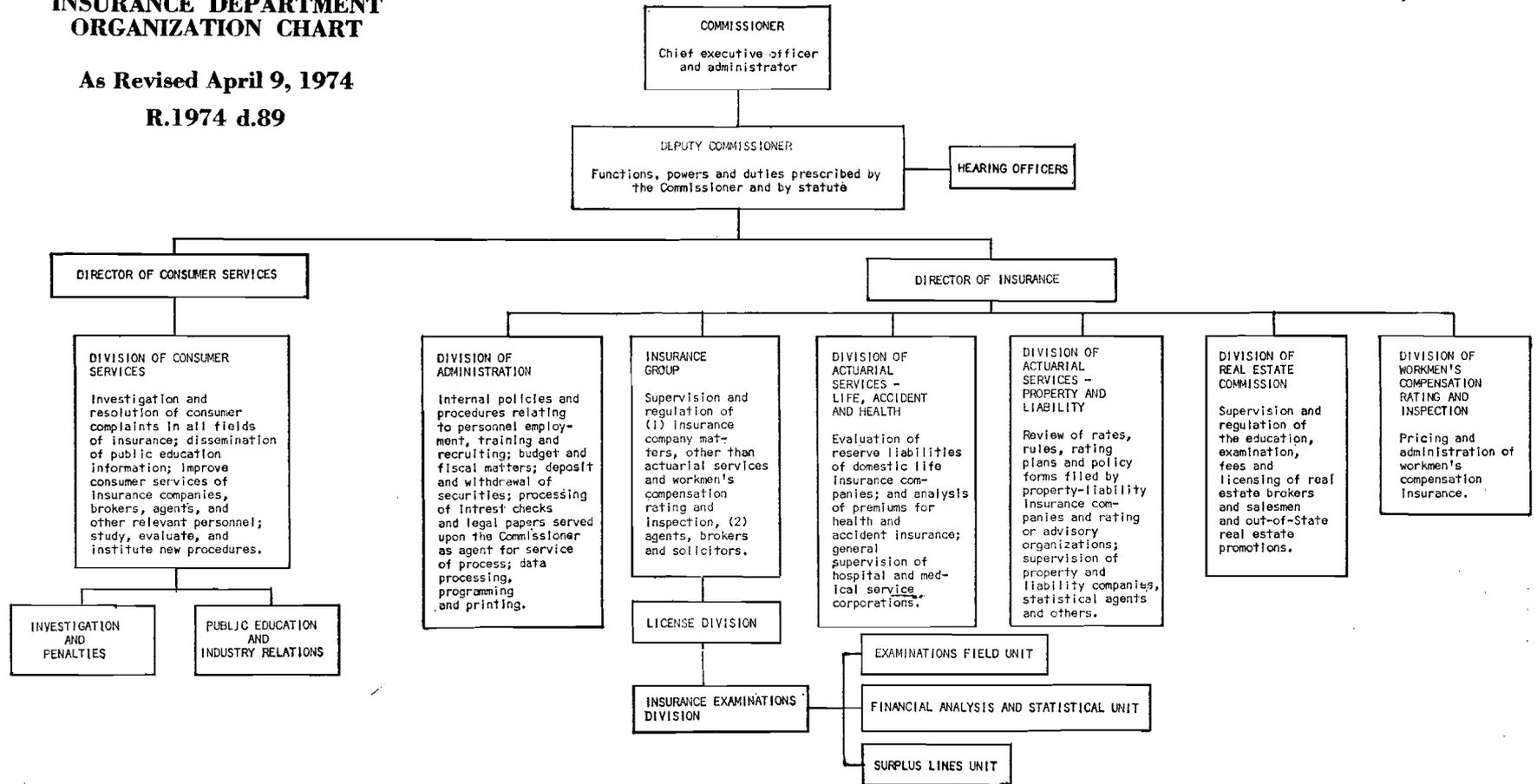
Thomas F. Kistner
Director of Administrative Procedure
Department of State

(See next page)

INSURANCE DEPARTMENT ORGANIZATION CHART

As Revised April 9, 1974

R.1974 d.89



(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF NURSING

Revisions Concerning Examinations And Foreign Nurses

On March 21, 1974, Richard E. David, Executive Director of the State Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d)(19) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:37-2.7, 13:37-3.7 and 13:37-9.5 concerning examinations and foreign nurses, as proposed in the Notice published February 7, 1974, at 6 N.J.R. 81(a).

An order adopting these revisions was filed and effective April 16, 1974, as R.1974 d.92.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Notice of Typographical Error Concerning Rule on Full Calendar Year

Take notice that, in the Notice of Adoption of the changes in certain rules of the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians appearing in the April 4, 1974, issue of the New Jersey Register at 6 N.J.R. 153(a), there was a typographical error in the text of N.J.A.C. 13:33-1.40, Full calendar year, week.

In the first line of that rule, it was incorrectly stated that 2 months constituted a full calendar year. This should have read 12 months. The remaining text in the Notice was correctly published.

Full text of the correct text of N.J.A.C. 13:33-1.40 follows:

13:33-1.40 Full calendar year; week

A full calendar year shall consist of 12 months of compensated employment. A working week shall consist of no less than 32 hours.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Revisions on Return of Deposits

Anthony J. Grossi, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A.

48:2-13 et seq., proposes to revise N.J.A.C. 14:3-7.5(c) concerning return of deposit.

Full text of the proposed revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

14:3-7.5(c) Simple interest at the rate of at least [four] six per cent per annum [must] shall be paid by the utility on all deposits held by it, provided the deposit has remained with the utility for at least [six] three months.

A public hearing respecting the proposed action will be held on Wednesday, June 5, 1974, at 10:00 A.M. in Room 208 at 101 Commerce Street, Newark, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Ralph C. Caprio
Secretary
Board of Public Utility Commissioners
Room 208
101 Commerce Street
Newark, New Jersey 07102

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

Anthony J. Grossi
President
Board of Public Utility Commissioners
Department of Public Utilities

(d)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Rules Concerning Gas Safety

On March 28, 1974, William E. Ozzard, Commissioner of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning gas safety, substantially as proposed in the Notice published April 5, 1973, at 5 N.J.R. 122(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Public Utilities.

Full text of the adopted rules follows (additions to the proposed rules indicated in boldface thus; deletions to the proposed rules indicated in brackets [thus]):

14:6-1.4 Service line valves

An outside shut-off valve shall be installed on every new and every renewed service line.

14:6-1.5 [Sectionalization] Emergency shutdown

Each gas utility shall provide a sufficient number of valves in its distribution system, [and prepare preplanned shutdown procedures,] so that any section of its high-pressure distribution system can be shut down in an emergency. In addition, each utility shall train all employees in the procedures to follow when it is necessary to reduce the flow of gas because of an emergency.

14:6-1.6 Gas detectors

(a) Combustible gas detaching instruments shall be assigned to all service men and other personnel who may be

involved in the detection of gas leaks. The instruments shall be properly maintained and periodically calibrated in accordance with the manufacturer's reasonable specifications. Records shall be kept of such calibrations.

(b) A combustible gas detecting instrument shall be used by gas company personnel, in conjunction with other means of detection, in the investigation of any suspected gas leak. Any employee who may be called upon to investigate a suspected gas leak shall have adequate training in the use of gas detection instruments as well as other methods of leak detection.

14:6-1.7 Twelve-inch rule

[No mechanical equipment of a type which could cause damage to a pressurized gas pipe or facility shall be used within 12 inches of that pipe or facility.]

Mechanical equipment [of a type which would cause damage to a pressurized gas pipe or facility should] shall not be used within 12 inches of a gas pipe or facility unless the pipe or facility has been located and exposed by hand excavation. Under such circumstances the equipment will be used under adequate supervision. If the work is performed for the company by a qualified contractor, [a qualified inspector from the gas company shall be present,] the contractor shall be informed, in writing, prior to the letting of the contract, of the requirements of this regulation.

14:6-2.6(b) The venting capacity of every service regulator shall be such as to protect the customer's appliances from an unsafe operating pressure. As an alternative, a separate pressure relief valve with a capacity such as to protect the customer's appliances from an unsafe operating pressure may be provided.

14:6-2.9 Customer information

(a) All customers shall be supplied by the gas company, at the time the meter is turned on or a new account is opened, printed information concerning the odor of gas and its characteristics and action to be taken if gas is detected (including a telephone number for the purpose of reporting such detection). The customer shall be also informed of the potential hazards of gas, the correct procedures for using gas appliances and how to keep them in safe operating condition. In addition, verbal instructions on the above matters shall be offered to the customer, if possible.

(b) The printed information shall be such that it can be easily understood and shall also be available in languages other than English which are spoken by a substantial number of non-English speaking people who reside in the company's service area.

(c) Additionally, each gas company shall periodically take steps to inform the general public in its service area of the odor of gas and its hazards along with correct procedures to follow if gas is detected.

14:6-2.10 Liaison with public officials

Each gas utility shall maintain liaison with emergency personnel of each municipality in its service area and shall periodically make available information concerning the characteristics and hazards of natural gas which would be useful in handling an emergency in which natural gas may be a factor.

14:6-2.11 [Odor, leak and emergency calls] Reserved

[Each telephone, where calls from customers or others reporting gas odors, leaks or emergencies are received, shall be equipped with a mechanical recording device. The recordings of such calls will be kept for a period of at least six months.]

14:6-2.12 Analysis and reporting of odor, leak and emergency calls

(a) Each gas utility shall maintain a listed telephone number in appropriate telephone directories designated as a 24-hour number at which leak, odor or emergency calls may be received. These numbers shall be tended by utility personnel in order that such calls can be answered on a 24-hour basis with the assurance that appropriate action will be taken as rapidly as possible.

(b) Each gas company shall maintain a log which shows the receipt and handling of each leak, odor or emergency report received. Information concerning the time that the report was first received, that company personnel were first dispatched to the scene, that such personnel arrived, and that the condition was considered safe should be included. In addition, each gas company is required to analyze its performance in responding to such reports. Both the logs and the analysis shall be made available to the Board upon request. Summary reports shall be furnished to the Board [monthly] quarterly in the form specified by the Board.

14:6-2.13 Emergency personnel

(a) Each gas company shall have available and equipped an adequate number of personnel to handle gas emergencies on a 24-hour a day, seven days a week basis. Emergency personnel must be able to reach all parts of the company's service area [within 20 minutes of the time dispatched.] as rapidly as possible.

(b) Each employee who would respond to a gas emergency shall have adequate training in the proper procedures for handling gas emergencies, including but not limited to emergency shutdown procedures.

14:6-2.14 Training

Each gas company employee shall be adequately trained for the job to which he is assigned and shall have adequate knowledge of the characteristics and hazards of natural gas.

An order adopting these rules was filed and effective April 1, 1974, as R.1974 d.87.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Revisions Concerning Tariff Filings

On April 18, 1974, Anthony J. Grossi, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-12, 48:2-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rule concerning tariff filings, substantially as proposed in the Notice published January 10, 1974, at 6 N.J.R. 21(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Public Utilities.

Full text of the adopted revisions follows. (Note: The current text of N.J.A.C. 14:1-6.16(a)5. remains as is. The following text is added to current text therein.):

14:1-6.16(a) 5 . . . Whenever a telephone company seeks to increase its rates, it shall include in its petition or attachments thereto information demonstrating the principles of rate design employed in the proposed tariff revisions. Such information shall identify the approximate percentage of increased revenue requirement (should the Board determine a lesser additional revenue requirement than that sought by the company) at which it would derive a different proportion of revenue requirement from each of the major classes of service whose prices are sought to be increased, and the revenue requirement by class at each such level. The information shall include a statement of the amount and percentage of increase which would be raised from each such class of service if relief of approximately one-third the request were approved by the Board.

i. In any such proceeding on a tariff filing or petition pursuant to N.J.A.C. 14:1-6.16, the parties shall be given an opportunity to be heard on issues relating to the design of the proposed tariffs after the determination by the Board of the amount of any rate relief, but prior to the acceptance of the new tariffs. No new evidence shall be submitted except by permission of the Board and the parties shall address themselves only to matters in the existing record. The opportunity to be heard shall be on written comment filed within five days of the company's filing of its proposed rate design. The Board may in its discretion set oral argument on short notice concerning rate design issues.

ii. In providing the information required by the immediately preceding subsection, a company may also file, in addition to the new rates proposed to become effective, alternative rate changes designed to produce the full revenue request, which alternatives are illustrative of the application of other possible rate designs to the filing.

An order adopting these revisions was filed and effective April 19, 1974, as R.1974 d.98.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION THE COMMISSIONER

Proposed Rules on Restricted Parking Along Certain State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and 39:4-139, proposes to adopt new rules establishing no parking zones along portions of Routes 7, 28, 46, 47 and 77. Such rules, if adopted, will be included in Subchapter 3, Chapter 28, of Title 16 in the New Jersey Administrative Code.

Copies of the full text of ten pages of the proposed rules, or any parts thereof, may be obtained from:

Robert J. Nolan
Chief, Bureau of Traffic Engineering
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

Robert R. Reed Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION THE COMMISSIONER

Rules on Restricted Parking On Various State Highways

On March 28, 1974, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, 39:4-139, 39:4-199 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning no parking zones or restricted parking on various State highways, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 120(b).

The State highways or portions thereof affected by these rules include Routes 17, 1 and 9, 284, 28, 46, 4, 88, 42, 45 and 168.

Such rules may be cited as N.J.A.C. 16:28-3.1 et seq.

An order adopting these rules was filed and effective March 28, 1974, as R.1974 d.77.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION THE COMMISSIONER

Rules Concerning Spilled Cargo on State Highways

On April 19, 1974, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning spilled cargo on State highways, as proposed in the Notice published February 7, 1974, at 6 N.J.R. 83(b).

Such rules may be cited as N.J.A.C. 16:39-3.1 et seq.

An order adopting these rules was filed and effective April 23, 1974, as R.1974 d.101.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TREASURY STATE LOTTERY COMMISSION

Proposed Revisions for the Daily Lottery

Charles C. Carella, Executive Director of the State Lot-

tery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-1 et seq., proposes to revise a portion of the rules concerning the daily lottery.

Full text of the proposed revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

17:21-6.3 Time of drawing

The selection of winning numbers for the daily lottery will be held daily at 4:00 P.M., except Sunday when there will be no drawing. Also, there shall be no drawing on Good Friday, Thanksgiving Day, Christmas Day and New Year's Day.

17:21-6.6 Number and amount of prizes

(a) For each lottery pool of 100,000 daily lottery tickets sold, the following prizes shall be awarded to the owners of the winning tickets as determined in conformance with these rules and regulations:

| THE DAILY LOTTERY | | | |
|--------------------|----------------------|--|-------------|
| [AMOUNT OF PRIZES] | NUMBER OF DIGITS | NUMBER OF WINNERS/100,000 TICKETS SOLD | GROSS PRIZE |
| \$2,500 | 12345 | 1 | \$2,500 |
| 225 | 54321 | 1 | \$ 225 |
| 225 | 1234x | 9 | \$2,025 |
| 225 | x2345 | 9 | |
| 25 | 123xx | 90 | \$2,250 |
| 25 | x234x | 81 | \$2,025 |
| 25 | xx345 | 90 | \$2,250 |
| <hr/> | | | |
| 25 | 5-digit* scramble | 0-115 | \$2,875 |
| <hr/> | | | |
| 2.50 | 12xxx | 900 | \$2,250 |
| 2.50 | x23xx | 810 | \$2,025 |
| 2.50 | xx34x | 810 | \$2,025 |
| 2.50 | xxx45 | 900 | \$2,250 |
| <hr/> | | | |
| | | 3,816 | \$24,725 |

*Any ticket bearing the identical digits as the winning number without regard to sequential arrangement. Prize winners eligible for an equal or higher dollar prize are excluded. Example: if 12345 is the winning number, then 21534 would be an eighth-place winner.]

| | Winners Per Pool | Prize | Cost Per Pool |
|-------|------------------|----------|---------------|
| 12345 | 1 | \$10,000 | \$10,000 |
| 54321 | 1 | 1,000 | 1,000 |
| x2345 | 9 | 225 | 2,025 |
| 1234x | 9 | 225 | 2,025 |
| 123xx | 90 | 25 | 2,250 |
| x234x | 81 | 25 | 2,025 |
| xx345 | 90 | 25 | 2,250 |
| | 281 | | \$21,575 |

17:21-6.7 Grand drawing

(a) The holder of a daily lottery ticket, excluding all cash winners of the daily lottery provided by N.J.A.C. 17:21-6.6, shall be automatically entered into the qualifier drawing. The holder will not be required to fill out a claim form in order to qualify, however, it will be his responsibility to preserve his ticket for this drawing.

(b) The qualifier drawing will take place at 11:00 A.M. on every Thursday for daily tickets dated the six preceeding lottery days at the central office of the Commission or any other location as prescribed by the director. These

drawings shall be open to the public and to representatives of the news media. The winning five-digit number will be randomly generated by mechanical means with the ultimate winner to be determined as a result of a horse race.

(c) For each lottery pool of 100,000 daily lottery tickets sold, the following prizes shall be awarded to the holders of the winning tickets at the qualifier drawing:

1. Any ticket whose five-digit number matches exactly the five-digit number drawn shall win at least \$100.00 and shall be eligible for the grand drawing.

2. Any ticket with the last four digits matching exactly the corresponding four digits of the number drawn at the qualifier drawing shall win \$50.00. The holder of this ticket must file a claim at the lottery district office, but shall not qualify for the grand drawing.

(d) All holders of tickets having five digits matching exactly the number drawn at the qualifier drawing must identify themselves at the lottery district office in order to qualify for the grand drawing and the identified holders will be included in the next grand drawing. Persons holding such tickets must identify themselves no later than one year from the date on which they became eligible in order to be included in a grand drawing.

(e) The grand drawing shall be held every time 3.6 million daily tickets are sold and the time and place of the drawing will be determined by the director.

(f) All persons identified as holders of the respective five-digit qualifying number shall be included in the grand drawing. A qualifier may attend the grand drawing or he may designate a proxy in writing to the state lottery prior to the date of the grand drawing. If a qualifier is identified and he does not attend the grand drawing, nor does he designate a proxy in writing, then the director shall appoint an agent to perform for him in the grand drawing. At the grand drawing there shall be selected from all identified qualifiers six finalists.

(g) The six finalists shall be assigned a post position number from one through six in the order selected. A certified result of a horse race shall then be drawn. The program post position of the winning horse of this certified result of the drawn horse race shall be used to determine the first prize winner who shall be entitled to a prize of \$75,000.

(h) The five finalists assigned to the remaining post positions not selected as of a result of the certified race result as described shall be awarded second place prizes in the amount of \$5,000 each.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974 to:

Charles C. Carella
Executive Director
State Lottery Commission
State and Willow Streets
Trenton, New Jersey 08625

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

Charles C. Carella
Executive Director
State Lottery Commission
Department of Treasury

(a)

TREASURY

STATE INVESTMENT COUNCIL

Amendment Concerning Certificates of Deposit

On April 15, 1974, Clifford A. Goldman, Deputy State Treasurer, 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 an amendment to the rule of the State Investment Council concerning certificates of deposit.

Full text of the amended rule follows (additions indicated in boldface thus):

17:16-27.3 Other limitations

(a) The total amount of certificates of deposit in any one bank shall not exceed 25 per cent of a bank's net worth designated as capital, surplus and undivided profits. In making this calculation, certificates of deposit purchased for the following State agencies will be taken into account.

1. New Jersey Housing Finance Agency;
2. New Jersey Educational Facilities Authority;
3. New Jersey Sports and Exposition Authority;
4. New Jersey Health Care Facilities Financing Authority.

An order adopting this amendment was filed and effective April 18, 1974, as R.1974 d.94 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Rules for County Boards of Taxation

On April 17, 1974, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for county boards of taxation, substantially as proposed in the Notice published March 7, 1974, at 6 N.J.R. 120(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Division of Taxation.

Full text of the adopted rules follows (additions to the proposed rules indicated in boldface thus; deletions to the proposed rules indicated in brackets [thus]):

CHAPTER 12A. COUNTY BOARDS OF TAXATION

SUBCHAPTER 1. GENERAL PROVISIONS

FOREWORD

These rules are promulgated pursuant to Chapter 119, Laws of 1973 (R.S. 54:3-14), and shall take effect upon filing with the Division of Administrative Procedure.

These rules are not intended to cover county tax board matters concerning space, supplies, personnel and their salaries, and similar items related to administration.

From time to time, as appropriate, these rules will be

amended and modified to embrace items which in the opinion of the Director are required to implement said Chapter 119, Laws of 1973.

18:12A-1.1 Offices

(a) The permanent office of each county board of taxation shall be a place designated by the county board of taxation and shall be open each day during the regular prevailing hours of the respective county and/or as otherwise determined by the board.

(b) In the event the board shall determine that its business shall extend beyond such office hours, the office of the board shall be open for the transaction of business and the convenience of the public during such extended hours, as shall be fixed by the board.

18:12A-1.2 Organization and meetings

(a) The board shall meet from time to time and may adjourn any meeting to another time or place in the county.

(b) The board shall organize on the first business day in May of each year and elect from its members a president who shall hold office for one year, or until his successor is duly elected.

(c) A majority of the members of the board shall constitute a quorum for transaction of business as provided by N.J.S.A. 54:3-25.

18:12A-1.3 Secretary

(a) The board may authorize the secretary to conduct the daily business of the board as may be deemed necessary.

(b) The secretary shall keep accurate and complete minutes and records of all proceedings and official actions of the board.

18:12A-1.4 Seal

The seal adopted as the official seal of the board shall be circular in shape, and around the outside margin thereof shall be the words "County Board of Taxation" and shall be used upon all certificates, processes and necessary documents and papers issued and authorized by the board.

18:12A-1.5 Entitling of causes

All proceedings before each board shall be captioned "County Board of Taxation" and shall be entitled in the cause in which said proceedings are held.

18:12A-1.6 Petitions of appeal

(a) All complaints concerning property tax assessments, whether by an individual or corporation, shall be by written petition of appeal on forms prescribed by the Director, Division of Taxation, to be furnished to the boards. All petitions shall contain the name and address of the owner, the block and lot number or account number of the property and the assessed value of the land and improvement respectively stated, and such other information as the Director may require.

(b) A separate petition of appeal shall be received and filed by the board on or before August 15 for each separately assessed [value of] property under appeal. Where an appeal involves assessments of more than one property, separate petitions of appeal shall be filed for each property separately assessed unless prior permission has been obtained from the board.

(c) A petition of appeal shall not be accepted for filing by the board unless the petition is duly signed and sworn to or certified by the taxpayer, his attorney, or agent, or unless the petition contains an affirmation by the taxpayer, or in the case of an appeal by a taxing district, unless the petition is accompanied by a certified copy of a resolu-

tion of a governing body of the taxing district authorizing the appeal. Where all information on the petition is not supplied or the petition is otherwise incomplete, the board shall nevertheless accept said petition for filing but the petitioner shall be afforded ten days from the date of filing unless additional time shall be granted by the board, within which to complete the petition. All parties shall be given at least five days notice of any additions or changes with respect to the petition of appeal. Failure to complete a petition within such time may result in its dismissal.

(d) Petitioner who alleges discrimination and uses the assessments on other properties as comparisons must affix a schedule to the petition of appeal and to the copy of said petition, giving the name of the owner, block and lot number and assessed valuation as shown in the current tax list.

(e) A separate petition of appeal shall be received and filed with the board on or before December 1 for each assessment under appeal on the added assessment list.

(f) A separate petition of appeal shall be received and filed with the board on or before December 1 for each assessment under appeal on an assessor's omitted assessment list pursuant to N.J.S.A. 54:4-63.39.

(g) All other appeals from actions or determinations of tax assessors where no time is fixed by statute or by these rules shall be filed within 60 days from the date of the action or determination appealed from.

(h) A petitioner must file a copy of each petition with the assessor. Assessors must notify the clerk or attorney of all petitions filed wherein the subject property is situated [.] [or in] In case of appeal by the taxing district, a copy of the petition must be served on the record owner of the subject property and on the assessor [.] , unless the tax collector has received written notice that the taxpayer is a person, partnership or corporation other than the record owner, in which event a copy of the petition must also be served on the taxpayer. Where petitioner files a petition with respect to another owner's property, he shall furnish a copy of the petition to such owner in addition to all other parties.

(i) Proof of filing may be by receipt stamp of the taxing district or affidavit of service.

(j) If the last day for filing a petition falls on a Saturday, Sunday or a legal holiday, the last day for filing shall be extended to the first succeeding business day.

18:12A-1.7 Filing fees

(a) A filing fee in the amount determined by N.J.S.A. 54:3-21.3 must accompany each petition of appeal and shall be computed on the basis of the total assessment including both lands and improvements, if any.

(b) The filing fee for added assessment appeals shall be based upon the apportioned valuation indicated on the tax list and duplicate as the prorated assessment.

(c) No filing fee shall be required to contest the denial of an application for: 1. A veteran's deduction; 2. A veteran's widow's deduction; 3. A senior citizen's deduction or 4. An exemption of a disabled veteran or a widow of a disabled veteran.

(d) Where an appeal involves assessments of more than one property, separate petitions of appeal shall be filed for each property separately assessed unless prior permission has been obtained from the board and a separate fee shall be paid for each property for which an appeal has been filed. Where permission is granted pursuant to Section 6 of this Subchapter for the filing of one petition for appeals involving more than one property the filing fee payable shall be an amount equal to the amount that would have been payable had individual petitions been filed separately for each parcel of property.

18:12A-1.8 Petitions; commercial, industrial properties or multi-dwelling appeals

There shall be annexed to a petition of appeal from an assessment of a commercial [or] , an industrial property or a multi-dwelling; that is, more than a four-family dwelling, an [a current] itemized [certified] statement showing all sources of income and expenses with respect to such property [.] for the tax year of appeal, the prior tax year and for such additional years as the board may request.

18:12A-1.9 Hearings

(a) The secretary, with the approval of the board, shall prepare a calendar assigning dates and times for hearings and shall not grant adjournments except for good cause shown.

(b) The board shall give at least [seven] ten days' notice of the time and place of hearing of the appeal to the petitioner, assessor and attorney of the taxing district.

(c) The board may continue hearings from time to time, if necessary.

(d) The board shall permit a petitioner (other than a corporation or a taxing district) to appear in an appeal in his own behalf. No person shall be permitted to appear in an appeal in a representative capacity unless said person is duly licensed to practice law in this State; provided, however, that an attorney of any other jurisdiction of good standing there, may appear at the discretion of the board in any matter subject to the provisions of Rule 1:21-2 of the Rules Governing the Courts of New Jersey. This rule may be waived in cases of extreme hardship; that is, old age, illiteracy, and the like.

(e) A petitioner shall be prepared to prove his case by complete and competent evidence. In the absence of [such] some evidence, the board may dismiss the petition. In the case of failure to appear, the board may dismiss the petition for lack of prosecution.

(f) When a case is set down for hearing, the assessor or a member of the board of assessors of the taxing district involved shall attend said hearing together with counsel for the taxing district [.] , unless the board shall in individual cases decide otherwise.

(g) Where the assessed valuation is determined by the "capitalization of income" method the assessor shall produce at the hearing a copy of the property record card for the property under appeal, showing his computation of the capitalization of income.

(h) If a petitioner relies on expert testimony in the prosecution of his appeal, three copies of the appraisal shall be furnished to the board and a copy to the assessor at least one week prior to the hearing. The petitioner shall have the right to inspect the property record card of the property under appeal prior to the hearing. The board in its discretion may waive the requirement herein.

(i) Any settlement agreed upon between the parties shall be in writing, on a form approved by the Director, Division of Taxation and signed by the parties [.] or their attorneys. Such proposed settlement shall include the basis for the settlement and shall be submitted to the board for approval [.] without necessity of appearance by the parties or their attorneys unless the board otherwise requires their appearances. If the board approves the settlement, judgment shall be entered in accordance with the terms thereof. If the board disapproves the settlement, the parties shall be notified of such disapproval and a new date set for the hearing of the appeal.

(j) The board may, as occasion shall require, by order, refer any appeal or other matter pending before it to one of its members for the purpose of taking testimony and reporting thereon to the board for appropriate action.

(k) No person shall testify at a hearing of the board con-

cerning an assessment unless he shall have inspected the property subsequent to the filing of a tax appeal.

(1) No assessor shall appear before the board as an expert witness against another assessor or taxing district within the [county] State except to defend the assessment of his taxing district.

18:12A-1.10 Subpoenas

Subpoenas to compel the attendance of witnesses and the production of books and records at hearings shall be furnished by the board without cost upon request.

18:12A-1.11 Stenographic services

In any hearing before the board, the board [of] or presiding commissioner, upon request of either party, shall designate a certified shorthand reporter to transcribe the proceedings. Such request for a reporter must be made to the board in writing not less than three days before the date set for the hearing, but any party may make his own arrangements for the presence of a certified shorthand reporter. All such certified shorthand reporter services shall be furnished at the expense of the requesting party.

18:12A-1.12 Determination

A majority of the members of the board shall constitute a quorum for the transaction of business, and any action or determination agreed to by such majority shall be taken [to be] as the action of the board.

18:12A-1.13 Freeze Act

When an assessment is subject to the "freeze" provisions of N.J.S.A. 54:2-43 or 54:3-26, there shall be no increase in the assessment for any tax year subject to such "freeze" except upon petition first filed with and granted by the board. If the taxing district alleges that there has been a change in the value of the property occurring since the date of such assessment, the taxing district shall file a petition with the board together with proof of service thereof upon the owner of the property to increase the amount of the assessment. Such petition shall specifically set forth the nature of the changes relied upon as the basis for the claim that there has been a change in value of the property. A copy of the petition shall be served upon the owner of the subject property prior to the filing of the petition with the board.

18:12A-1.14 Revaluations; reassessments

(a) Regarding voluntary revaluation, when a taxing district proposes to revalue real property in said district voluntarily, it must notify the board of such intent and must obtain approval of the revaluation contract from the Director, Division of Taxation, as prescribed by law (N.J.S.A. 54:1-35.35 et seq. and N.J.A.C. 18:12-4.1 et seq.).

(b) Regarding revaluation ordered by county board of taxation, when a board determines the need to order a taxing district to revalue its real property, it shall submit the proposed order to the Director, Division of Taxation, for his approval, outlining the reasons that warrant such action. Upon approval of such order, the board shall take appropriate action to implement same.

(c) Regarding reassessment, when [a taxing district] an assessor proposes to revise [its] the assessment list, [it] he shall submit [its] the reassessment plan to the board setting forth the method to be used, the date of completion and the year in which such reassessment shall take effect. The board shall advise the [taxing district] assessor of its approval or disapproval of such reassessment proposal within 30 days from the date submitted. In case of disapproval, the reason therefore, shall be made known to the [taxing district] assessor. The board shall [advise] notify

the Director, Division of Taxation, of the [taxing district's] assessor's reassessment plan.

(d) The board shall require a written monthly progress report from the assessor of each taxing district undergoing a revaluation under subsection (a) and (b) hereof or reassessment under subsection (c) hereof.

(e) The board shall require that the assessor of a taxing district shall actively participate in any such revaluation program and shall be familiar with all facets of such program.

(f) In case of an approved reassessment, the provisions of N.J.S.A. 54:3-22f. shall be applicable with respect to the year in which the program becomes effective.

18:12A-1.15 Practice and procedure

In the absence of a rule covering any matter at issue, the rules of the Division of Tax Appeals, insofar as they may be applicable, shall govern.

18:12A-1.16 Tax assessment list and duplicates

All tax assessment lists and duplicates shall be typewritten unless an accounting machine is used. The tax list shall be the original and the tax duplicate shall be an exact copy of the tax list. All tax lists must comply with the specifications of the Director, Division of Taxation as promulgated in N.J.A.C. 18:12-1.1 et seq. and 18:12-3.1 et seq. Each board may adopt such procedure as it deems necessary to implement the specifications in the EDP program as adopted by the Director, Division of Taxation.

18:12A-1.17 Filing of sales ratio data

(a) The sales ratio data is required by the Director of the Division of Taxation to fulfill [his] certain statutory [responsibility] responsibilities. [in promulgating a Table of Equalized Valuations on October 1 of each year under N.J.S.A. 54:1-35.1 et seq.] The following time schedule concerning the filing of sales ratio data shall be followed:

1. Flow of SR-1A form

i. Within ten days after receipt of an abstract of deed, the board shall prepare an SR-1A form and forward same to the tax assessor of the taxing district within which the property sold is located.

ii. The tax assessor shall complete Section 2 of the SR-1A form and return the original and two copies to the board within three weeks after the receipt of said form.

iii. Upon receipt of the SR-1A form from the tax assessor, the board shall forward the SR-1A form to the local property and public utility branch within one week.

2. Flow of SR-6 Form: Each tax assessor within the county shall examine the preliminary grantor listings which summarized the SR-1A information previously submitted. [An] A tax assessor shall forthwith file an informal petition of correction (SR-6 form) with the local property and public utility branch if he obtains additional information concerning whether the sale is usable or nonusable for sales ratio purposes.

3. Flow of SR-3A Form: Each tax assessor shall submit to the board the real property classification form (SR-3A) in accordance with N.J.S.A. 54:4-26 not later than January 10 of the tax year. Each board shall submit said forms to the local property and public utility branch, Division of Taxation, not later than April 15 of the tax year.

18:12A-1.18 Conflict of interest

No commissioner or employee of a county board of taxation, and no assessor of a taxing district within a county, shall have any interest whatsoever, directly or indirectly, as an officer, stockholder or employee, or in any other capacity, in a revaluation firm engaged in revaluing properties in any taxing district within that county.

18:12A-1.19 Posting of rules and regulations

(a) A copy of these rules and regulations, as prescribed by the Director, Division of Taxation, and as they may be amended, shall be posted in a permanent place in the office of each county board of taxation and in the office of the assessor of each taxing district.

(b) Copies of these rules, as provided by the Division of Taxation, shall be made available by the board to any person who may request them.

18:12A-1.20 Effective date

These rules and regulations shall take effect upon filing with the Division of Administrative Procedure.

An order adopting these rules was filed and effective April 18, 1974, as R.1974 d.95.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Rules Governing Bad Debts

On April 17, 1974, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules governing bad debts, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 123(a).

Such rules may be cited as N.J.A.C. 18:24-23.1 et seq.

An order adopting these rules was filed and effective April 19, 1974, as R.1974 d.96.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

**HACKENSACK MEADOWLANDS
DEVELOPMENT COMMISSION**

Proposed Revisions on Sanitary Landfill

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to revise N.J.A.C. 19:7-1.1(h) concerning sanitary landfill by deleting the last two words of the current text therein; that is "or treatment".

The current text of N.J.A.C. 19:7-1.1(g) and (h) was filed and effective February 28, 1974, as R.1974 d.49 (See: 6 N.J.R. 158(d) as an Emergency Rule. In addition to the proposed deletion outlined below, the Hackensack Meadowlands Development Commission will receive statements and comments concerning the Emergency Rule previously adopted on February 28, 1974.

Full text of the proposed revisions follows (deletions indicated in brackets [thus]):

19:7-1.1(h) All operators of sanitary landfills within the Hackensack Meadowlands District shall submit to the Commission, together with their applications, as provided in Sections 3 and 4 of this Subchapter, a certification stating that no solid waste originating or collected outside

of the territorial limits of New Jersey will be accepted for disposal [or treatment].

Interested persons may present statements or arguments in writing relevant to the prior adoption and/or proposed action on or before May 29, 1974, to:

Hackensack Meadowlands Development Commission
1099 Wall Street West
Lyndhurst, New Jersey 07071

The Hackensack Meadowlands Development Commission, upon its own motion or at the instance of any interested party, may thereafter adopt this revision substantially as proposed without further notice.

William D. McDowell
Executive Director
Hackensack Meadowlands Development Commission

(c)

**HACKENSACK MEADOWLANDS
DEVELOPMENT COMMISSION**

**Amendment Concerning Sanitary
Landfill Operations**

On March 27, 1974, 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 an amendment to the rule concerning the construction and operation of sanitary landfills within the Hackensack Meadowlands district, substantially as proposed in the Notice published March 7, 1974, at 6 N.J.R. 126(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Hackensack Meadowlands Development Commission.

Full text of the adopted amendment follows:

19:7-1.1(i) All sanitary landfill operations shall be permitted to operate only between the hours of 6:00 A.M. and 8:00 P.M. daily, except Sundays. No sanitary landfill operator shall accept solid waste for disposal other than between permitted hours of operation specified herein.

1. This regulation is not intended to preclude any constituent municipality from adopting and enforcing ordinances or regulations providing for permitted hours of operation other than those specified herein. Provided, however, that prior to taking any final action on such ordinance or regulation the constituent municipality shall submit a copy of the proposed ordinance or regulation to the Commission for its review and approval and shall not act thereon unless the Commission indicates its approval within 45 days of the reference of such matter to the Commission, or by a failure of the Commission to take action within said 45-day period.

2. The Office of the Chief Engineer is authorized to relax this provision upon a showing of good cause.

3. This regulation shall not be deemed to affect, modify or in any way alter the obligations existing under the terms of performance bonds presently in effect and applicable to sanitary landfills within the Hackensack Meadowlands District.

4. This resolution shall become effective upon final adoption as required by law.

An order adopting this amendment was filed and effective March 29, 1974, as R.1974 d.81.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Revisions on Appointment and Operation Of Environmental Design Committee

On March 27, 1974, 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 revisions to N.J.A.C. 19:4-6.19 concerning the appointment and operation of the environmental design committee, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 125(c).

An order adopting these revisions was filed and effective March 29, 1974, as R.1974 d.82.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Rule on Indemnification

On March 27, 1974, 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 an internal rule concerning indemnification.

Full text of the adopted rule follows:

CHAPTER 3A. ADMINISTRATION

SUBCHAPTER 1. GENERAL PROVISIONS

FOREWORD

Whereas, an accident or accidents occurred on the New Jersey Turnpike in the Hackensack Meadowlands District between Exits 15W and 16W on October 23 and 24, 1973, as a result of which lawsuits have been or may be filed against the Commission, its members and certain of its employees seeking damages for personal injury, death and property damages; and

Whereas, the Commission has reviewed the conduct of its employees and is satisfied that its employees were acting within the scope of their judgment in rendering services or assistance in connection with fire-fighting activities carried on at a site near or adjacent to the New Jersey Turnpike on or before the dates of the accidents in question; and

Whereas, the Commission is further satisfied that its employees' actions were not the result of actual fraud, actual malice or willful misconduct; and

Whereas, the Commission wishes to provide generally for the defense and indemnification of its members and employees for activities carried on within the scope of their service or employment;

Now, therefore, be it resolved by the Hackensack Meadowlands Development Commission that:

19:3A-1.1 Indemnification

(a) The Commission shall defend, indemnify and hold its members and employees harmless from any liability arising out of their activities connected with the extinguishment of a fire alleged to have been a partial cause of the above-described accident on the New Jersey Turnpike, and the Commission shall defray all costs of defending such action, including reasonable counsel fees and expenses and costs of appeal, to the extent that such liability and costs are in excess of insurance coverage; provided, however, that such members and employees cooperate fully with the Office of the Attorney General as provided by P.L. 1972, c. 45 and 48.

(b) The Commission shall defend, indemnify and hold its members and employees harmless from any liability arising out of activities conducted within the scope of their services or employment, and the Commission shall defray all costs of defending such actions, including reasonable counsel fees and expenses and costs of appeal, to the extent that such liability and costs are in excess of insurance coverage.

(c) This resolution shall become effective upon adoption as required by law.

An order adopting this rule was filed and effective March 29, 1974, as R.1974 d.83 (Exempt, Internal Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

NEW JERSEY TURNPIKE AUTHORITY

Proposed New Rules Concerning Definitions, Limitations on Use of Turnpike and Noise Limits

The New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 et seq., proposes to adopt new rules concerning definitions, limitations of use of the Turnpike and noise limits.

Full text of the proposed new rules follows:

19:9-1.1 Definitions

"Gross combination weight rating (G.C.W.R.);" means the value specified by the manufacturer as the loaded weight of a combination vehicle.

"Gross vehicle weight rating (G.V.W.R.);" means the value specified by the manufacturer as the loaded weight of a single vehicle.

"Sound level" means the A-weighted sound level obtained by use of fast meter response and A-weighting characteristic specified in American National Standard S1.4.1971 "Specification for Sound Level Meters", or its latest revision.

19:9-1.9(a)24. Vehicles whose exhaust system is:

- i. Not equipped with an exhaust chamber, resonator, or noise dissipative device;
- ii. Not in constant operation and properly maintained;
- iii. Equipped with any cut-out, by-pass or similar device designed to reduce the effectiveness of noise control devices or to increase noise.

19:9-1.9(a)25. Vehicles with tires having a tread pattern that, as originally manufactured or newly retreaded, is

composed primarily of cavities in the tread surface (excluding sipes) that are not vented by grooves to the tire shoulder or circumferentially to each other around the tire. This requirement shall not apply to any vehicle if such vehicle can be shown to comply with the noise emission limits of N.J.A.C. 19:9-1.18(a).

19:9-1.9(a)26. Vehicles with any vertical exhaust stack whose discharge is directed toward the right side of the vehicle.

19:9-1.18 Noise limits

(a) No vehicle shall be operated or permitted to operate on the New Jersey Turnpike at any time or under any condition of highway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the maximum sound levels specified in Table 1 for the category of vehicle and posted speed when measured at a distance of 50 feet from the center of the lane of travel, and at other distances in accordance with the table of distance adjustment factors specified in Table 2. Measurements shall be made in accordance with the procedures and the measuring device specifications adopted by the Authority. Sound level limits are based on the use of A-weighting and fast meter response.

Table 1: Maximum sound levels

| Type of vehicle | Posted Speed Limit Or Posted Advisory Speed | |
|--|--|--|
| | 35 mph or less | Over 35 mph |
| Any vehicle having six or more tires, or any vehicle having a G.V.W.R. or G.C.W.R. in excess of 10,000 pounds. | After July 1, 1974 | 88 dB(A) 90 dB(A), except 92 dB(A), over 55 mph |
| | After Jan. 1, 1975 | 86 dB(A) 90 dB(A) |
| Any vehicle with four tires or a G.V.W.R. of less than 10,000 pounds. | After Jan. 1, 1978 | 80 dB(A) 84 dB(A) |
| | After Jan. 1, 1990 | 75 dB(A) 78 dB(A) |
| Any motorcycle | After July 1, 1974 | 82 dB(A) 86 dB(A) |
| | After Jan. 1, 1978 | 78 dB(A) 82 dB(A) |
| | After Jan. 1, 1990 | 75 dB(A) 78 dB(A) |

Table 2: Distance adjustment factors

| Distance more than— | Adjustment to Limit, dB(A) |
|---------------------------------|----------------------------|
| 35 ft. but not more than 39 ft. | +3 |
| 39 ft. but not more than 43 ft. | +2 |
| 43 ft. but not more than 48 ft. | +1 |
| 48 ft. but not more than 58 ft. | 0 |
| 58 ft. but not more than 70 ft. | -1 |
| 70 ft. but not more than 83 ft. | -2 |

(b) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of these regulations.

(c) No vehicle powered by an engine with an engine speed governor shall be operated or permitted to be oper-

ated on the New Jersey Turnpike if such vehicle generates a sound level in excess of the maximum sound level specified in this section when that engine is accelerated with wide-open throttle, from idle to governed speed with the vehicle stationary, transmission in neutral and clutch engaged.

| Distance from Longitudinal Center Line of Vehicle | Maximum sound level |
|--|---------------------|
| 50 feet | 88 dB(A) |

(d) When measurements are made at a distance other than 50 feet, the maximum sound level shall be adjusted by the distance correction factor specified in Table 2 of this regulation. Measurements shall be made in accordance with the procedures and measuring device specifications adopted by the Authority. Sound level limits are based on the use of A-weighting and fast meter response.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1974, to:

New Jersey Turnpike Authority
Turnpike and Highway 18
New Brunswick, New Jersey

The New Jersey Turnpike Authority, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Lillian M. Schwartz
Secretary
New Jersey Turnpike Authority

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

GOV. BYRNE URGES EXTENSION OF FEDERAL FOOD DISTRIBUTION

Gov. Brendan T. Byrne has sent a letter to all New Jersey Senators and Representatives in Washington, D.C. urging them to support a two-year extension of the Federal food distribution program in its present form.

The Governor's letter stated: "The program has furnished substantial benefits in the form of food commodities to our State's schools, institutions and agencies, senior citizens, summer camps and disaster victims. It has been estimated that New Jersey will lose between \$6 to \$8 million in the coming fiscal year if the Federal food program is not continued."

It has been proposed that the present program which, in New Jersey is administered by the State Department of Agriculture, be curtailed on June 30, 1974, and replaced by a seven cents per meal cash payment for schools.

Other groups, such as State institutions, now benefiting from the Federally-donated commodities, would be completely dropped from the program. The loss to State government in New Jersey alone is estimated at more than \$1 million a year. Also, there would be no "food bank" for the support of individuals during natural disasters.

State Secretary of Agriculture Phillip Alampi had earlier written to U.S. Secretary of Agriculture Earl L. Butz asking him to consider a two-year extension of the program. He said that there are many problem areas to be

resolved if the food distribution program is curtailed and and that this cannot be done on short notice. Two years, he believed, would give the Federal and State governments sufficient time to come up with realistic contingency plans.

HEARING MAY 23 ON STATE PLAN FOR VOCATIONAL EDUCATION AID

The public hearing on the State Plan for Vocational Education will be May 23 from 10 a.m. to 3 p.m. at the Holiday Inn in North Brunswick, according to Dr. Edward W. Kilpatrick, acting State Education Commissioner.

He noted that Public Law 92-318 requires that the State plan be reviewed and updated annually for the purpose of making application for Federal funds for vocational education.

Stephen Poliacik, Assistant Education Commissioner in charge of vocational education, will conduct the hearing. Copies of the plan will be available at the hearing and information may be obtained from the Division of Vocational Education, State Department of Education, (609) 292-5822, he said.

The New Jersey Advisory Council on Vocational Education will hold a public meeting on the same date at the same location from 2 to 5 p.m. Arnold K. Weber, council chairman, said this is for the convenience of those attending to express to the Council their views on vocational education.

MEDICAID "FACTS" PAMPHLET MADE AVAILABLE TO PUBLIC

Distribution of a special "Medicaid Facts" pamphlet for people eligible for, or receiving, a basic monthly income under the recently implemented Federal Supplemental Security Income Program has been made by the Department of Institutions and Agencies, Commissioner Ann Klein announced.

Prepared by the Division of Medical Assistance and Health Services, it outlines basic eligibility provisions and procedures for applying for benefits and lists addresses and telephone numbers of local medical assistance units in each county.

William J. Jones, Division Director, said that the pamphlet has been sent to all Social Security Administration offices in New Jersey.

The Federal program provides a basic monthly income to all eligible aged, blind and disabled persons, and on Jan. 1, it absorbed the previously existing State categorical assistance programs for these groups. The program provides a minimum standard of financial support, as well as Medicaid coverage. In New Jersey, this provides \$182 per month for an individual and \$250 per month for a couple.

Commissioner Klein stated that "the purpose of the pamphlet is to make known to people the medical services available to them, and to encourage people to avail themselves of necessary health services."

NEW JERSEY FIELD CROP PLANTINGS DUE TO RISE

New Jersey farmers plan to increase their acreage of eight major field crops by 4.3 per cent this year, according to State Secretary of Agriculture Phillip Alampi.

The annual prospective plantings report of the New Jer-

sey Crop Reporting Service indicates that, compared with 1973 acreage, there will be increases in corn, wheat, soybeans and sweet potatoes. Smaller acreages are anticipated for hay and white potatoes, while acreages of oats and barley are seen the same as last year.

Wheat seedings are up 20 per cent to 60,000 acres, following the very high grain prices of last year. Soybeans planted for all purposes show a 6,000-acre increase over last year to 76,000 acres. Prospective corn seeding is up 8,000 acres and is expected to total 128,000 acres.

Hay acreage intentions were set at 119,000 acres, down 5,000 acres, white potato plantings down 900 acres to 8,700 acres and sweet potato acreage up 100 acres to 1,700. Barley and oat acreage will remain at 39,000 and 9,000, respectively.

ALTERNATE LAND DEVELOPMENT STUDY AVAILABLE FOR PLANNING

An informational booklet on land development alternatives, "Another Way: Clustering, Planned Unit Development, New Communities", has been released by the State Department of Community Affairs.

The 16-page illustrated publication by the Division of State and Regional Planning is designed to give municipalities, planning officials, educational institutions and interested citizens a basic understanding of the three development concepts and how they relate to New Jersey's housing crisis.

Basically, Clustering, Planned Unit Development (PUD), and New Communities represent alternatives to traditional development, which often has resulted in "haphazard urban and suburban sprawl and the monotony of existing housing", according to the report.

The latter is generally used to describe developments of primarily single family homes of similar design or type, often planned without consideration for needed facilities and services or the environment.

A cluster development differs from a conventional one in that the houses are placed on smaller lots, with remaining land used as common open space for recreation. PUDs are similar to cluster developments, but include provisions for industrial and commercial uses, while New Communities represent an enlargement of PUDs, involving more people, acreage and development time and with a more significant regional impact.

Financed through a Federal grant provided under the 701 comprehensive planning assistance program, the publication is one of a number of reports being prepared to help local officials evaluate development proposals for the communities.

Copies of the "Another Way" report may be obtained free of charge from the Division of State and Regional Planning, P.O. Box 2768, Trenton, New Jersey 08625, telephone (609) 292-8410 or 8411.

PROPOSED GAME CODE HAS TWO MAJOR CHANGES

The New Jersey Fish and Game Council at its April meeting adopted the proposed game code for 1974-75 with two major changes. The proposed code will be aired at a public hearing June 11 at 8 p.m. in the State Museum Cultural Center, West State Street, Trenton, when interested persons may present statements orally or in writing.

Of primary interest is a special winter bow and arrow season to run from Jan. 6 through Jan. 11. It will be an either-sex season with successful archers required to take

their deer to an official checking station. Licenses will be a valid 1975 archery license containing an attached winter bow season transportation tag.

In addition a proposed special-permit firearms only season has been set for Wednesday, Dec. 18. It is based on a new concept of managing the State's deer herd, authorizing the issuance of permits in designated zones to replace the old system of county allotments. The new system consists of 34 management zones varying from 90 to 313 square miles.

A copy of the proposed regulation is available from the Division of Fish, Game and Shellfisheries office, Box 1809, Trenton, N.J. 08625.

COMPREHENSIVE HEALTH PLAN SETS FINAL GOALS; TO START NEXT YEAR

The State Health Planning Council, which passes on all new or expanded health care facilities and services, has approved goals for New Jersey's second Comprehensive Health Plan.

The plan, to be published next year, will cover 1975-76. It includes changes in one of six priority goals outlined in the first proposal, shifts the emphasis of another and expands a third.

The changes were made in response to recommendations at six community meetings held throughout the State over a two-month period late in 1973 by the Council and its administrative arm, the Comprehensive Health Planning Agency.

"Reduction in the incidence of mental illness" is the only new priority goal. It replaces "child growth and development unimpaired by hazards in the physical environment", which will be retained as one of 11 longer-range major goals in the new plan.

The aim of the "reduction of disability rate" goal was shifted from accidents to chronic illnesses.

The priority goal dealing with an "integrated health system" and "coordinated patient services" was expanded to include "cost containment". The broadened objective is to reduce the rate of increase in medical costs by emphasizing preventive health care and a shift from hospital to ambulatory care.

The three top priority goals remain:

- Reduction of the infant and death rate.
- Reduction of the incidence and duration of drug addiction.
- Reduction of the incidence and duration of alcoholism.

Mrs. J. Duncan Pitney, chairman of the Health Planning Council, termed the goal changes "very important because, in effect, they were made by the various interested community people in the State".

"I feel these changes, when implemented, will insure a higher level of health care for all residents of New Jersey," she said.

Joseph C. Kale, director of the Comprehensive Health Planning Agency, said "there will be a much greater emphasis on mental health planning. To this end we have already established a joint committee with the Division of Mental Health in the Department of Institutions and Agencies."

PAMPHLET ON MARRIAGE RIGHTS, RESPONSIBILITIES AVAILABLE

In response to rising requests for such information, a pamphlet on "Your Marriage, the Law & You—in New Jersey", has been issued jointly by the State Commission

on Women and the United Presbyterian Church in the U.S.A.

The publication covers some of the questions an individual may have about the responsibilities and rights of each partner in marriage and includes general information in such areas as the marriage license, residence, surname, property, divorce grounds, alimony and child custody, and death. It also cites the legal basis for such rights and responsibilities.

For instance, did you know that New Jersey does not require a woman to assume her husband's surname after marriage; that all the real and personal property acquired by a woman before and while she is married is hers to do with as she sees fit, with the same holding true for her husband; or that a wife may establish her own domicile with her husband's consent?

The Commission on Women cosponsored the publication as a part of its legislative responsibility to serve as an informational clearing house for the women of New Jersey, according to Sylvia Sammartino, Commission chairman.

However, she noted, "In our present-day society, with one out of three marriages ending in divorce, this kind of information is vital for both women and men, whose mutual understanding is required for a lasting marriage.

"We hope this pamphlet also will help prepare the single person anticipating marriage for dealing with her or his new financial and legal obligations."

Copies of the publication may be obtained from the Commission, P.O. Box 2768, Trenton, N.J. 08625 at 25 cents a copy, \$5.00 for 25 copies and \$8.00 for 50.

STATE AGENCY GIVES \$2 MILLION TO TRANSPORT OF NEW JERSEY

The State Commuter Operating Agency last month authorized the payment of up to \$2 million in subsidies for Transport of New Jersey to cover its operating deficits through June 30.

The agency, which oversees all commuter developments requiring State assistance, allocated \$800,000 to cover debts expected from now through March 31; the remainder will be paid only if needed during the rest of the fiscal year.

Transportation Commissioner Alan Sagner, presiding over the first COA meeting since the Byrne administration took over last month, said the \$800,000 grant was authorized on the basis of projections from a detailed audit of TNJ cash flows.

"The remainder will not necessarily be needed," Sagner explained. "We intend to audit their cash flow every month, and they will be reimbursed for their operating deficits, if needed, on a monthly basis of up to \$1.2 million."

COMMUNITY AFFAIRS DEPARTMENT REPORTS ON LAST YEAR'S PROGRAMS

Innovation and expansion of programs marked activities of the Department of Community Affairs for fiscal 1973.

● The Department, through the State Office on Aging, increased its projects for senior citizens from 30 to 76 during the year.

● The New Jersey Housing Finance Agency, a quasi-independent agency within the Department, approved mortgage loan commitments totaling \$56,322,324 for 14 housing developments containing 2,056 units.

● The Department began administration of the \$12 million Safe and Clean Neighborhoods Program designed to reduce crime and clean up neighborhoods in urban areas.

These are a few of the highlights in the Department's sixth annual report released last month by Commissioner Patricia Q. Sheehan. Mrs. Sheehan, who took over the Department in February, noted the report covers activities under her predecessor, Lawrence F. Kramer.

The 48-page report for fiscal year 1973 which ended June 30 reviews the Department's four Divisions—Human Resources, Housing and Urban Renewal, State and Regional Planning, and Local Government Services—plus three quasi-independent agencies, the New Jersey Housing Finance Agency, Hackensack Meadowlands Development Commission, and New Jersey Urban Loan Authority/State Development Corporation. It also covers activities of the New Jersey State Commission on Women and the Office on Women.

Copies of the report are available free from: Office of Public Information, Department of Community Affairs, P.O. Box 2768, Trenton, N.J. 08625.

HOLMES NAMED ASST COMMISSIONER FOR COMMUNITY AFFAIRS DEPARTMENT

State Community Affairs Commissioner Patricia Q. Sheehan announced the appointment of Robert C. Holmes, former executive director of the Newark Housing Development and Rehabilitation Corporation, as an Assistant Commissioner for the Department.

In the \$34,902 post Holmes oversees the Divisions of Local Government Services and of Human Resources. He succeeded Joseph N. Ehret, who resigned to become administrator of Wall Township.

Holmes, 29, had served as head of the nonprofit Newark corporation since September, 1971, supervising rehabilitation projects. These included Project Rehab, a Federally-sponsored interest subsidy and mortgage insurance program, reported by Federal officials to be the "best in the country"; construction of the Gladys Dickinson Health Center, an outpatient care facility; and a guaranteed loan program designed to stimulate private bank loans for home improvements and repairs.

Holmes earned a jurisprudence degree from Harvard Law School in 1971. He was active with Ames Moot Court, the Civil Rights, Civil Liberties Law Review and the Harvard Black Law Students Association. In the summer of 1969, he served as a research assistant for the Center for the Advancement of Criminal Justice, doing a survey on major crime in Boston. The previous summer he had worked as a law clerk with the firm of Willentz, Goldman and Spitzer, Perth Amboy.

He earned a bachelor's degree in government from Cornell University in 1967, which he attended on a four-year Teagle Foundation Scholarship.

GLASER ELECTED VICE PRESIDENT OF NATIONAL TAX ASSOCIATION

Sidney Glaser, Director of the Division of Taxation in the Treasury Department, was elected vice president of the National Association of Tax Administrators at their recent 41st annual conference.

The stated purposes of the Association are to promote cooperation among the states in taxation by affording an opportunity for members to discuss administrative problems, exchange information pertaining to tax laws and administrative methods, disseminate information of benefit to members, strive for equalization of the tax burden and for simplicity and uniformity in administration, and

to study and give consideration to such Federal, state and local tax legislation as will tend to eliminate enforcement difficulties.

CULLINANE AND SNOOK RECENTLY NAMED TO STATE BOARD OF AGRICULTURE

Two new members of the State Board of Agriculture, as well as a former member of the State Fish and Game Council, were elected at the recent State Agricultural Convention.

The new Board members are Thomas F. Cullinane Jr., of Richland and John C. Snook Jr., of Lafayette Township, Sussex County. James Manetas of Bridgeton was elected to the State Fish and Game Council, representing the southern counties.

The three were selected by the 94 delegates to the State Agricultural Convention, who represent county boards of agriculture, State and Pomona Granges, and State breed, commodity and general agricultural organizations. The names were submitted to Gov. Brendan T. Byrne for appointment.

Cullinane is an egg producer, Snook a dairyman and Manetas grows gladiolii and peonies.

CIVIL SERVICE TRAINING COURSES GREATLY EXPANDED

During the present fiscal year, the Training Section of the Department of Civil Service will expand the number of courses offered from 19 to 59, with many of the new courses in the area of clerical training designed to upgrade and maintain clerical skills.

New courses are also being added in the management area, such as "Introduction to Developing Management Information Systems", "Public Speaking", "Research Orientation", "Introduction to Data Processing for Managers" and "Technical Report Writing". These new courses resulted from specific requests.

Individuals interested in further information should contact their training or personnel officers.

CIVIL SERVICE BOOKLETS AVAILABLE TO EMPLOYEES AND ADMINISTRATORS

The Department of Civil Service has a number of brochures that are now available to administrators and employees of State government. They are:

New Jersey Civil Service Commission Appeals Procedure Disciplinary and Other Actions. Deals in general language with the rights as well as obligations that govern public employers and public employees in matters related to appeals for hearings or reviews by the Civil Service Commission.

You Have Passed Your Civil Service Test. What Happens Now? Deals with what takes place from the time you are notified that you have passed your test to the time of possible appointment.

Veterans Preference Information for New Jersey Civil Service. Deals with Veterans Preference and how it works in open-competitive and promotional examinations under Civil Service. This updated version is very informative and settles many questions regarding this matter.

Guide to Job Seekers for New Jersey State and Local Civil Service Jurisdictions No. 1 and No. 2. These two brochures vary only in the amount of information. The open-competitive process is explained from announcement to

appointment. Included is a completely-filled-out application.

New Promotional Opportunities for State Employees in Nonprofessional Titles—CLEP. Describes in detail how the College-Level Examination Program can be used to be eligible for professional trainee promotional examinations in certain classes of nonprofessional titles.

For free copies, indicate brochure you want and send request to: John P. Gallagher, Publications Section, New Jersey Department of Civil Service, State and Montgomery Streets, Trenton, New Jersey 08625.

NUMBER OF N.J. FARMS DOWN BY TWO PER CENT

Number of farms in operation in the Garden State during 1973 dropped by two per cent from the year before, according to the New Jersey Crop Reporting Service. The number was estimated at 8,100, compared with 8,300 in 1972.

Land in farms totaled 1,035,000 acres in 1973, down one per cent from 1972. Average size farm in 1973 was 128 acres, a gain of two acres. Both number of farms and total acreage are expected to remain unchanged this year.

Commenting on the report, Secretary of Agriculture Phillip Alampi said that ten years ago, when the Farmland Assessment Act was passed, New Jersey was losing three farms a day. The effectiveness of the Act has been demonstrated, he said, by the fact that today the rate of loss of farms in the Garden State has slowed to one farm every other day.

However, he continued, the continued decline in number of farms, although at a slower rate than a decade ago, makes all the more imperative early consideration of recommendations of the Blueprint Commission on the Future of New Jersey Agriculture, which propose to establish a permanent agricultural land preserve of 1,000,000 acres.

A healthy agriculture in the State, he said, works for all New Jersey citizens, providing near-at-hand quality farm products for the consumer and valuable tax-paying open space for all.

NEW JERSEY LIVESTOCK UP 17 PER CENT IN VALUE

Total value of cattle, hogs, sheep and chickens on New Jersey farms increased 17 per cent in 1973, according to the New Jersey Crop Reporting Service. It is now estimated at \$64.6 million, compared to \$55.1 million at the start of 1973.

Number of cattle and sheep in the Garden State declined from a year earlier, but the number of hogs and chickens increased.

All cattle and calves on New Jersey farms on January 1, 1974 numbered 124,000, down 2,000 from the year before. Cows and heifers that calved numbered 69,000, a decline of 4,000 or five per cent. Number of milk cows at 55,000 was down seven per cent and beef cows at 14,000 unchanged. Total value of all cattle and calves was \$52.1 million, 16 per cent more than 12 months before.

December 1, 1973 hog and pig inventory showed that there were 91,000 on New Jersey farms, 14 per cent more than the same date last year. Average value per head also increased, bringing the total value for the animals to \$5.2 million, 43 per cent more than the previous year.

New Jersey sheep totaled 8,500, 12 per cent less than last year. However, inventory value at \$357,000 increased by 25 per cent due to a higher value.

New Jersey chickens, excluding those raised for meat,

numbered 3,878,000 on December 1, 1973, two per cent more than a year earlier. Value per head increased 10 cents to \$1.80, bringing inventory value to \$6,980,000, eight per cent more than the previous year.

ALAMPI TO COORDINATE RURAL DEVELOPMENT ACT

Gov. Brendan T. Byrne has appointed Secretary of Agriculture Phillip Alampi as the Statewide coordinator to implement the Rural Development Act of 1972. Alampi was originally named to the post by former Gov. William T. Cahill.

Funding of the Rural Development Act was made available early this year, with New Jersey's share of the Federal funds available under Titles I and V at about \$7½ million for the current fiscal year.

The primary Federal agency through which Title I is implemented is the Farmers Home Administration (FHA). The Statewide coordinator acts as the liaison person between FHA and other Federal, State and local agencies and the Governor's office.

Provisions under Title I are for water and sewer loans, community facility loans, and business and industrial loans. There are also development grants to public bodies to help develop private business.

Water and sewer loans provide for water and waste disposal facilities for rural areas. The new regulations cover those facilities plus any other community facility that provides essential services to people in rural areas and towns of up to 10,000 population.

Borrowers may include municipalities, counties, districts and nonprofit corporations. In the case of applicants for water and sewer project loans, priority will be given to communities of less than 5,500 population with inadequate facilities.

Loans are for up to 40 years, with statutory five per cent interest. The \$6 million available for loans under this section can be applied for immediately and Alampi has urged that applications be made for these funds by June 30, 1974.

The business and industrial loans program will guarantee loans by private lenders at current interest rates to develop or finance business or industry, increase income and employment and control or abate pollution.

Any legal entity, including individuals or public and private organizations, may participate in this program. Preference is given to projects in towns of 25,000 population or less. Projects may not be located in towns of 50,000 population or more, or in adjacent areas where population density is more than 100 persons per square mile.

The interest rate is determined by the borrower and lender, with the FHA agreeing to cover up to 90 per cent of any losses the lender may incur. The allocation for this section totals \$1.4 million.

Business enterprise grants may be used to pay for acquisition and development of land and construction of buildings, equipment, access streets, roads, parking areas, utility extensions, water and waste systems, refinancing and fees. Only public bodies may receive these funds to facilitate the development of private business enterprises. The allocation for this section totals \$80,000.

Alampi stressed the need to apply for these loans immediately at the nearest FHA office. For further details, write directly to Richard D. Chumney, Director, Division of Rural Resources, New Jersey Department of Agriculture, P.O. Box 1888, Trenton, N.J. 08625.

MUNICIPAL SPENDING STILL RISING BUT RATE OF INCREASE SLACKENS

Although total municipal expenditures in New Jersey in 1972 showed a substantial increase over 1971, the rate of increase slowed down by almost five per cent, according to a State Department of Community Affairs financial report.

In 1972 expenditures of all municipalities rose to \$1.161 billion, a 7.7 per cent increase over the \$1.078 billion of 1971. But parallel expenditures in 1971 exceeded 1970 by 12.5 per cent, the report shows.

On the county level, expenses increased during the same period from \$564 million in 1971 to \$651 million in 1972—a 15.4 per cent increase.

The figures are in the 35th annual report of the Division of Local Government Services, a 678-page publication with comparative financial statistics on all 567 municipalities and 21 counties. Additionally, the report describes the more than \$1.1 million of retroactive payments utilized by one county and eight municipalities under the "State and Local Fiscal Assistance Act of 1972", commonly known as Federal revenue sharing.

The report shows that costs of all principal municipal services have risen or remained virtually constant, except for health expenditures which dropped 31.7 per cent from \$44.1 million in 1971 to \$30.1 million in 1972.

John F. Laezza, Director of the Division, said the municipal health costs decline was related to the transfer of certain health programs from the municipal to the State and Federal jurisdictions.

Other statistics include:

- Local recreation and conservation expenditures held virtually constant with \$45.1 million expended in 1972 and \$44.9 million in 1971. Counties, recording a 9.7 per cent increase, spent \$23.7 million for recreation and conservation in 1972 compared to \$21.6 million in 1971.

- General municipal government expenditures rose to \$182 million in 1972, a 30 per cent increase over 1971's \$140 million. Counties reported a 53.5 per cent rise in spending, from \$48.4 million to \$74.4 million. Full funding of the Federal Emergency Employment Act, included in general government expenditures, attributed to this high percentage increase, according to the report.

- Municipal public safety expenditures increased to \$360 million, nine per cent higher than the \$330 million of 1971. County expenditures rose six per cent from \$239 million in 1971 to \$253 million in 1972. County costs have increased to \$72 million from \$67 million, a 7.5 per cent rise.

- School, county and special district taxes rose from \$1.7 billion to \$1.9 billion, an 11.8 per cent increase.

In addition to revenue and expenditure figures, the report contains comparative data on the composition and size of the tax base and the indebtedness of each local jurisdiction. This year's report also highlights the form of government and the number of members on the governing body for each municipality.

Copies of the report at a cost of \$10 each are available from the Division of Local Government Services, P.O. Box 2768, Trenton, New Jersey 08625.

COMPUTER AIDS STUDENTS IN CAREER PLANNING

A computer which helps students in career planning is in use in Asbury Park and soon will be helping students in other districts, Edwin G. York of the State Department of Education said last month.

"The computer will be serving 15 other sites in the near future and has a potential for more than 200 additional participating school districts," said York, coordinator of

resource centers in the Department's Division of Vocational Education.

Stored in the computer, a Century 101 NCR, is information on current student career interests, job opportunities in the area, the student's achievements, activities and absentee-tardy records, community resources for career development and qualifications needed for various types of work.

York said that the computer is a tool which provides factual information for career counseling.

"The computer makes no decisions for students, assigns no educational track or job and does not recommend courses," he said.

Called the "Computer Assisted Career Information System", the program is part of Asbury Park's Career Education Project and is monitored by the Division of Vocational Education.

Additional terminal sites will soon provide the same services for school districts in Camden, South Brunswick, Rahway, Hackensack, Woodbridge, Perth Amboy, Atlantic City, Trenton, Plainfield, Bridgeton, Lakewood, Keansburg, New Brunswick, and Salem City, as well as for a State Department of Education facility in Edison, he said.

R. Thomas Jannarone, Asbury Park superintendent of schools, feels that the computer will help these districts as it did his.

"The use of the computer in Asbury Park has opened doors formerly closed because of lack of manpower," Jannarone commented.

ADOPT NEW REGULATIONS ON SERVING ON JURIES

The Civil Service Commission has approved new regulations governing the granting of special leave for jury duty for State employees. These grant an employee time off for jury duty and necessary travel time from court to place of employment. In addition, new provisions are made for employees who work a shift that does not coincide with the time of jury service.

The employee is required to notify his supervisor of any impending jury duty service and must obtain written confirmation of attendance at jury duty from the court.

Any State employees wishing specifics of the new regulations should contact his personnel officer.

REPORT MORE THAN 3,000 MAN-MADE PONDS IN STATE

New Jersey now has more than 3,000 ponds and lakes on farms, at industrial and research establishments and in other areas, all constructed with assistance from the State's 15 soil conservation districts in accordance with Federal standards, according to Secretary of Agriculture Phillip Alampi, chairman of the State Soil Conservation Committee.

Warren County, still largely rural, leads the State in the number of such impoundments, with 493, while urban Essex County is second with 396, indicating that both farmers and the business community are recognizing their importance for multi-conservation purposes, Alampi said.

The rundown on ponds and lakes in other counties is: Monmouth, 390; Morris, 346; Sussex, 227; Hunterdon, 200; Mercer, 173; Burlington, 149; Salem, 114; Gloucester, 104; Camden, 84; Cumberland, 73; Bergen, 69; Ocean and Passaic, each 62; Somerset, 51; Middlesex, 43; Atlantic, 34; Cape May, 21; Union, 4; Hudson, none.

In addition to this total of 3,095 many other ponds con-

structed by private landowners are not included in the listing.

Alampi said a man-made pond has many advantages to the landowner and the general public. In addition to retaining excess water which would normally run off, ground water levels are supplemented. Areas where use of such ponds is widespread suffer less from flooding of downstream farms and towns.

On the farm, of course, ponds provide drinking water for livestock, impound water for irrigation and spraying, and also provide a convenient water source for fire protection.

More and more, ponds are being used for recreation—swimming, boating, fishing, camping or picnicking. Last but not least, these impoundments have an aesthetic value, they attract wildlife and are just “plain nice” to look at, Alampi noted.

Residents considering construction of a pond should seek technical assistance at their local Soil Conservation District office, he suggested.

DON'T UNDERESTIMATE OUTPUT OF OUR NEW JERSEY FARMERS

New Jersey farmers make an important contribution to food supplies of the State's 7.3 million residents, according to Secretary of Agriculture Phillip Alampi.

Only about one per cent of the New Jersey labor force is in farming, but New Jersey agriculture produces almost one-third of the quantity of eggs and potatoes used in the State, more than half of the noncitrus fresh fruit consumed and over three-quarters of the fresh vegetables.

Alampi said that New Jersey's milk production of some 684 million pounds is 17 per cent of the 4.1 billion pounds of milk and milk products consumed in the State each year.

New Jersey white and sweet potato farmers produce a crop equal to 32 per cent of the 921 million pounds used, sufficient for 2.3 million consumers.

Fresh vegetable production in the Garden State is 78 per cent of the 711 million pounds consumed, enough to feed 5.7 million people.

Fresh noncitrus fruit production equals 60 per cent of New Jersey consumption and egg production 32 per cent.

“The number of people depending on New Jersey farmers for their food supplies is truly surprising,” Alampi pointed out, “considering that Garden State producers are working in the nation's most highly urbanized state.”

The statistics are based on information prepared by the New Jersey Crop Reporting Service.

PUC INAUGURATES EMERGENCY PHONE HOT LINE ON PROBLEMS

New Jersey Public Utilities Commission President Anthony J. Grossi recently announced the establishment of a special telephone hot-line to handle emergencies involving utilities on a 24-hour a day, seven-day a week basis.

The hot-line, which has been given the acronym T R U E—for Telephone Response to Utility Emergencies—is (201) 648-2350.

The plan had the support of Gov. Brendan T. Byrne—a former PUC President himself—and of the two other PUC Commissioners, William E. Ozzard and George M. Wallhauser Jr.

“Utilities provide such a vital service to the residents of New Jersey that interruptions in service or other problems

Examination Notice

PUC ISSUES ADVANCE NOTICE OF THREE ELECTRICAL INSPECTOR'S EXAMINATIONS

Pursuant to N.J.S.A. 48:7-14, 7-15 and N.J.A.C. 14:5-4.1 et seq., notice is hereby given that the Board of Public Utility Commissioners will hold three examinations for persons seeking Electrical Inspector Licenses—on May 21, Sept. 20 and November 26, 1974, at Room 104, 80 Mulberry Street, Newark, New Jersey beginning at 10:00 A.M.

Application forms may be procured from the Board's offices at Room 210, 101 Commerce Street, Newark, New Jersey, or the National State Building, Room 407, 28 West State Street, Trenton, New Jersey.

Completed application forms, together with fees in the amount of \$25.00 for initial examination or \$15.00 for re-examination must be filed at the Board's office at 101 Commerce Street, Newark, New Jersey 07102, ten working days prior to the listed examination dates.

All checks should be made payable to Treasurer, State of New Jersey, and such fees are not refundable.

involving electricity, gas, water, solid waste collection or other services under our jurisdiction must be dealt with immediately”, President Grossi said.

“Our T R U E hot-line will be manned around-the-clock in order to cope with emergencies as they occur, no matter what the time of day.”

Grossi pointed out that the PUC ordered utilities last year to print emergency telephone numbers on bills sent to their customers. “These numbers should be called first,” Grossi said, “since the utilities have the capability of dealing directly with the problem.

“The T R U E hot-line should be called only if the customer is unable to contact the utility or if the utility is unable to immediately solve the situation.

“We want to stress that the T R U E hot-line is for emergency use only during non-business hours,” the PUC President continued, “and a danger could exist if it is tied up by caller's with routine problems which could be solved by writing a letter to the PUC or by calling us between 9 A.M. and 4:30 P.M., Monday through Friday.”

1973 BOUND VOLUME AVAILABLE IN LIMITED SUPPLY AT \$9.00

The annual bound volume of the New Jersey Register for 1973 may now be ordered by subscribers or others interested.

The volume includes the 12 monthly issues, plus an index of all rules adopted during the year—and of rules proposed but not adopted at year-end. A similar cumulative index for 1972 is likewise included.

Price is \$9.00, payable in advance, shipment postpaid.

Checks should be made out to, and orders placed with: Division of Administrative Procedure, 10 North Stockton Street, Trenton, N.J. 08608.