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# THE NEW JERSEY REGISTER

Vol. 2—No. 4

NEW JERSEY, THURSDAY, APRIL 9, 1970

2 N.J.R. 29



## THE NEW JERSEY REGISTER

A Publication of the State of New Jersey

WILLIAM T. CAHILL, Governor  
Paul J. Sherwin, Secretary of State  
Leon S. Wilson, Director of Administrative Procedure  
Melvin E. Mounts, Rules Analyst

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THURSDAY, APRIL 9, 1970

## NOTICE OF RULE MAKING ACTIVITIES OF STATE AGENCIES

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

(a)

### AGRICULTURE

#### DIVISION OF DAIRY INDUSTRY

##### Milk Marketing Order No. 63-1

On February 26, 1970, Joseph C. Mathis, Jr., Acting Director, Division of Dairy Industry in the New Jersey Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in conformance with the Memorandum of Agreement between the United States Secretary of Agriculture and the Director of the New Jersey Office of Milk Industry (now Division of Dairy Industry), issued an order suspending certain provisions of Milk Marketing Order No. 63-1 which regulates the handling of milk in the Delaware Valley marketing area.

A similar order, issued on February 25, 1970 by Richard E. Lyng, United States Assistant Secretary of Agriculture, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), was published in the Federal Register of February 28, 1970 (35 F.R. 3904).

#### ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER NO. 63-1, AS AMENDED

This suspension order is issued in conformance with the Memorandum of Agreement between the United States Secretary of Agriculture and the Director of the New Jersey Office of Milk Industry (now Division of Dairy Industry, New Jersey Department of Agriculture) pursuant to the powers vested in P. L. 1941, c. 274, sec. 25. (N.J.S.A. 4:12A-25.)

It is hereby found and determined that for the month of February 1970 the following provisions of the order no longer tend to effectuate the declared policy of the Statute: In sec. 1004.15 (Producer definition):

1. Paragraphs (a), (b) and (c) and the introductory text thereto commencing with the words "(s) of March through August, or in accordance with . . ."; and

2. In paragraph (d) the reference which reads "paragraphs (a), (b) or (c) of".

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension order will permit a handler to divert producer milk from a pool plant to a nonpool plant during the month of February 1970 without limit and will permit dairy farmers associated with the market to continue as producers under the order.

The suspension action was requested by the Inter-State Milk Producers' Cooperative Inc. and was supported in its request by the Lehigh Valley Cooperative Farmers and by milk dealers doing the preponderance of business in the market.

The order provides certain limitations on diversions any month during the period September through February. There are no limitations to diversions during other months of the year.

Producer deliveries have increased more than usual in recent months in relation to Class I sales. Petitioner stated that this development has made it necessary to divert substantial quantities of milk to nonpool plants and that the requested suspension is necessary for the month of February in order that established producers whose milk is being diverted will continue to have their milk pooled under the order; and

(c) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during February 1970.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of February 1970.

Effective date: February 28, 1970.

Signed at Trenton, New Jersey on February 26, 1970.

Joseph C. Mathis, Jr.  
Acting Director  
Division of Dairy Industry

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

The foregoing order was filed February 27, 1970 as R. 1970 d. 19.

(b)

### AGRICULTURE

#### DIVISION OF MARKETS

##### Asparagus Sampling for Inspection

On March 2, 1970, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:10-13, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted N.J.A.C. 2:13-12.1, a new regulation requiring unrestricted sampling of asparagus for processing, as set forth in the Notice published February 5, 1970 at 2 N.J.R. 12(a).

An order adopting this regulation was filed and became effective March 2, 1970 as R. 1970 d.20.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(c)

### AGRICULTURE

#### STATE BOARD OF AGRICULTURE

##### Hog Cholera Quarantine

By order of the State Board of Agriculture and pursuant to R.S. 4:1-21.5 of the agricultural laws of New Jersey and in order to control the spread of hog cholera, an infectious and contagious disease of swine, the Township of Deptford, Gloucester County is hereby quarantined.

No feeder or breeder swine may be moved from said quarantined area. Slaughter hogs may be moved directly to a Federal or State licensed slaughter establishment, but must be accompanied by an official health certificate authorizing such swine movement from the quarantined area.

This quarantine is effective February 24, 1970 and until further notice.

Phillip Alampi  
Secretary of Agriculture  
E. L. Brower  
Director  
Division of Animal Health

## IN THIS ISSUE

AGRICULTURE— Milk Marketing Order .....	2 N.J.R. 29(a)
AGRICULTURE— Asparagus Sampling .....	2 N.J.R. 29(b)
AGRICULTURE— Hog Cholera Quarantine .....	2 N.J.R. 29(c)
BANKING— Construction Mortgage Loan Maturity (Banks) .....	2 N.J.R. 29(d)
BANKING— Construction Mortgage Loan Maturity (Savings Banks) .....	2 N.J.R. 30(a)
BANKING— Sales of Federal Funds .....	2 N.J.R. 30(b)
COMMUNITY AFFAIRS— Demonstration Rent Supplement Program .....	2 N.J.R. 30(c)
CONSERVATION AND ECONOMIC DEVELOPMENT— Conservation Orders—Oyster Beds.....	2 N.J.R. 30(d)
EDUCATION— Apportionment of State Aid for Small Vehicles .....	2 N.J.R. 30(e)
HEALTH— Frozen Dessert Regulations .....	2 N.J.R. 31
HEALTH— Blood Banking Rules .....	2 N.J.R. 32(a)
HIGHER EDUCATION— Licensure and Approval Advisory Board .....	2 N.J.R. 32(b)
INSTITUTIONS AND AGENCIES— Hospital Standards for Maternal, Child Health and Newborn Services .....	2 N.J.R. 33(a)
INSTITUTIONS AND AGENCIES— Categorical Assistance Budget Manual .....	2 N.J.R. 33(b)
INSTITUTIONS AND AGENCIES— Categorical Assistance Budget Manual .....	2 N.J.R. 33(c)
INSTITUTIONS AND AGENCIES— Food Stamp Program Manual .....	2 N.J.R. 33(d)
INSTITUTIONS AND AGENCIES— Manual of Administration .....	2 N.J.R. 33(e)
INSTITUTIONS AND AGENCIES— Manual of Administration .....	2 N.J.R. 33(f)
INSTITUTIONS AND AGENCIES— Medical Assistance for the Aged Manual .....	2 N.J.R. 34(a)
INSTITUTIONS AND AGENCIES— Termination of Assistance Procedure ..	2 N.J.R. 34(b)
INSURANCE— Examination and Auditing of Policies ..	2 N.J.R. 34(c)
INSURANCE— Postal Emergency .....	2 N.J.R. 34(d)
INSURANCE— Postal Emergency .....	2 N.J.R. 34(e)
LAW AND PUBLIC SAFETY— Securities Bureau—Fingerprint Cards ..	2 N.J.R. 34(f)
LAW AND PUBLIC SAFETY— Misconduct by Professional Engineers and Land Surveyors .....	2 N.J.R. 35(a)
LAW AND PUBLIC SAFETY— Optometrists' Vision Service Plans .....	2 N.J.R. 35(b)
LAW AND PUBLIC SAFETY— Nursing Board Emergency Resolution ..	2 N.J.R. 35(c)
LAW AND PUBLIC SAFETY— Multiple Dwelling Reporting Rule .....	2 N.J.R. 36(a)
STATE— Athletic Commission Rules .....	2 N.J.R. 36(b)
TREASURY— Motor Fuels Tax Bureau .....	2 N.J.R. 36(c)
WATERFRONT COMMISSION OF NEW YORK HARBOR— Physical Fitness Standards for Pier Guards .....	2 N.J.R. 36(d)

(d)

### BANKING

#### THE COMMISSIONER

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

James C. Brady, Jr., Commissioner of Banking, pursuant to authority delegated in N.J.S.A. 17:9A-65B, proposes to adopt the following revised rule concerning the extension of maturity of construction mortgage loans as follows:

1. Banks are hereby authorized to extend the maturity of construction loans referred to in Section 65A(5) and Section 69D of the Banking Act of 1948, as amended, to 36 months, in order to create and maintain a parity between banks and national banks in matters relating to the making and acquiring of loans secured by interest in real property.

2. This rule is effective immediately.  
Interested persons are invited to submit statements or

**Banking—continued**

arguments orally in person by appointment, by telephone or in writing relevant to the proposed action to:

Office of the Commissioner  
Department of Banking  
Room 265, State House Annex  
Trenton, New Jersey 08625  
Telephone: (609) 292-5381

on or before April 29, 1970.

The Commissioner of Banking, upon his own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

James C. Brady, Jr.  
Commissioner of Banking and  
Chairman of the Banking Advisory Board

(a)

**BANKING**

**THE COMMISSIONER**

**Proposed Extension of Construction Mortgage Loan Maturity (Savings Banks)**

James C. Brady, Jr., Commissioner of Banking, pursuant to authority delegated in N.J.S.A. 17:9A-181(R), proposes to adopt the following rule concerning the extension of maturity of construction mortgage loans to implement the Banking Act of 1948:

1. Savings Banks are hereby authorized to extend the maturity of construction loans referred to in 181(I) of The Banking Act of 1948, as amended, from 18 months to 36 months, in order to provide additional time which may be needed as a result of the present construction problems.

2. This rule is effective immediately.

Interested persons are invited to submit statements or arguments orally in person by appointment, by telephone or in writing relevant to the proposed action to:

Office of the Commissioner  
Department of Banking  
Room 265, State House Annex  
Trenton, New Jersey 08625  
Telephone: (609) 292-5381

on or before April 29, 1970.

The Commissioner of Banking, upon his own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

James C. Brady, Jr.  
Commissioner of Banking and  
Chairman of the Banking Advisory Board

(b)

**BANKING**

**THE COMMISSIONER**

**Proposed Regulation Concerning Sales of Federal Funds**

James C. Brady, Jr., Commissioner of Banking, pursuant to authority delegated by Section 62H of the Banking Act of 1948 (N.J.S.A. 17:9A-62H), proposes to adopt the following regulation concerning sales of federal funds:

In "sales of federal funds," the liability of a transferee bank to a transferor bank shall not be subject to any limitation on liability to a bank imposed by Article 13 of The Banking Act of 1948.

As used in this Regulation, "bank" includes banks as defined in Article 1 of The Banking Act of 1948, and also includes all other corporations, regardless of the jurisdiction of their incorporation, which are authorized to transact the business of banking.

As used in this Regulation, in the case of State banks which are members of the Federal Reserve System, "sales of federal funds" include transactions which involve the temporary transfer and sale of immediately available funds either from one member bank in the Federal Reserve System to another member bank in the Federal Reserve System or to another bank not in the Federal Reserve System. In the case of a State bank which is not a member of the Federal Reserve System, "sales of federal funds" include transactions which involve the temporary transfer and sale of immediately available funds from the non-member bank to another non-member bank or to a member bank.

This Regulation is directed toward creating and maintaining substantial equality between State and national banks, to the end that no class or group of banks shall have any substantial competitive advantage over another.

This Regulation shall be retroactive to December 23, 1969.

Interested persons are invited to submit statements or arguments orally in person by appointment, by telephone or in writing relevant to the proposed action to:

Office of the Commissioner  
Department of Banking  
Room 265, State House Annex  
Trenton, New Jersey 08625  
Telephone: (609) 292-5381

on or before April 29, 1970.

The Commissioner of Banking, upon his own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

James C. Brady, Jr.  
Commissioner of Banking and  
Chairman of the Banking Advisory Board

(c)

**COMMUNITY AFFAIRS**

**DIVISION OF HOUSING AND URBAN RENEWAL**

**Demonstration Rent Supplement Program**

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3 and 52:27D-67, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as N.J.A.C. 5:14-1.1 et seq., a rule repealing Part III of the Regulations governing the Demonstration Rent Supplement Program and substituting therefor a new Part III governing the Downpayment Assistance Program, substantially as proposed in the Notice published January 8, 1970 at 2 N.J.R. 1.

An order adopting the above rule was filed March 16, 1970 as R. 1970 d.26, to be effective April 1, 1970.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

WHEREAS, I am satisfied that the recommendations the aforementioned are accurate and correct and that these beds can be opened to the taking of shellfish without harmful effects on conservation, and

PURSUANT to the powers vested in me by the statute in such case made and provided,

IT IS HEREBY ORDERED that the following beds the Atlantic Coast Section be opened for the taking of shellfish, beginning April 13, 1970 at 7 A.M. and remain open until further notice, not to exceed May 31, 1970.

1. Reef Bed
2. Fitney Bit Bed
3. Oyster Point Bed

IT IS FURTHER ORDERED that these beds shall be opened daily from 7 A.M. until 3 P.M., Eastern Standard Time or Eastern Daylight Time, whichever prevails, except any time on Sunday.

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

This order shall take effect April 13, 1970 at 7 A.M.

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

NOTE: A copy of the preceding Order was filed March 2, 1970 as a document not subject to codification.

(d)

**CONSERVATION AND ECONOMIC DEVELOPMENT**

**DIVISION OF SHELL FISHERIES**

**Conservation Orders Concerning Oyster Beds**

Joseph T. Barber, Acting Commissioner of Conservation and Economic Development, pursuant to authority of N.J.S.A. 13:1B-45, has executed three Conservation Orders opening and closing certain oyster beds as follows:

**CONSERVATION ORDER DATED MARCH 16, 1970  
OPENING OF CERTAIN OYSTER BEDS**

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

WHEREAS, the statutes thereto pertaining provide that the said oyster beds may be opened for the taking of said oysters after May 1, 1970; and

WHEREAS, the New Jersey Oystermen Association have with virtual unanimity expressed the desire to take seed oysters from the said seed oyster beds; and

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

NOW THEREFORE, pursuant to the powers vested in me by the statutes in such case made and provided,

IT IS HEREBY ORDERED that all the natural seed oyster bed areas above what is commonly known as the Southwest line shall be opened for the taking of seed oysters beginning 7 A.M. Eastern Daylight Time, on Monday, May 11, 1970, for a period not to exceed four weeks (June 5, 1970). However, a physical test of the oyster beds shall be made on Tuesday, May 26, 1970. If the results of this test indicate that all the seed beds should be closed, they shall be closed as of Friday, May 29, 1970 at 3:30 P.M. If the test indicates that some areas may remain open with no harmful effects, those areas will remain open until June 5, 1970 at 3:30 P.M.

IT IS FURTHER ORDERED that an advisory committee shall be appointed by the Commissioner of the Department of Conservation and Economic Development to make this test, and it shall be composed of two members of the Maurice River Cove Council, two members of the Oyster Research Laboratory, and the Director of the Division of Shell Fisheries.

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

- A protective strip at the Southwest Line
- The mouth of the Cohansey River
- Bennies Sanctuary

A portion of the Cohansey Seed Bed, as described below:

	Right Angle	Left Angle
Corner #1	109-59-12	98-21-12
Corner #2	120-18-18	91-44-00
Corner #3	120-06-40	88-21-06
Corner #4	111-47-12	92-36-24

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

This Order shall take effect May 11, 1970.

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

NOTE: A copy of the preceding Order was filed March 20, 1970 as a document not subject to codification.

**CONSERVATION ORDER DATED MARCH 19, 1970  
OPENING CERTAIN BEDS**

WHEREAS, there exists a depleted condition in the oyster beds in the tidal waters of the Mullica River and its tributaries, and

WHEREAS, the Atlantic Coast Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain of the oyster beds in said waters that are now closed be opened and

**CONSERVATION ORDER DATED MARCH 19, 1970  
I. CLOSING CERTAIN BEDS**

WHEREAS, there exists a depleted condition in the oyster beds in the area below what is commonly known as the Southwest Line (described in R.S. 50:3-7) in the Delaware Bay, and

WHEREAS, the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain oyster beds in the said waters that are now open be closed, and

WHEREAS, I am satisfied that the recommendations of the aforementioned are accurate and correct and that would be in the best interests of conservation to close the same,

PURSUANT to the powers vested in me by the statute in such case made and provided,

IT IS HEREBY ORDERED that the beds opened by order of September 1, 1969 shall be closed at 3 P.M., March 31, 1970, and shall remain closed until further notice.

**II. OPENING CERTAIN BEDS**

WHEREAS, the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain of the shellfish beds in the tidal waters of the Delaware River, Delaware Bay and tributaries can be opened to the taking of shellfish without harmful effects on conservation, and

PURSUANT to the recommendations of the aforementioned, which I have examined and feel to be correct and in the best interests of conservation, and

PURSUANT to the powers vested in me by the statute in such case made and provided,

IT IS HEREBY ORDERED THAT beginning 7 A.M. April 1, 1970, the following beds be opened for the taking of oysters and shall remain open until further notice:

1. Maurice River, from its source, up to a point commonly known as the Summer Line, better described in N.J.S.A. 50:3-14.

2. Back Creek beds at the mouth of Back Creek and Back Creek from the mouth thereof to the south bank of the mouth of Tweed Creek.

Each working day shall open at 7 A.M. and close at 3 P.M. Eastern Standard Time or Eastern Daylight Time whichever prevails.

This order shall take effect March 31, 1970.

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

NOTE: A copy of the preceding Order was filed March 2, 1970 as a document not subject to codification.

(e)

**EDUCATION**

**STATE BOARD OF EDUCATION**

**Proposed Rule Limiting Apportionment of State Aid**

Carl L. Marburger, Commissioner of Education, pursuant to authority delegated in N.J.S.A. 18A:39-21 and 18A:58-8, proposes to amend N.J.A.C. 8:21-85 concerning the limit of apportionment of state aid for a bus purchased by a board of education as follows (additions indicated in bold face thus):

8:21-85 Limit of apportionment of state aid (formal rule 1414, Rules of the Commissioner).

State aid apportionment by a county superintendent for a bus purchased by a board of education shall not exceed \$5,100, nor shall it exceed \$2,250 for the purchase of a small vehicle, except with the specific approval of the Commissioner of Education.

Any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action to Clyde E. Leib, Office of the Commissioner, New Jersey State Department of Education, 225 West State Street, Trenton, New Jersey 08622 before 4 p.m. on May 5, 1970. Telephone: (609) 292-4040.

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

Carl L. Marburger  
Commissioner of Education

**HEALTH****DIVISION OF ENVIRONMENTAL HEALTH****Proposed Frozen Dessert Regulations**

The New Jersey Department of Health, pursuant to authority of N.J.S.A. 24:10-73.1, proposes to repeal existing regulations concerning definitions and standards of identity for frozen desserts and special frozen dietary foods which were filed with the Secretary of State February 24, 1965, and promulgate in lieu thereof revised regulations establishing definitions and standards of identity for frozen desserts.

The revised regulations concerning ice cream, frozen custard, ice milk, fruit sherbet, water ice, artificially sweetened ice cream, artificially sweetened ice milk, quiescently frozen confection, quiescently frozen dairy confection and whipped cream confection remain basically the same as the presently existing regulations; except insofar as these regulations have been revised to conform with Federal standards. However, there are a number of new regulations in the proposed revision which deal with non-fruit sherbet, non-fruit water ice, frozen yogurt, mellorine, parevine, and special frozen dietary food.

The proposed new regulations read as follows:  
**Regulation 1. General definitions.**

As used in this part, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

- (a) "Department" means the State Department of Health.
- (b) "Person" means any individual, co-partnership, corporation, cooperative association, cooperative corporation, or unincorporated association.
- (c) "Package" means any carton, box, jar, bottle, pail, wrapper or other container for frozen desserts.
- (d) "Label" means any written, printed, or graphic matter attached to or on a package.
- (e) "Frozen desserts" means ice cream, frozen custard, French ice cream, French custard ice cream, sherbet, fruit sherbet, ice milk, ice, water ice, quiescently frozen confection, quiescently frozen dairy confection, whipped cream confection, bisque tortoni, artificially sweetened ice cream, or artificially sweetened ice milk, special frozen dietary foods, frozen yogurt, mellorine frozen desserts as all such products are commonly known together with any such mix used in a frozen dessert and any products which are similar in appearance, odor or taste to such products or are prepared or frozen as such products are customarily prepared or frozen whether made with dairy or nondairy products.
- (f) "Dispensing freezer" means the type of equipment which freezes frozen desserts so they are served in a soft condition for sale to the customer.
- (g) "CFR" means the Code of Federal Regulations of the United States Government.

**Regulation 6. Nonfruit sherbets; identity; label statement of optional ingredients.**

- (a) Nonfruit sherbets are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing ingredients specified in paragraph (b) of this regulation and one or more of the optional dairy ingredients specified in paragraph (c) of this regulation, sweetened with one or more of the optional sweetening ingredients specified in paragraph (d) of this regulation. One or more of the optional ingredients specified in paragraph (e) of this regulation may be used, subject to the conditions hereinafter set forth. The mix of combined dairy ingredients, with or without other ingredients, is pasteurized. The mix, with or without added water, may be seasoned with salt and may be homogenized. The optional dairy ingredients used and the content of milk fat and nonfat milk solids therein are such that the weight of milk fat is not less than 1 percent and not more than 2 percent and the weight of total milk solids is not less than 2 percent and not more than 5 percent of the weight of the finished nonfruit sherbet. The optional caseinates specified in paragraph (e) (7) of this regulation are not deemed to be milk solids. The finished nonfruit sherbet weighs not less than 6 pounds to the gallon; except that when the optional ingredient microcrystalline cellulose specified in paragraph (e) (9) of this regulation is used, the finished nonfruit sherbet weighs not less than 6 pounds to the gallon, exclusive of the weight of the microcrystalline cellulose.
- (b) The optional characterizing ingredients referred to in paragraph (a) of this regulation are:
  - (1) Ground spice or infusion of coffee or tea.
  - (2) Chocolate or cocoa, including syrup.
  - (3) Confectionery.
  - (4) Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the sherbet.
  - (5) Any natural or artificial food flavoring (except any having a characteristic fruit or fruit-like flavor).
- (c) The optional dairy ingredients referred to in paragraph (a) of this regulation are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed

skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, concentrated cheese whey, and dried cheese whey. Water may be added or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent calculated as lactic acid. The term "milk" as used in this regulation means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash not more than 225 milliliters 0.1N HCL per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash not more than 115 milliliters of 0.1N HCL per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent calculated as lactic acid.

- (d) The optional sweetening ingredients referred to in paragraph (a) of this regulation are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

- (e) Other optional ingredients referred to in paragraph (a) of this regulation are:

- (1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the weight of egg yolk solids therein is less than 0.5 percent of the weight of the finished nonfruit sherbet.
- (2) Agar-agar, algin (sodium alginate), calcium sulfate, egg white, gelatine, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, lecithin, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used is not more than 0.5 percent of the weight of the finished nonfruit sherbet. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.
- (3) Monoglycerides or diglycerides or both of fat-forming fatty acids. The total weight of such ingredients is not more than 0.2 percent of the weight of the finished nonfruit sherbet. If the preparation used is one having a high proportion of monoglycerides (over 90 percent), it may be preblended with edible fat, but the amount of such fat does not exceed 20 percent by weight of the blend and the total amount of the blend used does not exceed 0.2 percent of the weight of the finished nonfruit sherbet.
- (4) Polyoxyethylene (20) sorbitan tristearate, poly-sorbate 80, or both (complying with the provisions of CFR Part 121, sections 121.1008 and 121.1009 including the limit on either used separately or both used in combination of not more than 0.1 percent by weight of the finished frozen dessert).
- (5) Propylene glycol alginate (complying with the provisions of CFR Part 121, section 121.1015 including the limit of not more than 0.5 percent by weight of the finished frozen dessert).
- (6) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.
- (7) Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, sodium caseinate.
- (8) Coloring, including artificial coloring.
- (9) Microcrystalline cellulose, in a quantity not to exceed 0.5 percent of the weight of the finished nonfruit sherbet.
- (10) When one or more of the optional thickening ingredients in subparagraph (2) or (5) of this paragraph are used, dioctyl sodium sulfosuccinate complying with the requirements of CFR Part 121, section 121.1137 may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

- (f) Except as provided for in paragraph (g) of this regulation, the name of each such nonfruit sherbet is ".....sherbet," the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, "peppermint."

- (g) If the characterizing flavor used is vanilla, the name of the food is ".....sherbet," the blank being filled in as specified by regulation 2 (g) (2) and (5) (i).

- (h) When the optional ingredients artificial flavoring, artificial coloring, or microcrystalline cellulose are used in nonfruit sherbet, they shall be named on the label as follows:

- (1) If the flavoring ingredient or ingredients consists exclusively of artificial flavoring, the label designation shall be "artificially flavored."
- (2) If the flavoring ingredients are a combination of natural and artificial flavors, the label designation shall be "artificial and natural flavoring added."
- (3) The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "....., an artificial color added," the blank being filled in with the name of the artificial coloring used.
- (4) When the optional ingredient microcrystalline cellulose is used, the label shall bear the statement "microcrystalline cellulose added" or "with added microcrystalline cellulose."
- (i) Wherever there appears on the label any representation as to the characterizing flavor or flavors of the food and such flavor or flavors consist in whole or in part of artificial flavoring the statement required by paragraph (h) (1) or (2) of this regulation, as appropriate, shall immediately and conspicuously precede or follow such representation, without intervening written, printed, or graphic matter (except that the word "sherbet" may intervene) in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over.
- (j) Except as specified in paragraph (i) of this regulation, the statements required by paragraph (h) of this regulation shall be set forth on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

**Regulation 8 Nonfruit water ices; identity; label statement of optional ingredients.**

- (a) Nonfruit water ices are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing ingredients specified in paragraph (b) of this regulation, sweetened with one or more of the optional sweetening ingredients specified in paragraph (c) of this regulation. One or more of the optional ingredients specified in paragraph (d) of this regulation may be used, subject to the conditions hereinafter set forth. The mix, with or without added water, may be seasoned with salt and may be homogenized. The finished nonfruit water ice weighs not less than 6 pounds to the gallon.
- (b) The optional characterizing ingredients referred to in paragraph (a) of this regulation are:
  - (1) Ground spice or infusion of coffee or tea.
  - (2) Chocolate or cocoa, including sirup.
  - (3) Confectionery.
  - (4) Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the water ice.
  - (5) Any natural or artificial food flavoring (except any having a characteristic fruit or fruit-like flavor).
- (c) The optional sweetening ingredients referred to in paragraph (a) of this regulation are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.
- (d) Other optional ingredients referred to in paragraph (a) of this regulation are:
  - (1) (i) Agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, propylene glycol alginate, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished nonfruit water ice. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.
  - (ii) When one or more of the optional thickening ingredients in subdivision (i) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of CFR Part 121, section 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.
  - (2) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.
  - (3) Coloring, including artificial coloring.

## Health—continued

- (e) Except as provided for in paragraph (f) of this regulation, the name of each such nonfruit water ice is "..... ice," the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, "peppermint."
- (f) If the characterizing flavor used is vanilla, the name of the food is "..... ice," the blank being filled in as specified by regulation 2 (g)(2) and (5)(i).
- (g) When the optional ingredients artificial flavoring or artificial coloring are used in nonfruit water ice, they shall be named on the label as follows:
- (1) If the flavoring ingredient or ingredients consist exclusively of artificial flavoring, the label designation shall be "artificially flavored."
  - (2) If the flavoring ingredients used are a combination of natural and artificial flavors, the label designation shall be "artificial and natural flavoring added."
  - (3) The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "....., an artificial color added," the blank being filled in with the name of the artificial coloring used.
- (h) Wherever there appears on the label any representation as to the characterizing flavor or flavors of the food and such flavor or flavors consist in whole or in part of artificial flavoring, the statement required by paragraph (g) (1) or (2) of this regulation, as appropriate, shall immediately and conspicuously precede or follow such representation, without intervening written, printed, or graphic matter (except that the word "ice" may intervene) in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over.
- (i) Except as specified in paragraph (h) of this regulation, the statements required by paragraph (g) of this regulation shall be set forth on the principal display panel or panels or the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

## Regulation 14 Frozen yogurt; identity; label statement of ingredients.

Frozen yogurt is a food which is prepared by freezing while stirring a pasteurized mix, containing one or more of the following ingredients: whole milk, partially de-fatted milk, skim milk, other milk products, and with or without fruits, nuts, flavoring materials, sweeteners, stabilizers, emulsifiers, and any other safe and suitable ingredient approved by the Department, which is cultured after pasteurization by one or more strains of *Lactobacillus bulgaricus*, *Streptococcus thermophilus* and *Lactobacillus acidophilus*, provided however, fruits, nuts, or other flavoring materials may be added before or after the mix is pasteurized and cultured. The standard plate count requirement for frozen desserts shall apply only to the mix prior to culturing. The finished frozen yogurt shall weigh not less than 5 pounds per gallon. The name of the product is "frozen yogurt." The label on a package of frozen yogurt, in addition to other required information, shall include a complete list of all ingredients in descending order of predominance; for the purposes of this regulation the strains of bacteria may be collectively referred to as yogurt culture.

## Regulation 15 Mellorine; identity; label statement of ingredients.

- (a) Mellorine conforms to the definition and standard of identity, and is subject to the requirements for optional ingredients, prescribed for ice cream by regulation 2, except that in place of optional dairy ingredients containing butterfat as permitted pursuant to regulation 2 (c), edible fats or oils other than milk fat are used, and provided further that the weight of edible fats or oils other than milk fat, is not less than 10% of the weight of the finished mellorine and the weight of the milk solids not fat is not less than 10% of the weight of the finished mellorine, except when one or more of the bulky optional ingredients as specified in regulation 2 (b) (3), (4), (5), (6), (7), or (8) are used, the weight of the edible fats or oils other than milk fat and the combined weight of edible fats or oils other than milk fat and milk solids not fat (exclusive of any fat and milk solids not fat in any malted milk used) are not less than 10% and 20% respectively, of the remainder obtained by subtracting the weight of such optional ingredients as provided in regulation 2 (a), from the weight of the finished mellorine, but in no case is the weight of edible fats and oils other than milk fat and milk solids not fat to be less than 8% and 16% respectively of the weight of the finished mellorine, and that wherever provisions appear in said regulation 2 referring to milk fat, it shall be understood to be edible fats or oils other than milk fat in the case of mellorine.
- (b) The name of the product is "mellorine."

- (c) When any artificial color is used in mellorine, directly or as a component of any other ingredient, the label shall bear the statement, "artificially colored," "artificial coloring added," "with added artificial color," or "....., an artificial color added," the blank to be filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "....., artificially colored."
- (d) If both artificial color and artificial flavoring are used, the label statements may be combined.
- (e) Mellorine shall be sold, held, offered for sale by any manufacturer, wholesaler, retailer, or any other seller only in factory-filled containers not larger than one-half gallon.
- (f) The label on packages of mellorine shall, in addition to other required information, include a complete list of all ingredients in descending order of predominance, including the type of each edible fat or oil.

## Regulation 16 Parevine; identity; label statement of ingredients.

- (a) Parevine is the food which is prepared by freezing, while stirring, a pasteurized mix composed of: (1) one or more edible vegetable oils or fats; (2) one or more of the optional sweetening ingredients except lactose, specified in regulation 2 (d) of this part; (3) one or more of the optional characterizing ingredients, except malted milk and confectionery and cooked cereals containing any milk, milk product, meat, meat products or any of their derivatives of any kind, as specified in regulation 2 (b) of this part; and (4) one or more of the other optional ingredients, specified in regulation 2 (f) of this part, excluding those containing any milk, milk product, meat or meat products or any of their derivatives of any kind, and (5) protein and carbohydrate food ingredients from other than milk or meat sources, which are not included in preceding categories of optional ingredients for ice cream may be authorized by the department. This product shall not contain any milk, milk product, meat or meat products or any of their derivatives of any kind.
- (b) Its fat content shall not be less than 10 percent, except that when bulky optional characterizing ingredients are used, the fat content may be reduced, as a result of the addition of such ingredients, but shall in no case be less than 8 percent.
- (c) Its content of food solids shall not be less than 1.3 lbs. per gallon of the finished product.
- (d) If eggs or egg ingredients, as specified in regulation 2 (f) (1) are used, there shall be no limit on the quantity of eggs or egg ingredients used.
- (e) The weight of the finished product shall not be less than 4.5 lbs. per gallon.
- (f) The name of the product is "parevine."
- (g) When any artificial coloring is used in parevine, directly or as a component of any other ingredient, the label shall bear the statement, "artificially colored," "artificial coloring added," "with added artificial color," or "....., an artificial color added," the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "..... artificially colored."
- (h) If both artificial color and artificial flavoring are used, the label statements may be combined.
- (i) The labeling with respect to optional ingredients shall correspond to those specified pursuant to regulation 2 (g).
- (j) Parevine shall be sold, held, offered for sale by any manufacturer, wholesaler, retailer, or any other seller only in factory-filled containers not larger than one-half gallon, provided, however, that parevine may be served for consumption on the premises provided that the individual service is taken from a properly labeled factory-filled container not larger than one-half gallon. When parevine is served for consumption on the premises, a sign must be conspicuously displayed on the sale premises or vehicle where it can be clearly read by customers under normal conditions of purchase, stating "PAREVINE SOLD HERE." Letters on such sign shall be bold face capitals at least three inches in height and in contrasting color to the background. No such sign need be displayed if each customer is provided with a menu on which there is stated "PAREVINE SERVED HERE" in bold face capitals as large as those used in listing most food items.
- (k) The label on packages of parevine shall, in addition to other required information, include a complete list of all ingredients in descending order of predominance, including the type of each edible fat or oil.

## Regulation 17. Special frozen dietary food.

Special frozen dietary food is any frozen milk product which includes a combination of one or more of the ingredients used in the manufacture of ice cream no matter under what coined or trade name it may be sold or offered for sale, the manufacturing process of which is similar to the process of manufacture of ice cream, and which contains added vitamins, minerals or edible carbohydrates. Such vitamins, minerals and edible carbohydrates must be approved by the department.

- (a) The manufacturer shall place the product in packages or containers which shall be conspicuously labeled "special frozen dietary food."

- (b) The label shall also contain a conspicuous statement of usefulness of the food limited to a listing of the dietary properties upon which such use is based.
- (c) The label of a special frozen dietary food which purports to be or is represented for special dietary use by reason of its vitamin or mineral properties shall identify each added vitamin or mineral by name, minimum amount added, and the percentage of the minimum adult daily requirement, as established by the National Academy of Science — National Research Council, represented by such addition.
- (d) The label of a special frozen dietary food which purports to be or is represented for special dietary use by reason of its intake of protein, fat, carbohydrate, or calories, for the purpose of reducing or maintaining body weight shall bear a statement of the quantity in grams of protein, fat, and available carbohydrates and a statement of the number of calories in a specified serving of such food; and the statement "for calorie restricted diets."
- (e) The product shall not be sold in any manner other than in sealed or unbroken packages or containers from one or more separate compartments of a refrigerated container or cabinet.

Copies of the complete revised regulations may be obtained from Howard Abbott, Bureau of Food and Drugs, State Department of Health, Post Office Box 1540, Trenton, New Jersey 08625, or examined at any of the four State Health District Offices at the following locations:

Central District State Health Office  
223 North Hermitage Avenue  
Trenton, New Jersey 08618

Metropolitan District State Health Office  
1100 Raymond Boulevard  
Newark, New Jersey 07102

Northern District State Health Office  
61 Sunset Strip  
Succasunna, New Jersey 07876

Southern District State Health Office  
89 Haddon Avenue  
Haddonfield, New Jersey 08033

Interested persons may present statements or arguments orally or in writing relevant to the proposed action at a public hearing to be held in the auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625, at 10:30 a.m. on Friday, May 1, 1970.

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

James R. Cowan  
Commissioner of Health  
By:  
E. Powers Mincher  
Director, Administrative Practices  
Department of Health

(a)

## HEALTH

## PUBLIC HEALTH COUNCIL

## Blood Banking Rules

James R. Cowan, State Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-7, adopted a revision of Chapter X of the State Sanitary Code concerning blood banking, as set forth in the Notice published October 30 1969 at 1 N.J.R. 12.

An order adopting these revised regulations was filed February 17, 1970 as R 1970 d.17, to be effective immediately.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(b)

## HIGHER EDUCATION

## BOARD OF HIGHER EDUCATION

## Proposed Licensure and Approval Advisory Board

The New Jersey Board of Higher Education, pursuant to authority delegated in N.J.S.A. 18A:3-15, proposes to adopt regulations establishing a Licensure and Approval Advisory Board to advise the Chancellor and the Board of Higher Education concerning colleges not accredited by the Middle States Association of Colleges and Secondary Schools.

The proposed Licensure and Approval Advisory Board shall consist of the Chancellor or his representative, member of the staff of the Department of Higher Education designated by the Chancellor, a representative of Rutgers, the State University designated by the President of the University, a representative of the State College designated by the Council of State Colleges, a representative of the County Colleges designated by the Council of County Colleges, three representatives of the Association of Independent Colleges and Universities in New Jersey designated by the Association, and three person representative of the independent colleges not member of the aforesaid Association.

**Higher Education—continued**

The duties of the proposed Advisory Board shall be to recommend to the Chancellor and the Board of Higher Education policies for licensure and degree approval designed to promote the maintenance of generally accepted standards of excellence, consistent growth in educational usefulness and the optimal utilization of educational resources on the part of institutions comprising the New Jersey system of higher education, to advise the Chancellor when requested with respect to reports filed by the institutions with the Department of Higher Education and with respect to the personnel and reports of committees that may from time to time be appointed to visit institutions of higher education, and as to the action to be taken with respect to any college or university whose educational quality may be called in question. Any proposed action with respect to any independent institution looking toward the revocation of licensure or the withdrawal of approval of the basis or conditions for the conferring of degrees, or of the practice of conferring and bestowing degrees, shall be referred to the Advisory Board for an advisory opinion before the statutory procedures are invoked.

Interested persons may obtain copies of the complete text of the proposed regulations by writing or telephoning:

Dr. Henry Scott  
Department of Higher Education  
225 West State Street  
Trenton, New Jersey 08625  
Telephone: (609) 292-4058

Interested persons may present statements or arguments, orally or in writing, relevant to the proposed action to the Department of Higher Education at the above address on or before April 29, 1970.

Ralph A. Dungan  
Chancellor  
Department of Higher Education

(a)

**INSTITUTIONS AND AGENCIES**

**DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES**

**BUREAU OF COMMUNITY INSTITUTIONS**

**Proposed Revision of Hospital Standards for Maternal, Child Health, and Newborn Services**

The State Board of Control, pursuant to authority delegated in N.J.S.A. 30:11-1.7, proposes to revise the standards concerning maternal, child health and newborn services for a hospital facility, including the Appendix on recommended criteria for mixed obstetric and gynecologic floors, as set forth in Section 8 of the "Manual of Standards for Private Hospitals" (dated July, 1968).

The proposed standards, approved by the State Board of Control on February 25, 1970, are intended to replace those adopted by the State Board on February 26, 1969, and shall be applicable to all new and existing licensed and approved general hospitals in the State.

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

Office of the Commissioner  
Department of Institutions and Agencies  
135 West Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action to the Office of the Commissioner, Department of Institutions and Agencies at the above address, on or before May 1, 1970.

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

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

(b)

**INSTITUTIONS AND AGENCIES**

**DIVISION OF PUBLIC WELFARE**

**Categorical Assistance Budget Manual**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:10-3, proposes to amend Section 412. "Method for Determining Budgetable Earned Income (Part VII, Form PA-3A)" and Section 615. "Administrative Ceiling in ADC" of the Categorical Assistance Budget Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

412. METHOD FOR DETERMINING BUDGETABLE EARNED INCOME (Part VII, Form PA-3A)

412.1 The following procedure shall be followed:

- a. from gross earnings, deduct the appropriate disregard of earned income by Program (see Section 408.);
- b. deduct mandatory payroll deductions [(limited to] Federal, State and city withholding taxes of the correct required amount [, and ] ; Social Security [only]; unemployment compensation taxes; and garnishments, according to State law;

c. deduct allowance for expenses of employment for each employed person (see Section 410.);

d. if applicable, deduct costs of child care (see Section 316.);

e. if applicable, deduct the actual amount of support payments being made pursuant to a court order for dependents living elsewhere;

f. in ADC, if applicable, deduct income conserved for future identifiable educational needs of a child (see Section 408.3 d.);

g. in ADC, for [the ineligible] any adult who is a member of the family budget unit [, if applicable] because he occupies a spousal relationship without proof or claim of ceremonial marriage, deduct allowance for monthly medical costs as specified in Section 406. and/or the actual amount of payments being made toward prior indebtedness as specified in Section 309.4;

h. the remainder is to be entered as budgetable earned income.

615. Administrative Ceiling in ADC

615.1 For the ADC program only, there are hereby established administratively prescribed ceilings, limiting the amount of total [gross monthly] available adjusted income (as defined in Section 615.2) for any month within which any family of specified size may be considered a "needy" family for purposes of eligibility for a money payment with respect to such month, and limiting the amount of money payment [for any month] that may be made with respect to any budget deficit for that month.

a. The maximum money payment for which any family budget unit has entitlement shall be limited to the dollar amount of the difference between the applicable Administrative Ceiling amount by family budget unit size shown in Schedule X, and the [sum of the family budget unit's total gross income less the authorized cash costs of child care, and amount of support payments being made pursuant to a court order for dependents living elsewhere, if any] amount of the family budget unit's total available adjusted income as defined in Section 615.2.

615.2 ["Total gross income" for this purpose means the sum of the available earned and unearned income of all family budget unit members, excluding, however, any income referred to in Sections 408.3-b. and c. (earnings of children), and amounts coming from sources identified in 408.3-f. (Priority II-WIN), 408.4 (loans), 408.5 (Relocation adjustment payment), 408.6 (Food Stamps), 408.8 (occasional gifts), 408.9 (supplemental aid), and 408.10 (Highway relocation assistance).]

"Total available adjusted income" for this purpose shall be determined as follows:

a. Determine the sum of the gross earned and unearned income of all family budget unit members, excluding, however, all of the following:

1. any income referred to in Sections 408.3 b. and c. (earnings of children);
2. amounts coming from sources identified in 408.3 f. (Priority II-WIN), 408.4 (loans), 408.5 (Relocation adjustment payment), 408.6 (Food Stamps), 408.8 (occasional gifts), 408.9 (supplemental aid), and 408.10 (Highway Relocation Assistance); and

b. From this sum, deduct the following:

1. mandatory payroll deductions, including correct required amount of Federal, State and city withholding taxes; Social Security; unemployment compensation taxes; and garnishments, according to State law;
2. authorized costs of child care being paid by the client;
3. mandatory court orders of support for dependents living out of the home, if actually being paid;
4. expenses of employment, as recognized in Section 410. for each employed family budget unit member;
5. if applicable, for a spouse newly added to the family budget unit, the actual amount of payments being made toward prior indebtedness as specified in Section 309.4;
6. if applicable, for any adult who is a member of the family budget unit because he occupies a spousal relationship without proof or claim of ceremonial marriage, allowance for monthly medical costs as specified in Section 406. and/or the actual amount of payments being made toward prior indebtedness as specified in Section 309.4.

c. The remainder is the total available adjusted income to be used in application of the Monthly Administrative Ceiling amounts in Schedule X.

[615.4] 615.3 When [(1) above] the applicable Administrative Ceiling in Schedule X exceeds [(2) above,] the family budget unit's total available adjusted income, [the amount of] eligibility for money payment is the amount of such difference, or the amount of the budget deficit, whichever is less, adjusted to the nearest dollar.

[615.3] 615.4 When the total [gross income] available adjusted income (as herein defined) of the family budget unit [, less the authorized cash costs of child care, if any, when paid by the family budget unit, ((2) above)] exceeds the applicable amount in Schedule X, [(1) above)] the family is ineligible for a money payment.

615.5 SCHEDULE X — ADMINISTRATIVE CEILING IN ADC

The limitation on eligibility for money payment prescribed in Sections 615.3 and 615.4 shall not be interpreted to preclude direct payments to vendors or other forms of restricted payments for designated purposes when, in the judgment of the County Welfare Board, any such payment is essential for physical health and safety, and is authorized by the Board to be granted on a non-recurring basis, for any one or more of the special circumstance requirements authorized in Sections 308.2, 308.3, 308.4, 308.6, 308.10, 308.11, 308.14.

ADC Family Budget Unit Size	Monthly Administrative Ceiling
2	\$320
3	405
4	470
5	540
6	620

For Family Budget Units of 7 or more—add \$50 to the Monthly Administrative Ceiling for each additional child.

Interested persons may present statements or arguments in writing relevant to the proposed action to Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625 on or before April 30, 1970.

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

Lloyd W. McCorkle  
Commissioner  
Department of Institutions and Agencies

(c)

**INSTITUTIONS AND AGENCIES**

**DIVISION OF PUBLIC WELFARE**

**Categorical Assistance Budget Manual**

On March 2, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments to the Categorical Assistance Budget Manual as set forth in the Notice published February 5, 1970 at 2 N.J.R. 15(b).

An order adopting these amendments was filed March 9, 1970 as R. 1970 d.24.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(d)

**INSTITUTIONS AND AGENCIES**

**DIVISION OF PUBLIC WELFARE**

**Food Stamp Program Manual**

**Food Stamp Program Manual—10 PT U & L**

On March 2, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to N.J.S.A. 30:1-12, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revision of Exhibit B—Table II "Net Income Basis of Coupon Issuance for Low Income Households" of the New Jersey Food Stamp Program Manual as set forth in the Notice published February 2, 1970 at 2 N.J.R. 16(a).

An order adopting this revision was filed March 6, 1970 as R. 1970 d.23.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(e)

**INSTITUTIONS AND AGENCIES**

**DIVISION OF PUBLIC WELFARE**

**Manual of Administration**

On March 2, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendment to the Manual of Administration Section 2286, "Employment and Training," as set forth in the Notice published February 5, 1970 at 2 N.J.R. 16(b).

An order adopting this amendment was filed March 9, 1970 as R. 1970 d.25.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(f)

**INSTITUTIONS AND AGENCIES**

**DIVISION OF PUBLIC WELFARE**

**Manual of Administration**

On March 2, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments to the Division of Public Welfare Manual of Administration in the form of an ADC insert as set forth in the Notice published February 5, 1970 at 2 N.J.R. 16(c).

An order adopting these amendments was filed March 6, 1970 as R. 1970 d.22.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

## Institutions and Agencies—continued

(a)

**INSTITUTIONS AND AGENCIES****DIVISION OF PUBLIC WELFARE****Proposed Changes in the Medical Assistance for the Aged Manual**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:7-6, proposes to amend the Medical Assistance for the Aged Manual as follows (additions indicated in bold face thus; deletions within brackets [thus]):

**2800. BURIAL AND FUNERAL EXPENSES**

[The MAA statute provides that an eligible person may receive a grant of medical assistance which is limited to payment for certain medical costs and a reasonable allowance for personal incidental expenses if such cost cannot be met through other resources available to the individual.]

[This means that payment] Payment for burial and funeral expenses cannot be made through the MAA program.

Interested persons may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before May 1, 1970.

The Department of Institutions and Agencies, 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.

Lloyd W. McCorkle, Commissioner  
Department of Institutions and Agencies

(b)

**INSTITUTIONS AND AGENCIES****DIVISION OF PUBLIC WELFARE****Proposed Rules Concerning Termination of Assistance Procedure**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt as a part of the Division of Public Welfare Manual of Administration the following rules concerning termination of assistance procedure (additions indicated in bold face thus):

**2911. Notice to Client****.5 Closings**

NOTE: Delete the existing material under Section 2911, Subsection .5.

**a. Notice of Intention to Terminate Assistance**

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

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

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

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

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

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

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

**b. Notice of Termination of Assistance**

1) Notification to a recipient for whom assistance payments have been terminated shall include:

a) a statement of the reason(s) for termination,

b) a statement of the date of the last assistance payment that has been or will be issued,

c) a statement of the individual's right to reapply whenever he believes that his circumstances have changed in such a way that the stated reasons for ineligibility no longer exist,

d) a statement of the individual's right to file a request for a Fair Hearing, and

e) where known assets are involved, pertinent advice to the client concerning the future handling and disposition of such assets, or a statement that another notification will be sent within sixty days which will give the amount of assistance received from the county welfare board together with pertinent advice concerning the future management and ultimate disposition of known assets.

Interested persons may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before May 1, 1970.

The Department of Institutions and Agencies, 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.

Lloyd W. McCorkle, Commissioner  
Department of Institutions and Agencies

(c)

**INSURANCE****THE COMMISSIONER****Proposed Regulation Concerning Examination and Auditing of Insurance Policies**

Robert L. Clifford, Commissioner of Insurance, pursuant to authority delegated in N.J.S.A. 17:1-8.1, proposes to adopt a regulation concerning the examination and auditing of insurance policies as follows:

**REGULATION FOR EXAMINATION AND AUDITING OF INSURANCE POLICIES**

I. All policies of fire insurance, written specifically, in combination or as a component with other kinds of insurance, including riders, endorsements and records thereof, on risks resident, located, or to be performed in this State, shall be examined and audited by a rating organization licensed to do business in this State.

II. All policies in which fire insurance is combined with, or is a component part of, other kinds of insurance, shall be examined and audited as to such other kinds of insurance by a rating organization licensed to do business in this State.

Written comments, suggestions and recommendations concerning this regulation and any other proposals respecting any additions and modifications to the regulation are to be filed with:

W. Morgan Shumake  
Deputy Commissioner  
Department of Insurance  
State House Annex  
Trenton, New Jersey 08625

not later than April 29, 1970.

A public hearing will be held Thursday, April 30, 1970 at 10 a.m. in Room 438, State House Annex, Trenton, New Jersey, at which time and place comments, suggestions, recommendations, additions, and modifications to the proposed regulation and evidence with respect thereto will be received for the record. The time and date of any subsequent hearing, if such is determined to be necessary, will be announced at the April 30, 1970 hearing. However, no notice of any such subsequent hearing will appear in the New Jersey Register.

After full consideration of all submissions respecting the proposed regulation, the Commissioner of Insurance, upon his own motion or at the instance of any interested party, may thereafter adopt the regulation substantially as proposed without further notice.

Robert L. Clifford  
Commissioner of Insurance

(d)

**INSURANCE****THE COMMISSIONER****Postal Emergency**

On March 20, 1970, Robert L. Clifford, Commissioner of Insurance, pursuant to authority delegated in N.J.S.A. 17:1-8.1 and 8.2, adopted the following emergency rule without hearing or prior notice in accordance with Section 4(c) of the Administrative Procedure Act (N.J.S.A. 52:14B-4(c)):

**TO THE PRESIDENTS OF ALL COMPANIES DOING BUSINESS IN NEW JERSEY:**

Upon finding that the unprecedented interruption of postal service constitutes an imminent peril to the interests and general welfare of the citizens of this State, I, Robert L. Clifford, Commissioner of Insurance, pursuant to the authority vested in me under Chapter 66, Laws of 1958, and Chapter 410, Laws of 1968, do hereby promulgate the following emergency rules which shall be effective immediately:

No policies of insurance covering risks resident, located or to be performed in this State shall be cancelled.

Denial of such coverage shall not be based upon the failure to receive premiums.

Within rules shall apply to both new and renewal policies. These rules shall apply for the duration of the emergency occasioned by interrupted postal service and shall be effect until rescinded by me.

Robert L. Clifford  
Commissioner of Insurance

NOTE: A copy of the above rule was filed March 25, 1970 as R. 1970 d.29 (Exempt, Emergency Rule).

(e)

**INSURANCE****THE COMMISSIONER****Postal Emergency**

Robert L. Clifford, Commissioner of Insurance, having exercised his authority pursuant to N.J.S.A. 17:1-8.1 and 8.2, suspending certain activities for the duration of the postal emergency, and now finding that postal service has been substantially restored, has issued the following order pursuant to the above statutory authority effective immediately.

**TO THE PRESIDENTS OF ALL INSURANCE COMPANIES DOING BUSINESS IN NEW JERSEY:**

Upon finding that the emergency situation occasioned by the interrupted postal service has been substantially dirinished, I hereby order that the emergency rules promulgated March 20, 1970 are hereby repealed effective Wednesday, April 1, 1970.

Robert L. Clifford  
Commissioner of Insurance

NOTE: The above order was executed and filed on March 26, 1970 to become effective April 1, 1970.

(f)

**LAW AND PUBLIC SAFETY****DIVISION OF LAW****BUREAU OF SECURITIES****Proposed Rules Concerning Fingerprint Cards**

Joseph F. Krupsky, Chief of the Bureau of Securities of the Division of Law of the Department of Law and Public Safety, pursuant to authority delegated in N.J.S.A. 49:3-67 proposes to amend N.J.A.C. 13:13-1, 13:13-5 and 13:13-25 of the Bureau of Securities' rules to require fingerprint card in certain cases as follows (additions indicated in bold face thus):

**13:13-1. Application for Registration**

NOTE: Letter the two existing paragraphs as "(a)" and "(b)".

(c) The applicant, if natural person, shall also submit in connection with the aforesaid Form SB-1 two applicant (non-criminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency.

(d) The applicant, if a corporation or partnership, shall also submit in connection with the aforesaid Form SB-1 two applicant (non-criminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency for each officer, director, controlling person or partner.

(e) Subsections (c) and (d) of this rule shall not apply to an applicant who is a member of the New York Stock Exchange or American Stock Exchange.

**13:13-5. Changes of Status**

NOTE: Letter the seven existing paragraphs as "(a)" through "(g)" inclusive:

(h) A registered broker-dealer, if a corporation or partnership, shall file with the Bureau of Securities two applicant (non-criminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency, for each officer, director, controlling person, or partner who commences any employment or affiliation with said registered broker-dealer no later than 5 days after the commencement of such employment or affiliation.

(i) Subsection (h) of this rule shall not apply to any said officer, director, controlling person, or partner who has filed with the Bureau of Securities an applicant fingerprint card aforementioned.

(j) Subsection (h) of this rule shall not apply to a registered broker-dealer who is a member of the New York Stock Exchange or American Stock Exchange.

**13:13-25. Application for Renewal**

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

(d) Any registered broker-dealer who prior to his application for renewal has not complied with the requirements of N.J.A.C. 13:13-1(c) and (d), or N.J.A.C. 13:13-5(h) shall submit in connection with the aforesaid Form R-1, two applicant (non-criminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency for the individual broker-dealer, or, if the registered broker-dealer is a corporation or partnership, for each officer, director, controlling person or partner. A check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of \$5.00 must also accompany each applicant fingerprint card aforementioned.

(e) Subsection (d) of this rule shall not apply to a registered broker-dealer who is a member of the New York Stock Exchange or American Stock Exchange.

**Law and Public Safety—continued**

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

Bureau of Securities  
1100 Raymond Boulevard  
Newark, New Jersey 07102  
on or before May 1, 1970.

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

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

(a)

**LAW AND PUBLIC SAFETY****DIVISION OF PROFESSIONAL BOARDS  
BOARD OF PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS****Proposed Rule Concerning Misconduct by  
Professional Engineers and Land Surveyors**

The State Board of Professional Engineers and Land Surveyors in the Division of Professional Boards of the Department of Law and Public Safety, pursuant to authority delegated in N.J.S.A. 45:8-27 et seq., proposes to adopt as N.J.A.C. 13:40-4, a rule relating to misconduct in the practice of professional engineering or land surveying.

The following is the complete text of the proposed rule: 13:40-4. Misconduct.

Misconduct in the practice of professional engineering or land surveying within the meaning of N.J.S.A. 45:8-38 shall include, without limitation:

1. Acting for his client or employer in professional matters otherwise than as a faithful agent or trustee; accepting any remuneration other than his stated recompense for services rendered.
2. Disregarding the safety, health and welfare of the public in the performance of his professional duties; preparing or signing and sealing plans, surveys or specifications which are not of safe design and in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project.
3. Advertising his work or merit in a self-laudatory manner; he shall avoid all conduct or practice likely to discredit or reflect unfavorably upon the dignity or honor of the profession. Telephone listings shall be limited to name, address and telephone number either under or with each branch listing in which the licensee qualifies.
4. Engaging in any activity which involves him in a conflict of interest, including without limitation:
  - a. A licensee shall inform his client or employer of any business connection, interest or circumstance which might be deemed as influencing his judgment or the quality of his services to the client or employer.
  - b. When in public service as a member, advisor or employee of a governmental agency, a licensee shall not participate in the deliberations or actions of such agency with respect to services rendered or to be rendered by the licensee or any firm or organization with which he is associated in private practice.
  - c. A licensee shall not solicit or accept a professional contract from a governmental agency upon which a principal, officer or employee of his firm or organization serves as a member, advisor or employee.
  - d. A licensee shall not accept compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work, unless there has been full disclosure to and consent by all interested parties; except, however, that notwithstanding such disclosure and consent, a licensee shall not approve his own plans or work.
  - e. A licensee shall not accept compensation or remuneration, financial or otherwise, from material or equipment suppliers for specifying their product.
  - f. A licensee shall not accept commissions or allowances, directly or indirectly, from contractors or other persons dealing with his client or employer in connection with work for which he is responsible to the client or employer.
5. Affixing his seal to any plans, specifications, plats or reports or surveys which were not prepared by him or under his supervision by his employers or subordinates.
6. Violate the engineering or land surveying laws of any state.

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

State Board of Professional Engineers  
and Land Surveyors  
1100 Raymond Boulevard  
Newark, New Jersey 07102  
on or before May 1, 1970.

The State Board of Professional Engineers and Land Surveyors, upon its own motion, or at the instance of any interested party, may thereafter adopt the proposed rule substantially as set forth without further notice.

Carl E. Kastner  
Secretary-Director  
State Board of Professional  
Engineers and Land Surveyors  
Department of Law and Public Safety

(b)

**LAW AND PUBLIC SAFETY****DIVISION OF PROFESSIONAL BOARDS****NEW JERSEY STATE BOARD OF  
OPTOMETRISTS****Proposed Rule Concerning Vision Service Plans**

The New Jersey State Board of Optometrists in the Division of Professional Boards of the Department of Law and Public Safety, pursuant to authority delegated in N.J.S.A. 45:12-4, proposes to amend certain of its rules in chapter 38 of Title 13 of the New Jersey Administrative Code so as to permit the Board to approve a plan for the offering of vision services to the public as follows (additions indicated in bold face thus): 13:38-4. Soliciting.

Any statement, printed, written or oral, published, posted or circulated, directly or indirectly, by any person, firm, corporation, group or association, which quotes or specifies the name of any individual optometrist, firm or partnership of optometrists or any person, firm or corporation employing or having associated with him or it one or more optometrists, by way of specially recommending the professional services of said optometrist, firm or corporation in conjunction with the announcement of the consummation of any contract, agreement or arrangement for professional services with the said optometrist, firm or corporation, in which announcement the said contract, agreement or arrangement may be purported to offer optometric services at a stipulated fee, or any variation of such a fee, or as being free, or at a fee which is represented to be smaller than ordinary fees or which purports to offer discounts or any other inducements or advantages to prospective recipients of such services, unless in conjunction with a vision service plan approved by the Board, shall be prima facie evidence of soliciting through agents, within the meaning of N.J.S.A. 45:12-11(p) on the part of the optometrist or optometrists so named, specified or involved, if such optometrist or optometrists are shown to be accessories to such contract, agreement or arrangement by satisfactory evidence of their providing or rendering optometric services in accordance with such contract, agreement or arrangement.

**13:38-22. Vision Screening.**

Nothing contained in these rules shall be construed to prohibit vision screening under the direction and supervision of an optometrist or physician for the purpose of determining the advisability of a complete optometric examination. No optometrist shall, without the express consent of the Board, contract with any person, firm, association, organization or corporation for the purpose of engaging in any form of optometric practice other than vision screening, unless in conjunction with a vision service plan approved by the Board.

**13:38-23. Soliciting Through Reduced Fees.**

Within the meaning of N.J.S.A. 45:12-11(p), any optometrist who offers or provides optometric services and/or contact lenses and/or eyeglasses at a fee less than his usual fee, in consideration of the patient being associated with any person, association or corporation, or as an employee or a member of any company, association, organization or corporation, shall be considered as soliciting for the purpose of selling ophthalmic materials or optometric services, unless such optometric services and/or contact lenses and/or eyeglasses are offered in conjunction with a vision service plan approved by the Board.

**13:38-26. Listing in Directories.**

N.J.S.A. 45:12-11(i) is construed to permit the listing of an optometrist in directories when all the optometrists in active practice in the areas covered are also listed if they so desire and are listed in the same manner as other health care professions and is also construed to permit the listing of optometrists participating in a vision service plan approved by the Board.

13:38-29. N.J.S.A. 45:12-19.1 shall not be construed to prohibit an optometrist from providing optometric services in conjunction with a vision service plan approved by the Board.

13:38-30. A vision service plan shall be construed to mean a plan offered by a nonprofit association or corporation whose objective shall be to foster the conservation of human eyesight whereby professional practitioners legally authorized to provide optometric care can offer their professional services upon a planned payment basis to members of groups desiring said services and to make available any and all such other optometric functions and services as contribute to the betterment of the vision care of the public. In approving a vision service plan, the Board shall ascertain whether said vision service plan provides:

1. A sufficient number and geographic distribution of participating optometrists so as to provide for a free choice of practitioners.
2. A range and type of services which complies with the provisions of N.J.S.A. 45:12-11 and N.J.A.C. 13:38-8.
3. That the participating optometrists possess the necessary equipment to provide the services set forth in the vision service plan.

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

New Jersey State Board of Optometrists  
162 West State Street  
Trenton, New Jersey 08608  
on or before May 1, 1970.

The New Jersey State Board of Optometrists, upon its own motion or at the instance of any interested party, may

thereafter adopt the revised regulations substantially as set forth without further notice.

E. C. Nurock, O.D.  
Secretary-Treasurer  
New Jersey State Board of Optometrists  
Department of Law and Public Safety

(c)

**LAW AND PUBLIC SAFETY****DIVISION OF PROFESSIONAL BOARDS****STATE BOARD OF NURSING****Continued Employment of Applicants  
in Nursing Service**

The New Jersey State Board of Nursing, pursuant to authority delegated in N.J.S.A. 45:11-24(d), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the following resolution at its meeting on Wednesday, March 18, 1970, the effect of which is to permit the continued employment in nursing service of nurse applicants who have under certain circumstances, failed the Test Pool Professional Nurse Examination which is required of professional nurses in New Jersey:

WHEREAS the New Jersey State Board of Nursing has been confronted with the fact that 113 immigrant professional nurses have failed the New Jersey State Board Test Pool Examination in Professional Nursing for a second time, and

WHEREAS said failure would prohibit said applicants from working in the capacity as professional nurses in a New Jersey hospital, and

WHEREAS said loss of services would affect the proper and orderly operations of a number of New Jersey Hospitals so as to cause imminent peril approaching critical dimensions to the health and general welfare of New Jersey residents:

BE IT RESOLVED by the New Jersey State Board of Nursing that

Any applicant who has taken the State Board Test Pool Professional Nurse Examination two or more times and who has not passed, may work in a non-supervisory capacity in New Jersey Hospitals for a period beginning March 15, 1970, and continuing said work pending the grading and posting of the results of the November, 1970 examination, provided that:

1. an educational curriculum be instituted immediately which shall offer a comprehensive, intensive course of study with the object thereof being the advancement of those persons who are educated but not licensed in nursing.
2. foreign and native applicants of the State Board Test Pool Examination who have taken the examination once and who have not passed may attend the above described educational program.
3. those foreign and native applicants of the State Board Test Pool Examination who have taken the said examination two or more times and who have not passed MUST attend the above described educational program.

It is a further condition of said extension of work permits that

1. said applicants take the November 1970 examination.
- Addendum:

It is recommended that the comprehensive course be developed by a co-ordinating committee composed of persons interested in quality health care.

Under certification of Donald L. Snover, Executive Secretary, New Jersey State Board of Nursing, the State Board has decreed the above matter to constitute an emergency within the provisions of Section 4(c) of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-4(c), and has thus proceeded to enforce the above resolution effective March 18, 1970. The above emergency resolution will be subject to amendment or revision where necessary to avoid inequity. The State Board of Nursing invites interested persons to submit data, views or arguments concerning the above resolution by mail or by telephone to:

Honorable Donald L. Snover  
Executive Secretary  
State Board of Nursing  
1100 Raymond Boulevard  
Newark, New Jersey 07102

Information received prior to May 1, 1970 will be taken under consideration by the Board. The Board may thereafter, upon its own motion at the instance of any interested party, ratify and readopt the above rule, substantially as set forth without further notice.

NOTE: A copy of the above resolution, duly adopted in accordance with the Administrative Procedure Act, was filed and became effective March 18, 1970 as R.1970 d.28 (Exempt, Emergency Rule).

Law and Public Safety—continued

(a)

**LAW AND PUBLIC SAFETY**

**DIVISION ON CIVIL RIGHTS**

**Proposed Multiple Dwelling Reporting Rule**

Notice is hereby given that the New Jersey Division on Civil Rights in the Department of Law and Public Safety, pursuant to the authority delegated in N.J.S.A. 10:5-6.1 and 10:5-8(c), (g), (h), (i), and (j), proposes to adopt a rule requiring certain multiple family apartment developments to file an annual report with the Division on Civil Rights concerning the racial composition of the dwelling and factors affecting that composition.

The following is the complete text of the proposed rule:

**MULTIPLE DWELLING REPORTING RULE**

**Section 1: PREAMBLE.** The following rule is adopted pursuant to N.J.S.A. 10:5-6.1 and 10:5-8(c), (g), (h), (i), and (j), to enable the Division on Civil Rights to study patterns of housing occupancy, investigate practices of discrimination and affirmatively administer the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

**Section 2: PERSONS REQUIRED TO REPORT.** The owner or owners of every multiple apartment development which has twenty-five (25) units or more shall file an annual report with the Division on Civil Rights concerning the racial composition of the multiple dwelling and factors affecting that composition. Where there are multiple owners of a development and the development is operated as one unit, a consolidated report may be filed.

**Section 3: FORM AND CONTENTS OF REPORT.** The report shall be submitted on forms approved by the Attorney General and said forms shall be available at any office of the Division on Civil Rights or other place so designated by the Attorney General. The report may include information concerning:

- A. Racial designation of applicants for apartment rental;
- B. Racial designation of apartment leaseholders;
- C. Apartment rental turn-overs;
- D. Apartment rental recruiting techniques;
- E. Rental rates and apartment sizes; and
- F. Such other information as the Attorney General determines is necessary to effectuate the purposes of this rule.

**Section 4: FILING OF REPORTS.** Five copies of the report shall be filed with the Division on Civil Rights according to the county wherein the multiple apartment development is located in accordance with the following schedule:

Date	County
January 10	Passaic, Gloucester
February 10	Essex
March 10	Hudson
April 10	Camden
May 10	Atlantic, Cape May
June 10	Sussex, Warren, Hunterdon
July 10	Burlington, Mercer
August 10	Monmouth, Ocean
September 10	Bergen
October 10	Middlesex, Salem
November 10	Union, Somerset
December 10	Morris, Cumberland

The report shall include information for a period of one year prior to the month of filing, except that in the year following promulgation of this rule, the owner or owners shall submit a report only if the period between promulgation and the month of filing is six months or more.

**Section 5: MAINTENANCE OF RECORDS.** The owner or owners of the multiple apartment development shall be responsible to have maintained at all times the following records:

- A. Racial designation of each applicant for apartment rental;
- B. Racial designation of each apartment leaseholder;
- C. Racial designation of each new leaseholder;
- D. Apartment rental recruiting techniques employed; and
- E. Such other records as the Attorney General determines is necessary to effectuate the purpose of this rule. Such records shall be kept on file for a period of two (2) years and shall be produced for inspection upon request of the Division on Civil Rights during business hours.

**Section 6: DEFINITIONS.** As used in this rule:

- A. "Multiple apartment development" means one or more buildings situated at the same general location and operated under one management or with ownership in common. It shall include, but not be limited to, an apartment building or buildings and garden apartments.
- B. "Racial designation" means Caucasian, Negro and Spanish surname.
- C. "Leaseholder" means the party with whom the landlord has contracted for the apartment rental, whether the contracting be orally or in writing. It shall include any sublettee or assignee of the contract where notice or approval of subletting or assignment is a condition of the contract.
- D. "Apartment rental turn-over" means a change of leaseholder.

E. "Applicant" means any person who appears before either the owner, lessor, agent or other principal or operator of a multiple apartment development for the purpose of renting an apartment.

F. Unless the context indicates to the contrary all terms used in this rule have the same meanings as in N.J.S.A. 10:5-1 et seq.

Notice is also given that the New Jersey Division on Civil Rights will conduct a public hearing to receive comments, suggestions, recommendations, additions and modifications to the proposed rule under consideration.

Interested persons are invited to attend the hearing at the Rutgers School of Law, 180 University Avenue, Newark, New Jersey on Wednesday, April 29, 1970, at 10:00 a.m. The time and date of any subsequent hearing, if such is determined to be necessary, will be announced at the April 29, 1970 hearing. However, no notice of any such subsequent hearing will appear in the New Jersey Register.

Persons desiring to present statements at this hearing must request such opportunity in writing on or before Wednesday, April 15, 1970, in order to be included in an agenda. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that he is authorized to represent that organization.

To further comply with the notice requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), notice is hereby given that any interested party may present or mail statements or arguments in writing relevant to the proposed rule under consideration to the Housing Survey Office, Division on Civil Rights, Department of Law and Public Safety, 1100 Raymond Boulevard, Newark, New Jersey 07102.

Written statements received at any time prior to the April 29, 1970 public hearing, as well as all statements presented at the public hearing, will be given full consideration in connection with the proposed rule.

After full consideration of all written and oral submissions respecting the proposed rule, the New Jersey Division on Civil Rights, upon its own motion, may thereafter adopt the rule substantially as set forth without further notice.

James H. Blair  
Director  
Division on Civil Rights  
Department of Law and Public Safety

(b)

**STATE**

**ATHLETIC COMMISSION**

**Proposed Changes in Rules**

Morris Mogelever, Acting State Athletic Commissioner, pursuant to authority delegated in N.J.S.A. 5:2-5, proposes to revise certain provisions of "Rules Governing Boxing, Wrestling and Sparring Exhibitions and Performances" as follows (additions indicated in bold face thus):

**Chapter 4. Licenses**

**Rule 33.**

When issuing a yearly boxing or wrestling license, the Commissioner shall designate the geographical territory over which the license shall be valid.

**Rule 34.**

Any yearly boxing or wrestling license issued to a promoter to operate in the geographical territory of Northern New Jersey shall be valid throughout Bergen, Essex, Hudson, Morris, Passaic, Somerset, Sussex, Union and Warren Counties.

**Rule 35.**

Any yearly boxing or wrestling license issued to a promoter to operate in the geographical territory of Central New Jersey shall be valid throughout Burlington, Hunterdon, Mercer, Middlesex, Monmouth and Ocean Counties.

**Rule 36.**

Any yearly boxing or wrestling license issued to a promoter to operate in Southern New Jersey shall be valid throughout Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties.

**Chapter 7. Seconds**

**Rule 15.**

No second may terminate the performance of the boxer he is serving either between rounds or during the progress of any boxing contest in which such boxer is a contestant.

Violation of this rule shall result in automatic suspension of the second together with the boxer he is serving and the boxer's purse shall be withheld from payment pending investigation of the violation.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action to the Office of the State Athletic Commissioner, State House, Trenton, New Jersey 08625 on or before May 1, 1970. Telephone: (609) 292-3714.

The State Athletic Commissioner, upon his own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as set forth without further notice.

Morris Mogelever  
Acting State Athletic Commissioner

(c)

**TREASURY**

**DIVISION OF TAXATION**

**MOTOR FUELS TAX BUREAU**

**Gasoline Jobber Requirements**

Notice is hereby given that Sidney Glaser, Acting Director of the Division of Taxation, Department of the Treasury, pursuant to the authority delegated in N.J.S.A. 54:39-10, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of subsections G. (7) and (9) of Motor Fuels Tax Bureau rule N.J.A.C. 18:18-1 "Definitions," as proposed in the Notice published February 5, 1970 at 2 N.J.R. 19(c).

In addition to the noticed revisions of subsection G. (7) and (9), and upon due consideration of views submitted in response to his Notice, the Acting Director of Taxation also adopted a revision of subsection G. (3) as follows (additions indicated in bold face thus):

**G. (3) Ninety-Five (95) Percent of Sales Requirement—**

The 95% of sales requirement, as specified, means 95% or more of the total gasoline sales expressed in gallons made in this State by a Gasoline Jobber. Such sales must consist of gasoline sales made at wholesale only; retail sales may not be included. In determining the 95% of sales requirement herein, sales made by a Jobber in which title to gasoline is transferred back to the original supplier of such gasoline, shall not be included in the total number of gasoline sales made by a Jobber.

This additional revision is stated by the Acting Director of Taxation to be within the original purpose of the noticed revisions and thus in accordance with section 4.8A of the Rules of Administrative Procedure, N.J.A.C. 15:5-4.8A, and is adopted without further public notice.

An order adopting these revisions was filed and became effective March 4, 1970 as R. 1970 d.21.

Leon S. Wilson  
Director of Administrative Procedure  
Department of State

(d)

**WATERFRONT COMMISSION OF NEW YORK HARBOR**

**Physical Fitness Standards for Pier Guards**

James J. Davitt, Acting Secretary of the Waterfront Commission of New York Harbor, pursuant to authority of N.J.S.A. 32:23-10 (7), the Waterfront Commission Act of 1953, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to certain of the Commission's rules concerning physical fitness standards for pier guards as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

**5.5 PHYSICAL FITNESS STANDARDS.**

(a) No license to act as a pier guard and no renewal of a license to those applicants originally licensed subsequent to October 31, 1966 shall be granted unless the applicant:

- (1) When he originally applies is over 21 and not more than 55 years of age [ , when he originally applies] or, if he so applies on or after July 1, 1970, is over 21 and not more than 50 years of age, or in the case of an applicant for renewal of a license pursuant to Section 5 of article X of the Waterfront Commission Compact, not more than 65 years of age;

**5.6 WAIVER OF PHYSICAL FITNESS STANDARDS.**

The commission, in its discretion, upon petition of an applicant for renewal of a license or upon its own initiative, may grant a waiver of any physical standards required for a license to act as a pier guard where such petition shows and the commission finds that:

- (a) the petitioner's employer joins in the petition, is satisfied with petitioner's services, and will continue to employ petitioner;
- (b) petitioner was employed by said employer as a pier guard for a minimum of 700 hours during the preceding year; and
- (c) if petitioner held a license or temporary permit subsequent to December 1, 1956, he:
  - (1) is not over 65 years of age, [and] except where he has such equity in a bona fide pension plan for pier guards that termination of his license would result in undue impairment of his pension rights, and
  - (2) is physically capable of satisfactorily performing any of the duties of a pier guard; or
  - (d) if petitioner held a license or temporary permit prior to December 1, 1956, and has continued as a pier guard since that date, he:
    - (1) is not over 70 years of age, except where he has such equity in a bona fide pension plan for pier guards that termination of his license would result in undue impairment of his pension rights, and
    - (2) is physically capable of performing the particular duties assigned to him as a pier guard.

An order adopting these amendments was filed and became effective March 16, 1970, as R. 1970 d.27 (Exempt, Exempt Agency rules).

Leon S. Wilson  
Director of Administrative Procedure  
Department of State