

THE NEW JERSEY REGISTER

1 N. J. R. 25

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THE NEW JERSEY REGISTER

A Publication of the State of New Jersey

RICHARD J. HUGHES, Governor
 Robert J. Burkhardt, Secretary of State
 Leon S. Wilson, Director of Administrative Procedure
 Melvin E. Mounts, Rules Analyst
 Grace Barnett, Editor

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THURSDAY, DECEMBER 25, 1969

NOTICE OF RULE MAKING ACTIVITIES OF STATE AGENCIES

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

(a)

THE GOVERNOR

EXECUTIVE ORDER NUMBER 60

Concerning Extra Holidays

EXECUTIVE ORDER No. 60

I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State do hereby ORDER and DIRECT that:

1. State employees will be released at 1 P.M., work permitting, on December 24, 1969 (the day preceding Christmas Day).
2. Friday, December 26, 1969 (the day following Christmas Day) be declared an extra holiday for State employees.
3. Wednesday, December 31, 1969 (the day preceding New Year's Day) shall not be declared a holiday for State employees. The normal working hours shall be strictly observed.
4. Friday, January 2, 1970 (the day following New Year's Day) shall be declared an extra holiday for State employees.

GIVEN, under my hand and seal this ninth day of December, in the year of our Lord, one thousand nine hundred and sixty-nine, and of the Independence of the United States, the one hundred and ninety-fourth.

/s/ RICHARD J. HUGHES
 Governor

Attest:
 /s/ ALAN J. KARCHER
 Acting Secretary to the Governor

NEW JERSEY REGISTER CHANGE OF PUBLICATION DATE

The next issue of the New Jersey Register will be published January 8. The official publication date for following issues will then be the first Thursday after the first Monday of each month.

(b)

THE LEGISLATURE

EXECUTIVE REORGANIZATION ACT OF 1969 SIGNED BY THE GOVERNOR

The Executive Reorganization Act of 1969 was signed by Governor Richard J. Hughes on December 2, 1969, and became Chapter 203 of the Laws of 1969.

The act was introduced February 17, 1969, as Senate 514 by Senators Willard B. Knowlton, Alfred D. Schiaffo, Fairleigh Dickinson, Jr., Garrett W. Hagedorn, Joseph C. Woodcock, Jr., J. Edward Crabel, Sido L. Ridolfi, Norman Tanzman and John A. Lynch.

The act is reprinted here in its entirety.

AN ACT providing for the organization and reorganization of the Executive branch of government by submission of reorganization plans by the Governor subject to disapproval by the Legislature within 60 days, and providing for the publication thereof, supplementing chapter 14 of Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known as the "Executive Reorganization Act of 1969".

2. (a) The Governor shall from time to time examine the organization of all agencies and shall determine what changes therein are necessary to accomplish the following purposes:

- (1) To promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
- (2) To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive;
- (3) To increase the efficiency of the operations of the Executive to the fullest extent practicable;
- (4) To group, co-ordinate, and consolidate agencies and functions of the Executive, as nearly as may be, according to major purposes;
- (5) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Executive; and
- (6) To eliminate overlapping and duplication of effort.

(b) The Legislature declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that the purposes may be accomplished in great measure by proceeding under this act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

3. For the purpose of this act:

- (a) "Agency" means—
 - (1) Any division, bureau, board, commission, agency, office, authority or institution of the executive branch created by law, whether or not it receives legislative appropriations, or parts thereof;
 - (2) Any office or officer in any agency, but does not include the State Auditor;
 - (b) "Reorganization" means a transfer, consolidation, merger, co-ordination, authorization, or abolition, referred to in section 4 of this chapter; and
 - (c) "Officer" is not limited to persons receiving compensation for their services.

4. (a) When the Governor, after investigation, finds that—

- (1) The transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of another agency; or
- (2) The abolition of all or a part of the functions of an agency; or
- (3) The consolidation, merger, or co-ordination of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof; or
- (4) The consolidation, merger, or co-ordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof; or
- (5) The authorization of an officer to delegate any of his functions; or
- (6) The abolition of the whole or a part of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions;

is necessary to accomplish one or more of the purposes of section 2 of this act, he shall prepare a reorganization plan for the execution of the reorganization as to which he has made findings and which he includes in the plan, and transmit the plan (bearing an identification number) to the Legislature, together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to accomplish one or more of the purposes of section 2 of this act.

(b) The Governor shall deliver to the Senate and General Assembly on the same session day a reorganization plan. In his message transmitting a reorganization plan, the Governor shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function and the reduction of expenditures (itemized so far as practicable) or increase in effectiveness and efficiency that it is probable will be brought about by the taking effect of the reorganization included in the plan.

IN THIS ISSUE

THE GOVERNOR—Executive Order 60.....	1 N.J.R. 25(a)
THE LEGISLATURE — Executive Reorganization Act	1 N.J.R. 25(b)
AGRICULTURE — Milk Marketing Orders	1 N.J.R. 26(a)
COMMUNITY AFFAIRS — Construction and Maintenance of Hotels and Multiple Dwellings	1 N.J.R. 28(a)
DELAWARE RIVER BASIN COMMISSION — Comprehensive Plan	1 N.J.R. 28(b)
EDUCATION — Kindergarten Class Enrollment	1 N.J.R. 28(c)
EDUCATION — Transportation to and from Child Care Centers	1 N.J.R. 28(d)
HIGHER EDUCATION — Appeals to the Board	1 N.J.R. 28(e)
HIGHER EDUCATION — Appeals to the Chancellor	1 N.J.R. 29(a)
INSTITUTION AND AGENCIES — Bureau of Assistance Manual of Administration	1 N.J.R. 29(b)
INSTITUTION AND AGENCIES — Categorical Assistance Budget Manual	1 N.J.R. 30(a)
INSTITUTION AND AGENCIES — Food Stamp Manual	1 N.J.R. 30(b)
INSTITUTION AND AGENCIES — Food Stamp Plan of Operation Manual	1 N.J.R. 30(c)
LAW AND PUBLIC SAFETY — Firearms Regulations	1 N.J.R. 30(d)
PORT OF NEW YORK AUTHORITY — Parking at Airports	1 N.J.R. 31(a)
TREASURY — Racing Commission — Jockey Mount Fees	1 N.J.R. 32(a)
TREASURY — Teachers' Pension and Annuity Fund	1 N.J.R. 32(b)
TREASURY — Outdoor Advertising	1 N.J.R. 32(c)
WATERFRONT COMMISSIONS OF NEW YORK HARBOR — Removal from Commission's Register	1 N.J.R. 32(d)

(c) A copy of the reorganization plan shall be transmitted to and filed with the Secretary of State for publication in issue of the New Jersey Register next following said filing.

5. A reorganization plan transmitted by the Governor under section 4 of this act—

(a) May change, in such cases as the Governor considers necessary, the name of an agency affected by a reorganization and the title of its heads and shall designate the name of an agency resulting from a reorganization and the title of its head;

(b) May provide for the appointment and compensation of the head and one or more officers of an agency (including an agency resulting from a consolidation or other type of reorganization) if the Governor finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary. The head so provided may be an individual or may be a commission or board with more than one member. In case of such an appointment, the term of office may not be fixed for a period in excess of the term remaining to be served by the then Governor, the pay may not be at a rate in excess of that found by the Governor to be applicable to comparable officers in the Executive branch, and, if the appointment is not to a position in the competitive service, it shall be made by the commissioner or other chief executive officer, board or commission of the executive department affected.

(c) Shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

(d) Shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the Governor considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective. However, the unexpended balances so transferred may be used only for the purposes for which the appropriation was originally made; and

(e) Shall provide for terminating the affairs of an agency abolished.

6. (a) A reorganization plan may not provide for, and a reorganization under this act may not have the effect of—

(1) Creating a new principal department in the Executive branch, abolishing or transferring a principal department or all the functions thereof, or consolidating 2 or more principal departments or all the functions thereof;

(2) Continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

(3) Authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to the Legislature;

(4) Increasing the term of an office beyond that provided by law for the office.

(b) A reorganization plan may take effect as provided in section 7.

Executive Reorganization Act—continued

7. (a) Except as otherwise provided by subsections (b) and (c) of this section, a reorganization plan shall take effect at the end of a period of 60 calendar days after the date on which the plan is transmitted to the Senate and General Assembly on a day on which both thereof shall be meeting in the course of a regular or special session unless, between the date of transmittal and the end of the 60-day period, the Legislature passes a concurrent resolution stating in substance that the Legislature does not favor the reorganization plan.

(b) Under provisions contained in a reorganization plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

(c) A reorganization plan which is not disapproved in the manner provided by subparagraph (a) of this section shall have the force and effect of law and the Secretary of State shall cause the same to be printed and published in the annual edition of the public laws under a heading of "Reorganization Plans."

8. Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or any pension law or retirement system.

9. This act shall not affect any order, rule or regulation made or promulgated prior to the effective date of a reorganization plan by any department, commission, council, board, authority, officer or other agency, the functions, powers and duties of which have been assigned or transferred to any other officer, authority or agency pursuant to a reorganization plan; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

10. This act shall not affect actions or proceedings, civil or criminal, brought by or against any department, commission, council, board, authority, officer or other agency, the functions, powers and duties of which have been transferred or abolished pursuant to this act; nor shall any reorganization affect any order or recommendation made by, or other matters or proceedings before, any department, commission, council, board, officer, authority or agency, the functions, powers and duties of which have been transferred or abolished pursuant to a reorganization plan under this act.

11. All acts and parts of acts inconsistent with any of the provisions of this act and with a reorganization plan adopted hereunder, are, to the extent of such inconsistency, hereby repealed.

12. This act shall take effect on January 13, 1970.

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amendment of Milk Marketing Orders 57-3 and 63-1

Joseph C. Mathis, Acting Director of the New Jersey Division of Dairy Industry, pursuant to the provisions of N.J.S.A. 4:12A-1 et seq. (L. 1941 c. 274) has amended Order No. 57-3 "Regulating the Handling of Milk in New Jersey Milk Marketing Area Number One" and Order No. 63-1 "Regulating the Handling of Milk in New Jersey Milk Marketing Areas Numbers Two and Three" as follows:

ORDER AMENDING ORDER 57-3 AS AMENDED
Sec. 1002.0 Findings and determinations.

In conformance with the Memorandum of Agreement signed with the United States Department of Agriculture, pursuant to the powers vested in P. L. 1941, c. 274, sec. 25, the Director of the New Jersey Office of Milk Industry (now Division of Dairy Industry, New Jersey Department of Agriculture) has participated with the United States Department of Agriculture, in a joint hearing held in Memphis, Tennessee, on February 19-22, April 23-24, and May 21-24, 1968, pursuant to the notice thereof issued on February 7, 1968.

After considering all of the evidence adduced at the hearing and being in agreement with the findings and determinations made by the United States Department of Agriculture, as contained in the order amending Federal Order No. 2, as amended, signed in Washington, D.C., on November 18, 1969, by Richard E. Lyng, Acting Secretary, U.S. Department of Agriculture, the Acting Director of the Division of Dairy Industry concurs with the findings and determinations as they pertain to the New York-New Jersey milk marketing area. Therefore, the Acting Director of the Division of Dairy Industry, in cooperation with the United States Department of Agriculture, hereby finds and determines that:

Official Order No. 57-3, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Statute. It is therefore ordered that on and after the effective date hereof, Division of Dairy Industry (formerly Office of Milk Industry) Order No. 57-3, as amended, shall be further amended as follows:

1. Section 1002.15 is revised to read as follows:
Sec. 1002.15 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat in the form of milk, fluid skim milk, filled milk, cultured or flavored milk drinks (except eggnog and yogurt), concentrated fluid milk disposed of in consumer packages, cream (except storage, plastic or sour), half and half (except sour) and any other mixture of cream, milk or skim milk containing less than 18 percent butterfat (other than frozen desserts, frozen dessert mixes, whipped topping mixtures, evaporated milk, plain or sweetened condensed milk or skim milk, sterilized milk or milk products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil): Provided, That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be included within this defini-

tion shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

2. A new Section 1002.17 is added to read as follows:

Sec. 1002.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In Section 1002.28 the introductory text preceding paragraph (a) is revised to read as follows:
Sec. 1002.28 Temporary pool plants.

Except for plants which, pursuant to paragraph (f) of this section, are not eligible for designation, any plant not designated pursuant to Sec. 1002.24 shall automatically be designated a pool plant in accordance with provisions of paragraphs (a) through (e) of this section: Provided, That no plant shall be a pool plant pursuant to this section if, in the absence of this provision, milk received from dairy farmers and units at the plant would be classified and priced under another order with a provision for market-wide equalization, and if the percentage of the milk received from dairy farmers and units at the plant which is classified in Class I-A and disposed of in the marketing area defined in such other order is greater than the percentage of such milk so classified and disposed of in this marketing area: Provided further, That for purposes of the computations of percentages set forth in this section, skim milk and butterfat in filled milk shall be excluded from skim milk and butterfat classified in Class I-A and Class I-B.

4. In Section 1002.44(e)(3) a new subdivision (vi) is added to read as follows:
Sec. 1002.44 Transfers.

(e) * * * * *

(3) * * *

(vi) Any remaining Class I-A route disposition in the marketing area shall be subject to the pricing specified in Sec. 1002.70(d)(2).

5. Section 1002.70(d)(2) is revised to read as follows:
Sec. 1002.70 Net pool obligation of handlers.

* * * * *

(2) Multiply the difference between the applicable Class I-A and Class II prices, both adjusted by the applicable differential pursuant to Sec. 1002.51, by the pounds of skim milk and butterfat in other source milk subtracted from Class I-A pursuant to Sec. 1002.45(a)(4) and the corresponding step of Sec. 1002.45(b) and by the pounds of skim milk and butterfat specified in Sec. 1002.44(e)(3)(vi).

6. Section 1002.90 is revised to read as follows:
Sec. 1002.90 Payment by handlers.

As his pro rata share of the expense of administration of this part, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding 4 cents per hundredweight on the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers and on the quantity for which payment is made pursuant to Sec. 1002.70(d)(2), the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, or the Director of the Division of Dairy Industry, Department of Agriculture, State of New Jersey, with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

7. In Section 1002.91 paragraphs (a) and (d) are revised to read as follows:

Sec. 1002.91 Termination of obligations.

* * * * *

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on

such payment is claimed, unless such handler, within the applicable periods of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Effective date: January 1, 1970

Signed at Trenton, New Jersey on November 26, 1969.

Joseph C. Mathis, Jr.
Acting Director
Division of Dairy Industry
Department of Agriculture
State of New Jersey

ORDER AMENDING ORDER 63-1 AS AMENDED

Sec. 1004.0 Findings and determinations.

In conformance with the Memorandum of Agreement signed with the United States Department of Agriculture pursuant to the powers vested in P. L. 1941, c. 274, sec. 25, the Director of the New Jersey Office of Milk Industry (now Division of Dairy Industry, New Jersey Department of Agriculture) participated with the United States Department of Agriculture, in a joint hearing held in Memphis, Tennessee, on February 19-22, April 23-24, and May 21-24, 1968, pursuant to the notice thereof issued on February 7, 1968.

After considering all of the evidence adduced at the hearing and being in agreement with the findings and determinations made by the United States Department of Agriculture, as contained in the order amending Federal Order No. 2, as amended, signed in Washington, D.C., on November 18, 1969, by Richard E. Lyng, Acting Secretary, U.S. Department of Agriculture, the Acting Director of the Division of Dairy Industry concurs with the findings and determinations as they pertain to the Delaware Valley milk marketing area. Therefore, the Acting Director of the Division of Dairy Industry, in cooperation with the United States Department of Agriculture, hereby finds and determines that:

Official Order No. 63-1, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Statute.

It is therefore ordered, That on and after the effective date hereof, Division of Dairy Industry (formerly Office of Milk Industry) Order No. 63-1, as amended, shall be further amended, as follows:

1. In Sec. 1004.7, paragraph (a) is revised to read as follows:

Sec. 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received from dairy farmers or processed or packaged. However, a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

* * * * *

1a. In Sec. 1004.8, paragraphs (a) and (b) are revised to read as follows:

Sec. 1004.8 Pool plant.

(a) A distributing plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 45 percent, of the milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to Sec. 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as handler pursuant to Sec. 1004.10 (c), is disposed of as route disposition, except filled milk, and the volume disposed of as route disposition, except filled milk, in the marketing area during the month is not less than 10 percent of such receipts.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to Sec. 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to Sec. 1004.10 (c) is moved during the month to a distributing plant from which a volume of fluid milk products, except filled milk, which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

* * * * *

2. In Sec. 1004.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:
Sec. 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, sterilized products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil): Provided, That when the product is modified by the addition

Agriculture—continued

of nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

(f) "Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

3. In Sec. 1004.30, subparagraph (3) of paragraph (a) and paragraph (b) are revised to read as follows:

Sec. 1004.30 Reports of receipts and utilization.

(a) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of milk from dairy farmers shall be reported in lieu of producer milk, such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

3a. In Sec. 1004.32, paragraph (b) is revised to read as follows:

Sec. 1004.32 Records and facilities.

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

3b. In Sec. 1004.41, subparagraph (8) of paragraph (b) is revised to read as follows:

Sec. 1004.41 Classes of utilization.

(8) In the skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition.

4. In Sec. 1004.44, subparagraph (5) of paragraph (d) is revised to read as follows:

Sec. 1004.44 Transfers.

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

5. In Sec. 1004.46 subparagraphs (3) through (9) and the introductory text of subparagraph (10) preceding subdivision (i) of paragraph (a) are revised to read as follows:

Sec. 1004.46 Allocation of skim milk and butterfat classified.

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5) (v) of this paragraph as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to Sec. 1004.14(a) and from identified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers for other markets pursuant to Sec. 1004.14(b), that were not subtracted pursuant to subparagraph (5) of this paragraph, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to Sec. 1004.14(b), if not assigned pursuant to subparagraphs (3), (5), and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to Sec. 1004.10 (c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order, that were not subtracted pursuant to subparagraph (5)(v); and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated order regulating such plant, and from dairy farmers for other markets pursuant to Sec. 1004.14(b), remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from another order plant that were not subtracted pursuant to subparagraph (5) (v) of this paragraph in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to Sec. 1004.14 (b), that were not subtracted pursuant to subparagraphs (5)(iv), (5)(v), (6)(i), or (6)(ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (5)(v) or (6)(iii) of this paragraph, pursuant to the following procedure:

6. Sec. 1004.61 is revised to read as follows:

Sec. 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all provisions of this part except as specified in this section:

(a) Any plant qualified pursuant to Sec. 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Delaware Valley marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to Sec. 1004.8 (a) or (b).

(c) Each handler operating a plant described in paragraph (a) or (b) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to Sections 1004.30 and 1004.31) and allow verification of such reports by the market administrator.

(d) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provision of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing area regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph of Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

7. In Sec. 1004.62 paragraphs (a)(1)(i) and (b) are revised to read as follows:

Sec. 1004.62 Obligations of handler operating a partially regulated distributing plant.

(a) (1)(i)

The obligation that would have computed pursuant to Sec. 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or another order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or another order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in Sec. 1004.70(e) and a credit in the amount specified in Sec. 1004.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less than value of such skim milk at the Class II price.

7a. In Sec. 1004.70, paragraph (d) is revised to read as follows:

Sec. 1004.70 Computation of the net pool obligation of each pool handler.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to Sec. 1004.46(a)(5) and the corresponding step of Sec. 1004.46, except that for receipts of fluid milk products assigned to Class I pursuant to Sec. 1004.46 (a)(5)(iv) and (v) and the corresponding step of Sec. 1004.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

8. In Sec. 1004.88 paragraphs (a) and (d) are revised to read as follows:

Sec. 1004.88 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

Agriculture—continued

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to Section 8c(15)(A) of the Act, a petition claiming such money.

Effective date: January 1, 1970
Signed at Trenton, New Jersey on November 26, 1969.
Joseph C. Mathis, Jr.
Acting Director
Division of Dairy Industry
Department of Agriculture
State of New Jersey

Copies of the complete Order No. 573 and Order No. 63-1 are on file for public inspection at the Office of the Division of Dairy Industry, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625.

Note: Orders adopting these amendments were filed December 4, 1969, as R. 1969 d.24 and R. 1969 d.25, to be effective January 1, 1970.

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Changes in the Regulations for the Construction and Maintenance of Hotels and Multiple Dwellings

Notice is hereby given that the Department of Community Affairs, pursuant to the authority delegated in N.J.S.A. 55:13A-6(e), propose to amend the regulations governing the construction and maintenance of hotels and multiple dwellings. A synopsis of the more important proposed revisions is as follows:

ARTICLE 1 - Section 115.7(c) and tables 1-1 and 1-2
Inspection of Materials and Assemblies - this revision will require Controlled Inspection (i.e. - inspections made and witnessed by or under the authority of a professional engineer or registered architect licensed to practice in the State of New Jersey retained by or on behalf of the owner or lessee, who shall be, or shall be acceptable to, the architect or engineer who prepared or supervised the preparation of the plan) of the materials for and proportioning of structural concrete; welding operations and tensioning of high strength bolts in steel construction; connection of fittings to wire cables for suspended structures; placement of structural concrete; welding operations in aluminum construction; assembly of glued-laminated components in wood construction; assembly of pre-fabricated units, and the proportioning and mixing of mortar, placement and bedding of units, size of members and columns, size and position of reinforcement in reinforced and unreinforced masonry construction; and the installation of all piling.

ARTICLE 5 - Note to Table 5-1
In every new building the ceiling of the cellar or, if there is no cellar, of the basement or other lowest story, shall have a fire resistive rating of one hour.

ARTICLE 9 - Title changed to "Light, Heat, Ventilation Control and Glazing" Section.

No building or any part thereof shall be installed, altered or rearranged so as to reduce the standards for safe glazing to less than the requirements set out in Table 9-1 for glazing in specific locations and with specific materials.

TABLE 9-1 - GLAZING FOR A HUMAN IMPACT LOADS

1. Glazing in the following Specific Hazardous Locations shall meet the following requirements:

Specific Hazardous Locations—Glazing in exit doors
Size of Individual Glazed Area—Over 6 sq. ft.
Requirements—Glazing shall pass the test requirements of USAS 297.1-1966 if not protected by a protective grille or pushbar (1) firmly attached to stiles on each exposed side. (2)

Specific Hazardous Locations—Glazing in fixed glazed panels which may be mistaken for means of egress or ingress
Size of Individual Glazed Area—Over 6 sq. ft.
Requirements—Glazing shall pass the test requirements of USAS 297.1-1966 if not protected by a protective grille (1) firmly attached to stiles on each exposed side. (2)

Specific Hazardous Locations—Glazing in patio type sliding door (both fixed and sliding panels)
Size of Individual Glazed Area—Over 6 sq. ft.
Requirements—Glazing shall pass the test requirements of USAS 297.1-1966.

Specific Hazardous Locations—Glazing in storm doors
Size of Individual Glazed Area—Over 2 sq. ft.
Requirements—Glazing shall pass the test requirements of USAS 297.1-1966 if not protected by a protective grille firmly attached to stiles on each exposed side. (2)

Specific Hazardous Locations—Glass in all unframed doors (Swinging)
Size of Individual Glazed Area—All sizes
Requirements—Shall be fully-tempered glass and pass the test requirements of USAS 297.1-1966.

Specific Hazardous Locations—Glazing in shower doors and tub enclosures
Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

2. Specific Glazing Materials when used in hazardous areas subject to human impact loads shall meet the following requirements:

Glazing Materials—Annealed glass (regular plate, float, sheet, rolled or obscure)

Size of Individual Glazed Area—Over 6 ft.

Requirements—Not less than 3/16" nominal thickness. Each glazed area must be protected by protective grille or push-bar (1) firmly attached to stiles on each exposed side. (2)

Glazing Materials—Annealed glass (regular plate, float, sheet, rolled, or obscure) surface sandblasted, etched or otherwise depreciated

Size of Individual Glazed Area—Over 6 ft.

Requirements—Not less than 7/32" nominal thickness. Each glazed area must be protected by protective grille or push-bar (1) firmly attached to stiles on each exposed side. (2)

Glazing Materials—Fully-tempered glass
Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

Glazing Materials—Laminated glass
Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

Glazing Materials—Wired glasses
Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

Glazing Materials—Transparent rigid plastic
Size of Individual Glazed Area—All sizes

Requirements—Shall pass the test requirements of USAS 297.1-1966.

(1) Shall be constructed and attached in such a manner so as to limit or prevent human impact from being delivered to glass surface.

(2) Building owners and tenants shall maintain towel bars, push-bars or protective grilles in safe condition at all times.

ARTICLE 19 - Section 1901.1
In a multiple dwelling of six or more dwelling units, all terms of any substance defining the relationship of landlord-tenant shall be set out in a written lease in such a manner as to demonstrate that all the parties signing said bilateral agreement had full knowledge of said terms.

ARTICLE 19 - Section 1908.0 (c)
All hotels, motels, lodging houses, dormitories and single-room occupancies having 10 or more sleeping rooms or accommodating 25 or more lodgers shall provide fire retardant treated, self-extinguishing mattress cores and fire-proof mattress covers on all devices designed for sleeping.

Interested persons may obtain a copy of all proposed revisions by writing or calling the Bureau of Housing Inspection, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625. Telephone (609) 292-5884.

Notice is also given that any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing to be held in the Department of Community Affairs Conference Room, 363 West State Street, Trenton, New Jersey at 10:00 a.m. on January 19, 1970.

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

Paul N. Ylvisaker, Commissioner
Department of Community Affairs

(b)

DELAWARE RIVER BASIN COMMISSION

AMENDMENTS TO COMPREHENSIVE PLAN

Amend Water Quality Regulations

The following notice of the Delaware River Basin Commission was received by the Division of Administrative Procedure too late for inclusion in the November issue of the New Jersey Register. It is reprinted in its entirety. New material is set in boldface type thus; deletions are in brackets [thus].

NOTICE OF PUBLIC HEARING

On November 21 notice was given that the Delaware River Basin Commission will hold a public hearing on Thursday, December 11, 1969, on three proposed amendments to its Comprehensive Plan. The hearing will take place in Room 1600, Municipal Services Bldg., 15th and J. F. Kennedy Blvd. in Philadelphia, beginning at 2 p.m. The following proposal will also be included in the public hearing.

Proposal to amend Part III of the Commission's Basin Regulations-Water Quality adopted March 1968:

I Amend Section 3-3.6 to read as follows:

The 85 percent minimum BOD reduction for secondary treatment will be determined by an average of samples taken over each period of 30 consecutive days of the year. From December 1 through [March 31] April 30 a lesser percent reduction may be permitted by the Commission when it results from reduced plant efficiency caused by low atmospheric temperature, provided that the BOD reduction shall not be less than an average of 75 percent over any consecutive 10 days, and provided

that in no event may any such permission be granted which will impair stream quality or water uses prescribed by the water quality standards of the Comprehensive Plan.

II Amend Section 3-3.11 (2) a (iii) to read as follows:

(iii) Allowable variations. The number of pounds in the discharge permitted by the allocation will be determined by an average of samples taken over each period of 30 consecutive days of the year. From December 1 through [March 31] April 30 a discharge exceeding the allocation may be permitted by the Commission when it results from reduced plant efficiency caused by low atmospheric temperature, provided that the pounds discharged by any individual discharger shall not exceed its allocation by more than an average of two-thirds over any consecutive 10 days, and provided that in no event may any such permission be granted which will impair stream quality or water uses prescribed for a zone by the water quality standards of the Comprehensive Plan.

All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. Brinton Whitall, Secretary
(609) 883-9500
November 28, 1969

(c)

EDUCATION
STATE BOARD OF EDUCATION
Proposed Amendment to Rules on Kindergarten Class Enrollment

Notice is hereby given that the New Jersey State Board of Education, pursuant to the authority delegated in N.J.S.A. 18A:4-15, proposes to amend the rules relating to the maximum enrollment in all kindergarten classes (N.J.A.C. 8:26-12, Enrollment) as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

N.J.A.C. 8:26-12 Enrollment (formerly Section 5, page 11, Rules of the Commissioner)

The maximum enrollment for any kindergarten class shall not exceed [be] twenty-five pupils per teacher. The County Superintendent of Schools may give permission to increase the number in a room to any number he chooses provided another teacher, an auxiliary teacher, or a teacher aide is employed full-time to provide for the increased size., except by permission of the county superintendent of schools. In granting exceptions the county superintendent should give proper consideration to the need for employment of another teacher or teacher aide.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed to Clyde E. Leib, Office of the Commissioner, New Jersey State Department of Education, 225 West State Street, Trenton, New Jersey 08625 before 4 p.m. February 3, 1970. Telephone (609) 202-4040.

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

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

(d)

EDUCATION
STATE BOARD OF EDUCATION
Transportation of Children To and From Child Care Centers

Notice is hereby given that on November 5, 1969, Carl L. Marburger, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:70-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., adopted an amendment to N.J.A.C. 8:26-8 "Transportation of Children to and from Child Care Centers" as set forth in the Notice of Proposed Changes in the Rules of the New Jersey State Board of Education, published September 25, 1969 at 1 N.J.R. 7(2).

An order adopting this amendment was filed and came effective on November 17, 1969, as R. 1969 d.15.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(e)

HIGHER EDUCATION
BOARD OF HIGHER EDUCATION
Rules for Appeals to the Board

The following rules of practice regarding appeals to the Board of Higher Education were adopted by order of Ralph A. Dungan, Secretary, on November 21, 1969, pursuant to authority delegated in N.J.S.A. 18A:6-26.

Higher Education—continued

RULES FOR APPEALS TO THE BOARD OF HIGHER EDUCATION

2:1 Foreword

The following rules prescribed and approved by the Board of Higher Education pursuant to N.J.S.A. 18A:6-27, 18A:6-28 and 18A:6-29 govern the hearing of appeals by the Board of Higher Education from decisions of the Chancellor of Higher Education in the adjudication of controversies and disputes arising under higher education laws.

2:2 Filing and Service of Appeals

An appeal to the Board of Higher Education in a controversy arising under the higher education laws must be taken within thirty (30) days after the Chancellor of Higher Education has filed his decision in said controversy. It shall be taken by filing with the Chancellor and serving by registered mail, or certified mail, or ordinary mail with affidavit of mailing, or personally upon the adverse party or his attorney a notice identifying the decision and stating that an appeal is taken to the Board of Higher Education from it, or from such part of it as may be specified. Proof of service shall be filed promptly with the Chancellor.

2:3 Certification of Record by Chancellor

In every controversy in which the decision of the Chancellor of Higher Education has been appealed to the Board, he shall certify the record to the Board within twenty (20) days after the filing of the notice of appeal, and remit the record, so certified, together with the notice of appeal and affidavit of service thereof with two extra copies of his decision to the Chairman of the Board.

2:4 Filing and Service of Points of Appeal

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

2:5 Committee on Appeals

The Board of Higher Education may refer appeals taken to it in manner provided by law, to a committee of not less than three of its members. The Chairman of the Board of Higher Education shall designate one member of said committee as chairman.

2:6 Functions of the Committee on Appeals

All notices of hearing shall be sent by the Committee on Appeals by mail, addressed to the counsel who have appeared for the parties in the proceeding, or, in the absence of such appearance, to the parties in person at their last known residences. All notices of hearings shall specify the time and place of the session of the Committee on Appeals at which the appeal will be heard. The Committee on Appeals shall consider all such appeals and report and recommend its conclusions thereon to the Board of Higher Education, which shall thereupon decide each appeal by resolution in open meeting.

Ordered at Trenton, New Jersey, this 21st day of November, 1969.

Ralph A. Dungan Secretary Board of Higher Education

Note: The above order was filed and became effective November 24, 1969, as R.1969d.17a (Exempt, practice rules).

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Adoption of Rules for Appeals to the Chancellor

The following rules of practice regarding appeals to the Chancellor of Higher Education were adopted by order of Ralph A. Dungan, Secretary, on November 21, 1969, pursuant to authority delegated in N.J.S.A. 18A:6-26.

1:1 Foreword

The following rules prescribed by the Chancellor of Higher Education and approved by the State Board of Higher Education govern the hearing of appeals and the adjudication of controversies and disputes arising under higher education laws by the Chancellor of Higher Education pursuant to N.J.S.A. 18A:6-26, 18A:6-27, 18A:6-28 and 18A:6-29.

General Rules

1:2 Definition of "Chancellor"

As used in these rules, unless a different meaning appears from the context, "Chancellor" shall mean the Chancellor of Higher Education or the Vice Chancellor of Higher Education assigned to hear and determine controversies and disputes or a hearing officer assigned to conduct the proceedings in any case.

1:3 Filing and Service of Petition of Appeal

To initiate a proceeding before the Chancellor to adjudicate an appeal, controversy or dispute arising under the higher education laws, a petitioner shall file with the Chancellor the original copy of the petition, together with proof of service or a copy thereof on the respondent or respondents.

1:4 Format of Petition of Appeal

The petition must state the name and address of each petitioner, the name and address of or a description sufficient to identify each party respondent, and a statement of the essential facts giving rise to a dispute under the higher education laws, and must be verified. The petition should also cite, if known to petitioner, the section or sections of the higher education laws under which the controversy has arisen and should be presented in substantially the following form:

BEFORE THE CHANCELLOR OF HIGHER EDUCATION OF NEW JERSEY

JOHN DOE, : PETITIONER, :
v. : PETITION OF APPEAL
RICHARD ROE, : RESPONDENT. :

Petitioner, John Doe, residing at hereby requests the Chancellor of Higher Education to hear and determine a controversy which has arisen between petitioner and respondent, whose address is (or other information), under section 18A: of the New Jersey Statutes, by reason of the following facts:

- 1. (Here set forth in appropriate paragraphs the facts constituting the basis of the controversy.)

Wherefore, petitioner requests that (here set forth prayer for the relief desired).

Signature of Petitioner or his Attorney

Date

1:5 Filing and Service of Answer

Upon receipt of a petition, the respondent(s) will be directed by the Chancellor to file and serve an answer, within a specified number of days. Such time may be extended by consent of the parties or by the Chancellor upon application. The answer shall contain a denial as to each allegation of the petition controverted by the respondent, or a denial of any knowledge or information thereof sufficient to form a belief as to such allegation. Allegations which are not denied shall be deemed to be admitted. The answer shall also set forth the defenses to be interposed by respondent. The original copy of the answer shall be filed with the Chancellor, together with proof of service of a copy thereof upon the petitioner(s).

1:6 Amendment of Petition and Answer

The Chancellor may order the amendment of any petition or answer, or any petitioner may amend his petition, and any respondent may amend his answer, at any time and in any manner which the Chancellor deems fair and reasonable.

1:7 Permission to Intervene

The Chancellor may allow any person upon a showing that he may be substantially and specifically affected by the proceeding, to intervene as a party in the whole or any portion of the proceeding, and may allow any other interested person to participate by presentation of argument, orally or in writing, or for any other limited purpose, as the Chancellor may order.

1:8 Appearance Pro Se

Any person may appear pro se or may be represented by an attorney-at-law authorized to practice in this State.

1:9 Conference of Parties

After an answer has been filed or the time for doing so has expired, the Chancellor may summon the parties to appear before him at a conference for the purpose of eliminating or simplifying issues, obtaining admissions of fact or of documents that will avoid unnecessary proof, arriving, if possible, at an agreement of facts, and otherwise expediting the determination of the controversy. The Chancellor may require the parties to submit written statements, verified as to the facts involved in any controversy or dispute, and may further require the submission of certified copies of all documents necessary to a full understanding of the question. For failure to appear at such conference or to participate therein or to take action required by the Chancellor by authority of this rule, the Chancellor in his discretion may make such order with respect to the continued prosecution of the matter, including dismissal of a petition or of an objection thereto, as he deems just and proper.

1:10 Dismissal of Appeal

At any time after an answer is filed the Chancellor, in his discretion, may dismiss the appeal on the grounds that no sufficient cause for determination has been advanced, lack of jurisdiction, or other good reason.

1:11 Hearing

If the parties and the Chancellor are unable to agree upon a statement of the material facts, the Chancellor shall schedule a hearing in the matter upon reasonable notice to all parties of the time and place thereof. At such a hearing the parties shall be afforded opportunity for submission of oral testimony and documentary evidence.

1:12 Authority of Chancellor

The Chancellor shall have authority to administer oaths and affirmations; examine witnesses and receive evidence; issue subpoenas (pursuant to N.J.S.A. 18A:6-26); rule upon offers of proof; take or cause depositions to be taken whenever the ends of justice would be served thereby; regulate the course and conduct of the hearing; and dispose of all issues raised therein.

1:13 Subpoenas

Subpoenas, including subpoenas duces tecum, may be issued, pursuant to N.J.S.A. 18A:6-20, in the discretion of the issuing authority. Any witness summoned may request the issuing authority to vacate or modify a subpoena, whereupon the issuing authority shall give notice of such request to the party in whose interest the subpoena was issued. After such investigation as the issuing authority considers appropriate, it may grant the request in whole or in part upon a finding that the testimony or the evidence whose production is required does not relate with reasonable directness to any matter in question or that a subpoena for the attendance of a witness or the production of evidence is unreasonable or oppressive, or has not been issued a reasonable period in advance of the time when the evidence is requested.

1:14 Evidence

All evidence, including any records, investigations, reports and documents in the possession of the Chancellor of which he desires to avail himself as evidence in making a decision, shall be offered and made a part of the record in the proceeding, and no other factual information or evidence shall be considered except that the Chancellor may take official notice of any fact which may be judicially noticed by the Courts, and in addition, may take official notice of general, technical, or scientific facts within his specialized knowledge. Parties shall be notified of the material so noticed, and they shall be afforded a fair opportunity to refute the facts so noticed. The requirements of this rule shall not apply to cases in which the truth of the particular fact or matter is admitted, or to a determination of appropriate relief.

1:15 Stenographic Transcript

Where there is available a stenographic transcript of proceedings before a board of trustees of a public institution of higher education or before any other official or body whose action is called into question before the Chancellor, either party may, if at least ten (10) days notice of intention so to do has been given to opposing parties or counsel therefor, offer the transcript of testimony of any witness or witnesses named in said notice in lieu of producing said witness or witnesses at the hearing. In such event, any opposing party may subpoena such witness or witnesses to appear personally and any party may produce any additional relevant or material evidence, oral or documentary, at the hearing. Subject to the approval of the Chancellor, the parties may agree to present the controversy solely upon such stenographic transcript.

1:16 Briefs and Oral Argument

The Chancellor shall afford to all parties the opportunity to submit briefs on the issues, and to present oral argument if requested. Oral argument shall be limited to thirty (30) minutes for each party, unless the Chancellor shall otherwise order. Briefs, if any, shall be submitted within the time fixed by the hearer.

1:17 Decision

Every determination of a controversy or dispute under the higher education law shall be rendered in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-10(c-e).

1:18 Waiving of Rules

Any of the provisions of these rules relating to the presentation of his case or argument may be waived by any party or his attorney.

1:19 Relaxing of Rules

The rules herein contained shall be considered as general rules of practice to govern, expedite and effectuate the procedure before, and the actions of the Chancellor in connection with the hearing and determination of controversies and disputes under the higher education laws. They may be relaxed or dispensed with by the Chancellor, in his discretion, in any case where a strict adherence thereto may be deemed inappropriate or unnecessary or may result in injustice.

Ordered at Trenton, New Jersey, this 21st day of November, 1969.

Ralph A. Dungan Secretary Board of Higher Education

Note: The above order was filed and became effective November 24, 1969, as R. 1969 d.17b (Exempt, practice rules).

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Bureau of Assistance Manual of Administration

Notice is hereby given that on December 1, 1969, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. Title 44, Chapters 7, 10 and 11, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., has adopted an amendment to the Bureau of Assistance Manual of Administration as set forth in the Notice of Proposed Changes in the Rules of the Division of Public Welfare, Department of Institutions and Agencies, published October 30, 1969 at 1 N.J.R. 13(a).

An order adopting this amendment was filed and became effective December 3, 1969, as R.1969 d20.

Leon S. Wilson Director of Administrative Procedure Department of State

(a)

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

Notice is hereby given that on December 1, 1969, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. Title 44, Chapter 10, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., has adopted an amendment to Sec. 5.4, Appendix Sec. II, of the Categorical Assistance Budget Manual as set forth in the Notice of Proposed Changes in the Rules of the Division of Public Welfare, Department of Institutions and Agencies, published October 30, 1969 at 1 N.J.R. 14(c).

An order adopting this amendment was filed and became effective December 3, 1969, as R. 1969 d. 21.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

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

Notice is hereby given that on December 1, 1969, Lloyd W. McCorkle, 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, N.J.S.A. 52:14B-1 et seq., has adopted an amendment to the New Jersey Food Stamp Manual as set forth in the Notice of Proposed Changes in the Rules of the Division of Public Welfare, Department of Institutions and Agencies, published October 30, 1969 at 1 N.J.R. 14(a).

An order adopting this amendment was filed and became effective December 3, 1969, as R. 1969 d. 22.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES**DIVISION OF PUBLIC WELFARE****Food Stamp Plan of Operation Manual**

Notice is hereby given that on December 1, 1969, Lloyd W. McCorkle, 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, N.J.S.A. 52:14B-1 et seq., has adopted an amendment to the New Jersey Food Stamp Plan of Operation Manual as set forth in the Notice of Proposed Changes in the Rules of the Division of Public Welfare, Department of Institutions and Agencies, published October 30, 1969 at 1 N.J.R. 13(b).

An order adopting this amendment was filed and became effective December 3, 1969 as R.1969 d.23.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY**DIVISION OF STATE POLICE****Rules Dealing with Firearms**

Chapter 54 of Title 13 of the New Jersey Administrative Code was promulgated prior to September 1, 1969 by the Superintendent of State Police, Department of Law and Public Safety, pursuant to authority delegated in N.J.S.A. 2A:151-1 et seq., and is reprinted here in the public interest.

Subchapter A**FIREARMS PERMIT AND IDENTIFICATION CARD****13:54-1 Firearms permit and identification card; general.**

This sub-chapter prescribes requirements for issuance of firearms purchaser identification card, a permit to purchase a pistol or revolver and the general rules for holders of such permits and identification cards.

13:54-2 Permit or identification card required.

No person shall purchase or otherwise acquire a rifle, shotgun, pistol or revolver unless he has first obtained a firearms purchaser identification card (rifles and shotguns only) or a permit to purchase a pistol or revolver as issued under this chapter.

13:54-3 The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or

by the action of an explosive or the igniting of flammable or explosive substances.

It shall also include, without limitation, any firearm which is in the nature of any air gun, spring gun or pistol, carbon dioxide or compressed air gun or pistol, or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas, or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than 1/2 of an inch in diameter, with sufficient force to injure the person.

b. Pistol or revolver includes any firearm with an overall length less than 26 inches, or a shotgun having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with over-all length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in N.J.S.A. 2A:151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

e. Superintendent means the Superintendent of State Police.

f. Manufacturer includes all persons who receive or obtain raw materials or parts and process them into firearms or finished parts of firearms, except those persons who exclusively process grips, stocks and other nonmetal parts of firearms. It shall not include those persons who repair existing firearms or who receive and use raw materials or parts solely for the repair of existing firearms.

g. Wholesale dealer includes all persons except the manufacturer, who sell, transfer or assign firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumer, and shall include persons, except the manufacturer, who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks, and other nonmetal parts of firearms.

h. Retail dealer includes all persons except the manufacturer and wholesale dealer who sell, transfer or assign for a fee or profit any firearm or parts of firearms which they have purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumer. It shall also include any person who sells any firearm to satisfy a debt secured by the pledge of a firearm.

13:54-4 Application for a firearms purchaser identification card. (Rifles and shotguns only.)

Every person applying for a firearms purchaser identification card shall furnish such information and particulars as are set forth in the application form designated SBI 33 attached as amended and supplemented. Forms can be obtained from police departments, state police stations and retail firearms dealers.

The completed application, together with two sets of the applicant's fingerprints and a fee of \$2.00, shall be submitted to the chief of police of the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made to the state police station servicing the municipality in which the applicant resides.

13:54-5 Prerequisites for permit or identification card.

Every person issued a permit to purchase or an identification card shall be 18 years of age and of good repute in the community in which he lives.

13:54-6 Limitations on issuance.

A permit to purchase or an identification card shall not be issued to any person who is subject to any of the following disabilities:

- Convicted of any crime.
- Addicted to narcotics.
- A habitual user of goof balls or pep pills.
- Confined to a mental hospital, institution or sanitarium for mental disorder at any time.
- A habitual drunkard.
- Suffering from a physical defect or sickness which would make it unsafe for him to handle firearms.
- An alcoholic.

13:54-7 Exception for physical disability or sickness.

A permit or identification card shall be issued to a person who suffers from a physical defect or sickness provided that he produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof that he is no longer suffering from that particular disability in such a manner that it would interfere with or handicap him in the handling of firearms.

13:54-8 Limitations in the interest of public safety or welfare.

A permit or identification card shall not be issued to any person where issuance would not be in the interest of the public health, safety, or welfare.

13:54-9 A non-resident application.

Any person who is not a resident of this State shall make application at a state police station.

13:54-10 Issuance of identification card.

The chief of police or the Superintendent of the State Police, as the case may be, shall cause the applicant to be investigated and either approve or deny the application. If the application is approved, the chief of police or the Superintendent shall issue a firearms purchaser identification card.

13:54-11 Duration.

The identification card shall be valid permanently or until such time as the holder becomes subject to any of the disabilities or limitations set forth in this sub chapter.

13:54-12 Return of identification card.

Upon becoming subject to any of the disabilities set forth in this sub chapter, the card shall be void and shall be returned to the Superintendent within five days.

13:54-13 Revocation.

A firearms purchaser identification card may be revoked by the judge of the county court of the county wherein the card was issued. The county prosecutor, a chief of police, or any citizen may request a hearing for revocation by applying to the county court having jurisdiction.

13:54-14 Duplicate firearms purchaser identification card.

Any person may apply for a duplicate firearms purchaser identification card to replace a lost, stolen or mutilated card, or a change of residence by the holder. It shall be the responsibility of the chief of police of the municipality wherein the applicant currently resides or the Superintendent of State Police in those areas where there is no organized full-time police department, to issue the duplicate card without fee.

13:54-15 Application for permit to purchase a pistol or revolver.

Every person applying for a permit to purchase a pistol or revolver shall furnish such information and particulars as set forth in the application form designated SBI 33A attached as amended and supplemented. Forms can be obtained from police departments, state police stations and retail firearms dealers.

The completed application together with two sets of the applicant's fingerprints and a fee of \$2.00, shall be submitted to the chief of police of the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made at the state police station servicing the municipality in which the applicant resides.

A. Non-resident application.

Any person who is not a resident of this State shall make application at a state police station.

13:54-16 Issuance of a permit.

The chief of police or the Superintendent, as the case may be, shall cause the applicant to be investigated to determine whether the application should be approved or denied.

If the application is approved, the chief of police or the Superintendent shall issue a permit to purchase a pistol or revolver.

13:54-17 Duration.

A permit to purchase a pistol or revolver shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for an additional 90 days. Only one pistol or revolver can be purchased with a permit.

13:54-18 Appeal.

Any person denied a firearms purchaser identification card or a permit to purchase a pistol or revolver, may request a hearing in the county court of the county in which he resides or in the county court of the county in which his application was filed if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial.

Subchapter**PISTOL OR REVOLVER****13:54-19 Permit to carry a pistol or revolver.**

This sub chapter prescribes requirements for issuance of a permit to carry a pistol or revolver and the general rules for holders of such permits.

13:54-20 Permit required.

No person, not otherwise permitted by law, shall carry, hold or possess a pistol or revolver in any automobile or other vehicle, or on or about his clothes or person, or otherwise in his possession or under his control in any public place or public area without first having obtained a permit to carry the same in accordance with the provisions of this chapter.

13:54-21 Application for Permit to Carry a Pistol or Revolver.

Every person applying for a permit to carry a pistol or revolver shall furnish such information and particulars as set forth in the application form designated SBI 92, attached as amended and supplemented. Applications can be obtained at municipal police departments and state police stations.

The completed application together with two sets of the applicant's fingerprints, four photographs (1 1/4 x 1 1/4 inches square) and a fee of \$3.00, shall be submitted to the chief of police of the municipality in which the applicant resides. If the municipality does not have an organized full-time police department, application shall be made at the state police station servicing the municipality in which the applicant resides.

13:54-22 Proof of familiarity and need required.

All persons issued a permit to carry shall first prove familiarity with the handling and use of firearms as well as the need to carry such a weapon.

13:54-23 Limitations on issuance.

A permit to carry a pistol or revolver shall not be issued to any person who is subject to any of the disabilities which would prevent obtaining a permit to purchase a pistol or revolver or a firearms purchaser identification card as provided in this chapter.

13:54-24 Approval of application.

The chief of police or the Superintendent, as the case may be, shall cause the applicant to be investigated and either approve or deny the application. If the application is approved, it shall be forwarded to the county clerk for presentation to a judge of the county court.

13:54-25 Issuance of a permit to carry a pistol or revolver.

Upon being satisfied of the sufficiency of the application and the fulfillment of the provisions of Chapter 60, Laws of 1966, the judge shall issue a permit.

Law and Public Safety—continued

13:54-26 Appeal.

Any person making application for a permit to carry a pistol or revolver who is denied approval by the chief of police or the Superintendent, may request a hearing in the county court of the county wherein the application was made. Such request shall be made in writing within 30 days of denial of the application. If the application is denied by the judge of the county court, the appeal shall be made in accordance with law.

13:54-27 Duration.

All permits to carry a pistol or revolver shall expire on December 31, subsequent to the date of issue. Permits may be renewed in the same manner and subject to the same provisions by which the original permit was obtained.

13:54-28 Return of Permit.

Upon becoming subject to any disability set forth in this chapter, the permit to carry a pistol or revolver shall be void and shall be returned to the Superintendent within five (5) days.

Subchapter C
RETAIL DEALERS

13:54-29 Licensing of retail dealers; general

This subchapter prescribes requirements for issuance of a license for the retail sale of firearms and the general rules for holders of such licenses.

13:54-30 Retail license required.

No retail dealer shall sell or expose for sale or possess with intent to sell, any firearm or parts of firearms, unless he has first obtained a license for the retail sale of firearms as issued under this chapter.

13:54-31 Application for license.

Every person, partnership or corporation applying for a license shall furnish such information and particulars as set forth in the application form designated SBI-160 and in the case of partnerships and corporations, in the application form designated SBI 160A. Such forms are attached, and may be obtained from the Firearms Investigation Unit, Division of State Police, Box 68, West Trenton, New Jersey 08625.

The completed application, together with two sets of the applicant's fingerprints and a fee of \$10, shall be submitted to the Superintendent.

Any person who possesses a controlling or dominating interest in an applicant corporation shall complete the necessary application form and be fingerprinted.

13:54-32 Standards and qualifications.

Every individual proprietor, every member of a partnership and every officer and director of a corporation, making application for a retail firearms license, shall possess the qualifications required to obtain a firearms purchaser identification card as provided in this Chapter.

A. Employees.

In the conduct of a retail firearms business, no retail dealer, as provided in this subchapter, shall permit any employee or other person to engage in the purchase or sale or offering for sale of firearms unless such employee or person submits application form SBI-160B, two sets of fingerprints, and would qualify to possess a firearms purchaser identification card as provided in this Chapter. An employee who possesses a firearms purchaser identification card need not be fingerprinted, provided he includes the number of his Firearms Purchaser Identification Card in block #29 of the application.

13:54-33 Exceptions for physical handicap.

A physical handicap shall not disqualify an applicant or an employee of an applicant unless such handicap would interfere with the activities of the applicant or employee to the extent that it would endanger the public health, safety or welfare.

13:54-34 Exceptions for corporations.

A public corporation whose stock is listed on a major stock exchange at the time of the filing of an application for a retail firearm dealer license shall not be required to furnish the personal data as set forth in the application form for officers or directors of such corporation or for the stockholders of such corporation unless such officers, directors or stockholders directly engage in the sale or purchase of firearms for the corporation.

13:54-35 Licensing.

The Superintendent shall cause the applicant to be investigated. The application shall then be forwarded by the Superintendent to a judge of the county court of the county wherein the retail dealer has his place of business. The judge shall issue a license to an applicant who conforms to the standards and qualifications prescribed by the Superintendent.

13:54-36 Duration.

A retail firearms dealer's license shall be effective for one year from the date of issuance.

13:54-37 Renewal.

An applicant for renewal of retail firearms dealer's license shall follow the same procedure as required for the issue of the initial license, except that fingerprints need not be required. Such applications shall be accompanied by a fee of \$5.00 payable to the Superintendent of State Police.

In addition to the licensee, all employees who directly engage in the purchase or sale of firearms, are required to submit renewal applications annually to continue transacting business for the licensee. (No fee is required for employee applications).

13:54-38 Revocation.

Any retail license for the sale of firearms may be revoked for breach of any of the conditions under which it was granted after a hearing by the issuing court. Any law enforcement officer may make application for such revocation to the county court having jurisdiction.

13:54-39 Location of business.

The business shall be carried on only in the building or buildings designated in the license.

A. Security required.

Each retail dealer shall install a system for the preven-

tion and detection of the theft of firearms and ammunition from the business premises.

The proposed security system shall be subject to approval by the Superintendent of State Police, and plans for such proposed security system shall be submitted to the superintendent prior to the installation thereof.

The superintendent shall prepare and furnish dealers a list of approved security systems.

13:54-40 Window display prohibited.

No firearm or imitation thereof shall be placed in any window or in any part of the premises where it can readily be seen from the outside.

13:54-41 Requirements for sale of a rifle or shotgun.

Every purchaser must present a firearms purchaser identification card to the dealer who is required to confirm the identity of the purchaser. The purchaser must also fill out and sign a certificate of eligibility for each rifle or shotgun purchased. The certificate shall be retained by the dealer.

13:54-42 Requirements for sale of a pistol or revolver.

Every purchaser must present a valid permit to purchase a pistol or revolver to the dealer who is required to confirm the identity of the purchaser. A permit is valid for the purchase of one pistol or revolver. The dealer is also required to execute the following procedures:

a. Complete a form of register, designated SBI-17, for each pistol or revolver sold and obtain the signature and address of the purchaser in the purchaser's own handwriting.

b. Complete the permit to purchase a pistol or revolver in the space provided on the form.

c. Deliver the pistol or revolver unloaded and securely wrapped.

d. Forward the permit to purchase a pistol or revolver and form of register copies to the respective individuals, as noted on the bottom of the forms, within 5 days of the date of sale. If the issuing authority is the State Police, both the original (white) and the second copy (yellow) of the Permit to Purchase and the Form of Register are to be forwarded to the State Police.

13:54-43 Permanent record of receipt and disposition.

Every retail dealer shall maintain a permanent record of each firearm acquired and sold. The record shall be maintained in a bound form and shall be kept at the location where the business is being conducted. The purchase or other acquisition of a firearm by the licensed dealer must be recorded not later than at the close of the next business day following the date of such purchase or other acquisition. The record shall show the date each firearm was purchased or otherwise acquired, the type, manufacturer, importer (if any), caliber or gauge, model, name and address of the person from whom received, and the serial number of the firearm. The sale or other disposition of a firearm must be recorded by the licensed dealer not later than the close of the next business day following the date of such sale or disposition. The record shall show the date of sale or other disposition of each firearm and the name and address of the person to whom the firearm was transferred. The information prescribed for the record required by this subchapter shall be in addition to the maintaining of the form of register (SBI-17), and the certificate of eligibility (SBI-93).

The firearms acquisition and disposition record as prescribed under this section need not be required, providing the dealer maintains an updated federal firearms record on firearms purchased or acquired and sold as prescribed in Title 26-Internal Revenue-Chapter 1 "Commerce in Firearms and Ammunition" (Federal Regulations).

13:54-44 Records available to law enforcement officers.

Records are to be retained by the dealer for a period of at least 10 years and shall, for law enforcement purposes, be made available for inspection during reasonable hours to regular police officers of an organized police department of the county in which the retail business is located, county prosecutors and members of their staff authorized by them and members of the State Police.

Subchapter D.

WHOLESALE DEALERS AND MANUFACTURERS

13:54-45 General.

This subchapter prescribes standards and qualifications for registration of wholesale dealers and/or manufacturers of weapons and the general rules for holders of registration certificates to conduct such business.

13:54-46 Registration required.

No person shall manufacture or sell at wholesale any firearm, or part of a firearm, unless he has first registered under the provisions of this Chapter.

13:54-47 Application for a certificate of registration.

Every person, partnership or corporation applying for a certificate of registration shall furnish such information and particulars as set forth in the application form designated SP 280A. The attached forms, as amended and supplemented, may be obtained from the Firearms Investigation Unit, Division of State Police, Box 68, West Trenton, New Jersey 08625.

Any person who possesses a controlling or dominating interest in the applicant shall complete the necessary application form and be fingerprinted.

The completed application together with two sets of the applicant's fingerprints and a fee of \$50.00 shall be submitted to the Superintendent of State Police.

13:54-48 Standards and qualifications.

Every individual proprietor, every member of a partnership and every officer and director of a corporation, registered as a wholesale dealer and/or manufacturer of firearms shall possess the qualifications required to obtain a firearms purchaser identification card as provided in this Chapter.

A. Employees.

In the conduct of a business to wholesale or manufacture firearms, no wholesale dealer or firearms manufacturer registered as provided in this subchapter shall permit any employee or other person to engage in the purchase or sale or offering for sale of firearms, or finished parts

of firearms, unless such employee or person submits application form SP 280A, two sets of fingerprints and would qualify to possess a firearms purchaser identification card as provided in this Chapter.

13:54-49 Exceptions for physical handicap.

A physical handicap shall not disqualify an applicant or the employee of an applicant registered as a wholesale dealer or manufacturer of firearms unless such handicap would interfere with the activities of the applicant or employee to the extent that it would endanger the public health, safety or welfare.

13:54-50 Exceptions for corporations.

A public corporation whose stock is listed on a major stock exchange at the time of the filing an application for registration as a wholesale dealer and/or manufacturer of firearms, shall not be required to furnish the personal data as set forth in the application form SP 280, for officers or directors of such corporation or for the stockholders of such corporation, unless such officers, directors or stockholders directly engage in the sale or purchase of firearms for the corporation.

13:54-51 Certification.

The Superintendent of State Police shall cause the applicant to be investigated and either approve or deny the application. If the application is approved, the Superintendent shall issue a certificate of registration to wholesale and/or manufacture firearms or parts of firearms.

A. Security required.

Each registrant as a wholesale dealer and/or manufacturer shall install a system for the prevention and detection of the theft of firearms and ammunition from the business premises.

The proposed security system shall be subject to approval by the Superintendent of State Police and plans for such proposed system shall be submitted to the Superintendent prior to the installation thereof.

The Superintendent shall prepare and furnish wholesale dealers and/or manufacturers a list of approved security systems.

13:54-52 Duration.

The certificate of registration shall expire one year from date of issuance.

13:54-53 Renewal.

An applicant for renewal shall follow the same procedure required for the initial registration, except that fingerprints need not be forwarded with the application. Renewal application(s) shall be accompanied by a fee of \$25 payable to the Superintendent of State Police.

In addition to the registrant, all employees who directly engage in the purchase or sale of firearms or parts of firearms, are required to submit renewal applications annually in order to transact business for the registrant. (No fee is required for employee applications).

13:54-54 Removal of name from register.

If a person desires to have his name removed from registration or can no longer be permitted to carry on the business without danger to the public safety, the Superintendent shall cause his name to be removed from registration.

13:54-55 Hearings.

Prior to removal of such name from registration, the superintendent shall give the person reasonable notice and a hearing thereon.

13:54-56 Appeals.

Any person who has been refused registration as a manufacturer or wholesale dealer, or any person whose name has been removed from registration by the Superintendent, may appeal to the appellate division of the Superior Court.

Each manufacturer and/or wholesale dealer of firearms shall record the type, model, caliber or gauge, and serial number of each complete firearm he manufactures or otherwise acquires, and the date of manufacture or acquisition of such firearms. This information shall be recorded not later than the close of the next business day following the date of manufacture or acquisition of such firearms.

A record of sales or other disposition of a firearm must be recorded no later than the close of the next business day following the date of such sale or disposition. The record shall indicate the date of the sale or other disposition of each firearm and the name and address of the dealer or person to whom the firearm was transferred.

The firearms records as prescribed under this section need not be required providing the dealer maintains an updated federal firearms record on firearms manufactured, purchased, or acquired and sold as prescribed in Title 26 Internal Revenue Chapter 1 "Commerce in Firearms and Ammunition" (Federal Regulations).

13:54-58 Records available to law enforcement officers.

Records are to be retained by wholesale dealers and/or manufacturers for a period of at least 10 years, and shall, for law enforcement purposes, be made available for inspection during reasonable hours to regular police officers of an organized police department of the county in which the wholesale and/or manufacturer's business is located, county prosecutors and members of their staff authorized by them and members of the State Police.

(a)

PORT OF NEW YORK AUTHORITY

AMENDMENT TO RULES AND REGULATIONS

Concerning the Operation of Port Authority Facilities

I, DORIS E. LANDRE, the Secretary of THE PORT OF NEW YORK AUTHORITY, a body corporate and politic, created by compact between the States of New York and New Jersey with the consent of the Congress of the United States, hereby certify

Port of New York Authority—continued

THAT the following is a true and correct transcript from the Official Minutes of a meeting of The Port of New York Authority, duly held on the 6th day of November, 1969, containing the following resolution:

"Air Terminals—Revisions to Schedule of Charges for Public Vehicular Parking Areas"

THAT (except as hereinafter stated) it appears from the Official Minutes of The Port of New York Authority that the said resolution was duly and unanimously adopted by the Commissioners of The Port of New York Authority and is now in full force and effect.

No exceptions.

RESOLVED, that the resolution establishing fees for parking vehicles on public vehicular parking areas at Port Authority air terminals, adopted by the Board, at its meeting on March 11, 1948 (appearing at page 90 et seq. of the Official Minutes of that date), as subsequently amended, be and the same is hereby amended, effective January 1, 1970, to read in part as follows:

RESOLVED, that the foregoing schedule of charges shall not apply to the following vehicles:

- (a) Vehicles owned by the Port Authority.
- (b) Vehicles carrying holders of annual passes issued by the Port Authority.
- (c) For the first 24 hours of parking, vehicles carrying persons who present Port Authority Official Business Passes. At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (d) For the first 24 hours of parking, vehicles carrying Port Authority employees who present personal passes issued by the Port Authority except in Lots 1, 2, 3, 4 and 5 at Kennedy International; Lots 1, 2, 3 and 4 at LaGuardia and Lot 1 at Newark which are limited to 4 hours. At the expiration of the first 4-hour parking period in Lots 1, 2, 3, 4 and 5 at Kennedy International; Lots 1, 2, 3 and 4 at LaGuardia and Lot 1 at Newark the vehicular parking charge shall commence as of the time the vehicle was initially parked; and in all other lots the vehicular parking charge shall commence at the expiration of the first 24-hour parking period.
- (e) For the first 24 hours of parking, vehicles carrying newsmen and photographers holding press passes. (Newsmen and photographers presenting press passes may make arrangements to park for an extended period of time by obtaining prior permission from the Airport Manager.) At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (f) For the first 24 hours of parking, company identified vehicles carrying employees of public utility companies provided these employees are on official business involving the Air Terminal at which parked. If such official business requires parking for more than 24 hours, prior permission must be obtained from the Airport Manager. At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (g) For the first 24 hours of parking, vehicles carrying federal, state or municipal police officers and health, fire, building, labor or sanitation inspectors on official business affecting the Air Terminal at which parked. If such official business requires parking for more than 24 hours, prior permission must be obtained from the Airport Manager. At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (h) For the first 24 hours of parking, vehicles carrying employees of the Federal Aviation Administration, the Civil Aeronautics Board, the Federal Communications Commission and the National Transportation Safety Board on official business at a Port Authority air terminal. If such official business requires parking for more than 24 hours, prior permission must be obtained from the Airport Manager. (Federal employees of the above-mentioned federal agencies permanently stationed at a Port Authority air terminal shall not park without fee at any other place at the Air Terminal except in the parking area set aside for such employees unless their official duties require their presence elsewhere at a Port Authority terminal.) At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
- (i) Vehicles carrying employees of those airport lessees and permittees whose leases or permits provide for parking without additional charge.
- (j) Vehicles carrying as passengers or vehicles waiting to receive as passengers any one of the following persons and their official parties:
 1. The President of the United States, the Vice President of the United States, the Governors of the States of New York and New Jersey, the United States Senators from the States of New York and New Jersey, and United States Congressmen from the Port District;
 2. The Mayor of any municipality in which any Airport is totally or partially located;
 3. Chiefs of Staff of any branch of the military service and Chiefs of military missions;
 4. Foreign dignitaries of the rank of ambassador or consul-general or a rank equivalent to any of the above.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the Official Seal of The Port of New York Authority this 25th day of November, 1969.

Doris E. Landre
Secretary of
The Port of New York Authority

(a)

TREASURY

NEW JERSEY RACING COMMISSION

Jockey Mount Fees

Notice is hereby given that on October 15, 1969, John J. Reilly, Secretary of the New Jersey Racing Commission, pursuant to authority of N.J.S.A. 5:5-30 has adopted an amendment to the Commission's Rule 278 regarding Jockey Mount Fees as set forth in the Notice of Proposed Changes in the Rules of the New Jersey Racing Commission, Department of Treasury, published September 25, 1969 at 1 N.J.R. 7(d). An order adopting this amendment was filed with the Division of Administrative Procedure in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq. as R. 1969 d.12.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Proposed Changes in the Rules of the New Jersey Teachers' Pension and Annuity Fund

Notice is hereby given that John J. Allen, Secretary of the Teachers' Pension and Annuity Fund, pursuant to the authority delegated to the Board of Trustees by N.J.S.A. 18A:66-56, proposes to adopt N.J.A.C. 17:3-20.1, to read as follows:

17:3-20.1. Participation in the program:

Participation in the program means the sum of the years beginning with the date insurance premiums are certified to begin for contributory insurance coverage for any member enrolled in the program on or after July 1, 1970, during which the member has not terminated his membership in the TPAF. A 10-month member will be credited with 3 months' participation if he is enrolled in the program in September.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by phone, relevant to the action proposed to John J. Allen, Division of Pensions, 137 East State Street, Trenton, New Jersey, before 4:00 P.M., January 15, 1970. Telephone (609) 292-3656.

After full consideration of all written or oral submissions respecting the proposed regulation, the Board of Trustees of the Teachers' Pension and Annuity Fund, upon their own motion, may thereafter adopt the regulation substantially as proposed without further notice.

John J. Allen, Secretary,
Teachers' Pension and Annuity Fund

(c)

TREASURY

DIVISION OF TAXATION
OUTDOOR ADVERTISING TAX BUREAU

Proposed Revision of Rule on Prohibited Locations for Outdoor Signs

Notice is hereby given that the State Treasurer, Department of the Treasury, as Director of the Division of Taxation, pursuant to the authority delegated in N.J.S.A. 54:40-64, proposes to revise N.J.A.C. 18:21-16, to read as follows: (Additions in boldface thus.)

N.J.A.C. 18:21-16 Where Prohibited

The issuance of new permits is prohibited in certain areas and under certain conditions. An application for a permit to erect a sign will not be granted where:

- A. it would injuriously affect adjacent property, where such property will be affected by the substantial impairment of light, air, scenery, terrain or view. Proper notification from such adjacent property owner will be considered by the Bureau;
- B. it would injuriously affect any public interest. In the determination of whether the issuance of a permit would adversely affect any public interest, the Bureau, in addition to other factors, will consider any public sentiment as expressed by the governing authorities and agencies of the United States, State of New Jersey, county or municipality within whose boundaries the application is made;
- C. it would endanger the interest of public safety, including but not limited to the following:
 - (1) it would interfere with the safety of the traveling public;
 - (2) it would obstruct the view of traffic;
 - (3) it would have flooding, intermittent or moving lights which are improperly shielded, thereby causing a glare or impairing the vision of motor vehicle operators, except time and temperature signs;
 - (4) it would simulate official, directional or warning signs erected or maintained by the United States, the State of New Jersey or any governing authority;
 - D. it would affect public health or morals;
 - E. it would reduce or impair the visibility (N.J.A.C. 18:21-1 JJ) of another licensed display or space;
 - F. it would be in a defined natural area (N.J.A.C. 18:21-1X);
 - G. it would be along the outside curve of a highway at a point less than 250 feet from the point of an existing licensed structure or location where the existing and proposed locations are not separated by dense woods, build-

ings and other permanent objects, except for a back-up or in a built-up area;

H. it would be along a straight-of-way or a highway at a point less than 500 feet from the point of an existing licensed structure or location where the existing and proposed locations are not separated by dense woods, buildings and other permanent objects, except for a back-up or a built-up area;

I. it would be painted on rocks, attached to poles or trees on public property;

J. it would exceed 25 feet in height and 60 feet in horizontal dimension or the advertising surface exceeds 1000 square feet in area per location except where such sign is erected upon or attached to a building or is a back-up;

K. it would be along the New Jersey Turnpike except in those portions of the Turnpike incorporated in the Interstate System, as follows:

- (1) any portion of which is constructed upon any part of right-of-way, the entire width of which was acquired prior to July 1, 1956; and
- (2) in those segments which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, and which traverse other areas where the land use, as of September 21, 1959, was clearly established by the laws of this State as industrial or commercial;

L. it would be along the Garden State Parkway;

M. it would be erected within the "controlled portion of the Interstate System" and which is controlled by the Department of Transportation (L. 1963, C. 83, as 2(b), 4).

Cross Reference:

N.J.S.A. 54:40-58, 60

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by telephone, etc., relevant to the action proposed at the Outdoor Advertising Tax Bureau, 209 East State Street, Trenton, New Jersey 08625, Telephone (609) 292-5001, on or before January 15, 1970. The Division of Taxation, Department of the Treasury, upon its own motion or at the instance of any interested party may thereafter adopt the above rule substantially as set forth without further notice. Dated: December 9, 1969

John A. Kervick
State Treasurer
Department of the Treasury

(d)

WATERFRONT COMMISSION OF
NEW YORK HARBOR

AMENDMENT TO REGULATIONS

Concerning Removal from Register

I, Charles E. McGee, Secretary to the Waterfront Commission of New York Harbor, a body corporate and politic created by compact between the States of New York and New Jersey with the consent of the Congress of the United States hereby certify:

That the following is an original regulation duly and unanimously made, adopted and published by the Commissioners of the Waterfront Commission of New York Harbor pursuant to Article IV, section 7 of the Waterfront Commission Compact, New York Laws of 1953, c. 882 and New Jersey Laws of 1953, c. 202, at a meeting of the said Commission held on November 13, 1969:

Amendment to sections 8.1 and 8.2 of Part 8, effective December 1, 1969.

That the making and adoption of said sections are recorded and appear in the official minutes of the Waterfront Commission of New York Harbor.

All new matter is indicated in bold face, thus; all matter to be omitted is indicated within brackets [thus].

Section 8.1 Removal from register for failure to work or seek work.

To qualify for retention in the commission's register, a person included in such register must work as a longshoreman or as a checker, or in such other category for which he is registered, a minimum of forty-eight days in each half-calendar year, distributed at least eight days to each month during at least five of the six months in each half-calendar year, except that a person included in such register on or after [July 1, 1969] December 1, 1969 as a longshoreman, chenango or as a checker (not having been transferred from longshoreman status) must work as a longshoreman, chenango or as a checker, respectively, at least ten days [in each month] during each of the first two months of his registration. In administering this section, application for employment at an employment information center shall be counted as constituting actual work.

Section 8.2 Notice before final removal.
No person shall be removed from the [longshoremen's] register pursuant to article IX and section 5-c of the Act and this Part except upon two weeks' notice of his failure to accrue the minimum number of days required by this Part, except that no such notice shall be required to be given to any person who shall fail to meet the work requirements of section 8.1 of this Part during the first two [four] months of his registration.

In witness whereof, I have hereunto affixed my hand and the official seal of the Waterfront Commission of New York Harbor this 14th day of November, 1969.

Charles E. McGee
Secretary to the Waterfront
Commission of New York Harbor

Note: This order was filed and became effective December 1, 1969, as R.1969 d.17 (Exempt, exempt agency rules).