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Reference

THE NEW JERSEY REGISTER

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THE NEW JERSEY REGISTER

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THURSDAY, JANUARY 8, 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.

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Changes in the Regulations of the Demonstration Rent Supplement Program

Notice is hereby given that the Commissioner of Community Affairs, pursuant to authority delegated at N.J.S.A. 52:27D-67, proposes to repeal Part III of the Regulations for a Demonstration Rent Supplement Program under Demonstration Grant Law of 1967, and to adopt a new Part III describing a Downpayment Assistance Program to provide home ownership assistance pursuant to the Demonstration Rent Supplement Program, as follows:

Chapter 14. Demonstration Rent Supplement Program
Part III. Downpayment Assistance Program

FOREWORD

The Department of Community Affairs has been authorized to conduct demonstration programs "for the prevention and elimination of slums and blight in urban and nonfarm rural areas," N.J.S.A. 52:27D-66. Pursuant to this responsibility the Department established a Demonstration Rent Supplement Program in 1968. The Regulations for this program, filed with the Secretary of State on November 19, 1968, invited innovative proposals for special programs in which supplement payments would be used to pay part of the carrying charges on a mortgage, or in which supplement payments would be made in a lump sum, as a down payment on a home or on a membership in a cooperative apartment. ("Regulations for Demonstration Rent Supplement Program under Demonstration Grant Law of 1967," Part I, p. 4, and Part III, p. 11). Based upon the experience gained since the Demonstration Rent Supplement Program was established, the original outline of the Special Ownership Program has been revised and expanded.

Subchapter 1. GENERAL PROVISIONS AND DEFINITIONS.

1.1 OBJECTIVE OF PROGRAM

The Demonstration Rent Supplement Program is designed to test innovative approaches to the problem of providing adequate alternative housing for individuals and families displaced by government action. Two alternative methods are being tested. Part II of this Chapter describes a program of rental assistance payments to help relocatees who desire alternative rental housing. This Part describes a program of home ownership assistance payments to help relocatees who desire to purchase alternative dwelling units. This component of the Demonstration Rent Supplement Program is known as the Downpayment Assistance Program.

1.2 DEFINITIONS

As used in this Part, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

(a) "Commissioner" shall mean the Commissioner of Community Affairs.

(b) "Department" shall mean the Department of Community Affairs.

(c) "Director" shall mean the Director of the Division of Housing and Urban Renewal.

(d) "Displaced by governmental action" shall mean any required movement from real property as a result of the acquisition of such property for an improvement constructed or developed by or with funds provided, in whole or in part, by the State or local units of government or pursuant to a governmental program of building code enforcement or voluntary rehabilitation.

(e) "Division" shall mean the Division of Housing and Urban Renewal within the Department of Community Affairs.

(f) "Family" shall mean two or more persons who are living together and who represent themselves as a family unit.

(g) "Program" shall mean any undertaking whether by the Department or some other sponsor, as approved, to provide assistance to persons and families in accordance with these Regulations.

(h) "Purchaser" shall mean any person or family who receives funds from the Department through the sponsor, which are used to assist in the purchase of homes, condominiums, or cooperatives.

(i) "Sponsor" shall mean any individual, corporation, or association approved by the Commissioner to sponsor a Downpayment Assistance Program. It also includes any agency or authority established by State law to provide housing for the people of this State, or for residents of any county, region, or municipality of this State.

(j) "Section 235 of the National Housing Act" shall mean that program described in HUD Handbook FHA 4441.1.

(k) "Farmers Home Administration, 502 Subsidized" shall mean that program described in Farmers Home Administration Booklet PA-705.

1.3 CORRESPONDENCE

The Demonstration Rent Supplement Program is administered by the Division of Housing and Urban Renewal. All correspondence and inquiries should be addressed to the Director of the Division of Housing and Urban Renewal, Department of Community Affairs, Post Office Box 2768, Trenton, New Jersey 08625.

Subchapter 2. OPERATION OF PROGRAM

2.1 SCOPE

Benefits under the Downpayment Assistance Program may be used to assist applicants to purchase homes under Section 235 of the National Housing Act, or under the Farmers Home Administration. In addition, assistance will be provided when purchasing cooperatives mortgaged by the New Jersey Housing Finance Agency, or when purchasing homes with federally insured or conventional mortgages. An essential element of any program authorized hereunder shall be to provide assistance to persons or families displaced by governmental action.

2.2 MAXIMUM STATE CONTRIBUTION

Assistance contributed by the State toward any purchase may not exceed $1,500. This payment shall be applied against a purchase price as approved by the Federal Housing Administration, the Farmers Home Administration, or such other assessed evaluation of the building as may be acceptable to the Director. The monies advanced may also be used to defray prepayment expenses such as tax reserve and mortgage insurance premiums and for purchase price adjustments such as adjustments to fuel, insurance, water bills, and taxes. In addition, up to $500 may be available to defray legal expenses; however, legal expenses shall not exceed those permitted by the Federal Housing Administration for purchases made under Section 235 of the National Housing Act.

2.3 MINIMUM PURCHASER CONTRIBUTION

Each purchaser shall contribute a minimum of $50 toward the required down payment. This requirement may be waived or reduced by the Director for purchasers supported by Welfare Assistance Payments.

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2.4 DETERMINATION OF CONTRIBUTION

The purchasers' contribution to down payment is based on formula. The State's contribution is equal to the difference between the purchasers' contribution, as determined by the formula and minimum cash requirements, and the total down payment.

The formula is as follows:

X = Purchaser's Contribution
A = Total Down Payment
B = Purchaser's Assets
C = Asset Limitation (3.7)

$$X = A \times (B/C)$$

2.5 AREAS OF ASSISTANCE

The following areas will be assisted by the Downpayment Assistance Program:

(a) Section 235 of the National Housing Act:

Applicants approved for interest subsidy under the 235 Program will receive additional aid from the State in the form of reduction of monthly mortgage payments. The State will assist by reducing the monthly mortgage payment, for a two year period, to an amount equal to 20% of the applicant's certified monthly income. A portion of the down payment may also be provided but no legal closing costs shall be provided. Actual down payment may not exceed the minimum required by the Federal Housing Administration and actual prepaid expenses and purchase price adjustments.

(b) Farmers Home Administration (502 Subsidized):

The contribution by the State under this program will be the same as under the 235 Program administered by HUD.

(c) Housing Finance Agency:

Approved applicants for all types of construction mortgaged by the Housing Finance Agency are eligible for down payment assistance under this program. Eligibility will be based on the requirements as described in these Regulations. No reduction in monthly payments shall be made.

(d) Non-Subsidized Mortgages:

Contribution toward the down payment under conventional or federally insured mortgage programs will be arrived at by using the formula and asset and income limitations as described in these Regulations. No reduction in monthly payments shall be made under these mortgages.

2.6 PRIORITY TO RELOCATEES

Priority in selection of purchasers shall be given to individuals and families displaced by governmental action, however, each recipient of assistance pursuant to the provisions of Section 2.5 (d) shall be an individual or family displaced by governmental action.

Subchapter 3. REQUIREMENTS OF PROGRAM.

3.1 ELIGIBLE FAMILIES

Families which come within the income and asset limitations as described in these Regulations shall be eligible for down payment assistance for an amount equal to the difference between the total down payment and the payment required by the applicant as determined by the formula described herein. To be eligible the potential homeowner shall be either the prospective owner of the mortgaged dwelling or a member of a cooperative association operating a housing project. A family may be totally supported by Welfare and still qualify.

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Community Affairs—Rent Supplement—continued

3.2 ELIGIBLE HOUSING

Housing to be eligible for assistance shall be one of the following types:

(a) New or substantially rehabilitated single family dwelling units.

(b) A one family unit in a condominium or cooperative project.

(c) An existing one or two family unit which complies with the requirements of the federal insuring agency or local housing codes.

Dwellings purchased with State assistance shall be of modest but adequate design and construction quality. Assistance payments shall not be made for the purchase of housing which is extravagant in design, appointments, or equipment. Housing shall not be located in areas designated as blighted by the New Jersey Act to determine Blighted Areas.

Housing should provide decent, safe, and sanitary conditions, as judged on the basis of F.H.A. standards or local housing codes.

3.3 MAXIMUM PURCHASE PRICE

The maximum purchase price for a dwelling assisted under the program shall not exceed those maximums established under Section 235 of the National Housing Act. Those maximums are determined by geographic area and generally are $15,000 in the southern half of the State and $17,500 in the northern half of the state. In addition, where a family of five or more persons requires a minimum four bedroom house the purchase price may be increased by an additional $2,500.

3.4 SELF-HELP OPPORTUNITIES

An applicant for assistance may contribute the value of his labor as equity in his property.

3.5 INCOME LIMITS

To be eligible for assistance payments a family must have an adjusted family income which does not exceed the following limits:

Number in family	Income Limit
1	$ 6,480
2	$ 7,450
3 & 4	$ 8,800
5 & 6	$10,100
7 or more	$11,450

3.6 "ADJUSTED FAMILY INCOME" - Defined

As used in Section 3.5, "adjusted family income" shall include income during the last 12 months before taxes or withholding of all members of the family which propose to live in the units, excluding unusual or temporary income, except that $300 shall be deducted for each minor person (under 21 years of age excluding the mortgagor or his spouse) who is related by blood, marriage or operation of law; and who is living in the household. Unusual or temporary income may include 5% of total family income before deductions for social security, withholding, and similar deductions; or a part of overtime pay which will be discontinued, departure of a secondary wage earner, unemployment compensation which does not occur regularly, or other income which will be discontinued.

3.7 ASSET LIMITATIONS

Total assets cannot exceed $2,000 if the prospective mortgagor or cooperative member is under 62 years of age; or $5,000 if the applicant is 62 years of age or older. In addition to either amount, $500 may be added for each dependent, plus an amount equal to the applicant's share of the mortgage payment for one year. Those assets which are to be included in the computation of total assets are cash on hand, checking and savings accounts, bonds and stocks, and the equitable value of any real estate holdings.

3.8 CERTIFICATION OF INCOME

Income shall be certified on forms supplied by the Division. Where income bas been previously certified to the Federal Housing Administration, the Farmers Home Administration, or the State Housing Finance Agency, a copy of such certification may be supplied in lieu of a Division form. Income certification shall be attached to the Assistance Application.

3.9 SPONSORS

Subject to the approval of the Commissioner, the Director may select a sponsor to administer a program authorized under these Regulations. In order to be selected as a sponsor, the applicant shall submit to the Director an application containing the following information:

(a) the name and address of the applicant,

(b) the principal officers of the applicant, if the applicant is not an individual,

(c) a narrative description of the proposed program, its location, the methods by which the program will be publicized, the number of families which will be assisted, and the activities in the area which are causing displacement of individuals or families in need of assistance,

(d) administrative costs, if any, and

(e) such other information as the Director may require.

3.10 ADMINISTRATIVE COSTS

In order to qualify as a sponsor, the applicant must be established and functioning in a related field of housing. Each applicant will be expected to provide all required administrative services from its own resources. Where necessary, the Director may allow the use of not more than 5% of the total grant amount to pay for administrative services required by the program. This limit may be waived by the Director to avoid hardship, but in no event shall more than 10% of the total grant amount be used to pay for administrative services. If an applicant requests funds for administrative services, it must indicate in its application the amount to be paid by the Department and the amount to be contributed by the applicant. These amounts shall be shown by line items indicating salaries, office equipment and supplies, travel, and other expenses directly related to the administration of the program. Unless explicit need is shown no full time staff will be paid for entirely with funds supplied by the Department. The following positions, when justified, may be paid for in part by the Department.

(a) Program Coordinator

The program coordinator shall be responsible for implementing the program, establishing the filing system, soliciting recipients for assistance, and performing other duties necessary to insure the smooth operation of the program.

(b) Real Estate Advisor

It shall be the duty of the real estate advisor to act as consultant to recipients of the grant to insure that such recipients are not exposed to sharp practices. He shall provide other consultation services as required. Under no circumstances shall he represent the seller or receive any other compensation from any other source with respect to any property transaction undertaken or consummated under this program.

(c) Field Representative

It shall be the duty of the field representative to inform and counsel recipients of assistance in the methods and procedures required for obtaining assistance. He shall solicit lists of available dwellings from real estate agents, and he shall perform such other duties as may arise.

(d) Secretary

It shall be the responsibility of the secretary to maintain filing systems, type out forms for recipients of assistance, and perform other related tasks.

3.11 RESPONSIBILITIES OF SPONSORS

In consideration of the grant provided for by contract, the sponsor shall:

(a) Submit to the Division a monthly report as prescribed by the Division regarding activities of the sponsor.

(b) Maintain accounts, records, and documents as prescribed by the Department, which shall be subject to inspection or audit at all reasonable times by the Department.

(c) Publicize throughout the area to real estate brokers its interest in one and two family dwellings priced within the maximums established by these Regulations and invite submission by brokers of any such listings. Publication may be in a manner most suitable for this purpose, however, the sponsor shall submit to the State a narrative statement of what steps it has or will take to publicize as well as disclose a list of brokers who have been contacted or have provided listings to the sponsor.

(d) Locate and advise clients as to State and Federal programs.

(e) Inform purchasers that any funds advanced by the sponsor for homeownership assistance are to be returned to the sponsor if the property purchased with such assistance is conveyed by the purchaser to a third party within three years of said date of purchase. In that event, the funds advanced shall be returned to the Department based on the following schedule.

First Year	75%
Second Year	50%
Third Year	25%

If the purchaser conveys the property thereafter (i.e., after three years) the funds advanced need not be returned to the Department.

(f) Provide assurance, by establishing a second mortgage position or other method acceptable to the Department, that funds provided by the Department shall be returned where a purchaser of such funds conveys his interest within three years of purchase.

(g) Transfer the down payment assistance at the time of closing.

(h) Maintain separate accounts for all administrative expenses and separate accounts for all homeownership assistance funds. The names of the accounts shall be such that the source and purpose of the funds contained therein are clear. Under no circumstances shall a sponsor commingle funds supplied by the Department with its own.

3.12 ASSISTANCE APPLICATIONS

The assistance application shall contain the following information: The name of the husband and wife as well as the composition of their household. The annual family income during the last 12 months shall be itemized and shall include income from such sources as wages, retirement funds, welfare benefits, or other income. The cost of the dwelling to be purchased with the assistance shall be noted on the application as well as the amount of mortgage, down payment required, the term of the mortgage, the interest on the mortgage, and the monthly payments. The type of mortgage, such as 235, VA, FHA, or Farmers Home Administration will be noted on the form. The assets of all family members are to be recorded on the form and shall include cash on hand, cash in a checking or savings account, bonds and stocks, and the equitable interest in real estate. Assets such as automobiles and furniture and other personal items are not to be considered in determining the assistance. The purchaser's contribution will be calculated on the form and will be determined by the formula indicated in Subchapter 2. The State down payment assistance will be equal to the down payment minus the purchaser's contribution and shall be limited to $1,500. The application shall also contain a section for computing the monthly assistance provided for 235 purchases. The amount of legal closing costs provided shall be noted on the application by the Department. The application shall be signed and certified by the applicant and shall indicate the name of the person who prepared the application. The application must also indicate whether the potential recipient has been displaced by any State or local action, and the type of program which caused such displacement. Each application shall be approved by the Director before financial assistance is made available to the applicant.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action at the Division of Housing and Urban Renewal, 28 West State Street, Trenton, New Jersey 08618, on or before January 30, 1970.

The Commissioner of Community Affairs, 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.

Paul N. Ylvisaker, Commissioner
Department of Community Affairs

COMMUNITY AFFAIRS

THE COMMISSIONER

Rules Governing Contract Approval

ORDER TO CHANGE A RULE

Pursuant to the authority delegated at N.J.S.A. 52:27D-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, a rule of the Department of Community Affairs, the title and text of which follows, was adopted and filed with the Division of Administrative Procedure as R. 1969 d. 30, effective December 17, 1969.

A rule of the Department of Community Affairs, repealing its present regulation governing the approval of contracts and other commitments of funds.

1. The rule adopted by the Commissioner of the Department of Community Affairs effective August 11, 1969, and filed with the Secretary of State on August 9, 1969, governing the approval of contracts and other commitments of funds, is hereby repealed.
2. This rule shall take effect December 17, 1969.

Ordered at Trenton,
this 12th day of December,
1969.

Paul N. Ylvisaker, Commissioner
Department of Community Affairs

ORDER TO ADOPT A RULE

Pursuant to the authority delegated at N.J.S.A. 52:27D-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, a rule of the Department of Community Affairs, the title and text of which follows is hereby adopted, effective December 17, 1969.

A rule of the Department of Community Affairs, governing the processing of applications and contracts for State Aid grants and other financial assistance programs administered by the Department.

NEW JERSEY ADMINISTRATIVE CODE
TITLE 5. Department of Community Affairs
Subtitle A. Administration and General Provisions
Chapter 4. Rules of Administration
Subchapter 1. Contract Approval

5:4-1.1 Scope.

The rules contained in this Subchapter shall govern the issuance of all commitments and contracts for grants, loans, and personal services using funds available from State Aid appropriations or from Federal or private grants to the Department of Community Affairs, or to any agency thereof.

5:4-1.2 Authorized signature required.

No contract or other commitment of funds is final until it has been approved in writing by an officer of this Department authorized by law or by regulation to take such action.

5:4-1.3 Persons authorized.

The following officers are authorized to approve contracts or other commitments of funds:

a. The Commissioner of Community Affairs.
b. The Deputy Commissioner designated by the Commissioner pursuant to Section 5 of c.293, L. 1966 (N.J.S.A. 52:27D-5).
c. The director of the agency responsible for the administration of the assistance program, provided that the proposed contract has been authorized by the Commissioner in accordance with the provisions of this Subchapter.
d. The Director of the Division of Housing and Urban Renewal, for contracts and commitments of funds directly related to the State-Local Cooperative Housing Inspection program, using the State appropriation to the Department for "Code enforcement and housing inspection."
e. The Director of Administration, for contracts for personal services in amounts of less than $500.

5:4-1.4 Exception.

Nothing contained in this Subchapter shall be deemed to apply to the "Urbanaid" program administered by the Division of Local Finance pursuant to c.75, L. 1969.

5:4-1.5 Contract Authorization Request.

Prior to entering into a contract with any applicant, the director of the agency responsible for the administration of the assistance program shall submit a Contract Authorization Request to the Program Evaluation Section for transmission to the Commissioner. Such a request

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Community Affairs—Contracts—continued

shall be on a form determined by the Program Evaluation Section, and it shall be accompanied by a detailed work program and a line item budget.

5:4-1.6 Circulation of Contract Authorization Request:

The Program Evaluation Section shall send a copy of each Contract Authorization Request to each agency director for his information.

5:4-1.7 Contract review.

The Program Evaluation Section shall review and transmit the Contract Authorization Request to the Commissioner with its comments. The scope of such review may include the following considerations:

a. Consistency with the objectives of the assistance program,
b. Compliance with the terms of the State appropriation, and
c. Economical use of public funds.

5:4-1.8 Approval by the Commissioner.

The Commissioner or his Deputy shall signify his approval of the proposed contract by signing the Contract Authorization Request. After the proposed contract has been approved, the Program Evaluation Section shall return a copy of the approved Contract Authorization Request to the originating agency.

5:4-1.9 File copies.

The Program Evaluation Section shall file a copy of each approved Contract Authorization Request with the Division of Administration, the Office of Public Information, and the Deputy Attorney General assigned to the Department.

5:4-1.10 Effect of Commissioner's approval.

An approved Contract Authorization Request shall authorize the director of the agency to execute a contract with the applicant, subject to the following limitations:

a. The contract work program and line item budget shall be substantially the same as the authorized work program and line item budget.
b. The total contract amount shall be not less than 75% nor more than 105% of the authorized amount.
c. The contract must be fully executed within 90 days of the date of authorization.

The Director of Administration shall be responsible for the enforcement of the provisions of this section.

5:4-1.11 Letter of approval.

At the option of the originating agency, a letter of approval from the Commissioner to the applicant may accompany the Contract Authorization Request. The letter of approval shall be signed by the Commissioner or his Deputy upon approval of the Contract Authorization Request. A letter of approval shall signify a firm commitment by the Department to enter into a contract with the applicant. A letter of approval shall not authorize the applicant to expend funds or borrow money unless such authorization is clearly stated in the letter.

5:4-1.12 Amendments.

Amendments to contracts shall follow the procedure which governs the issuance of contracts; however, the director of an agency responsible for the administration of an assistance program may amend any contract regarding such program without the prior approval of the Commissioner, subject to the following limitations:

a. The contract as amended shall terminate not more than 9 months after the original termination date.
b. The contract amount as amended shall be not less than 75% nor more than 105% of the authorized amount.
c. The contract work program and line item budget as amended, shall be substantially the same as the authorized work program and line item budget.

The agency shall file a copy of each amendment with the Division of Administration and with the Deputy Attorney General assigned to the Department. The Director of Administration shall be responsible for the enforcement of the provisions of this section.

5:4-1.13 Interpretation of contracts.

Letters to applicants explaining the terms of contracts must be signed by the appropriate agency director. A copy of all such letters must be filed with the Division of Administration and with the Deputy Attorney General assigned to the Department.

Ordered at Trenton,
this 12th day of December,
1969.

Paul N. Ylvisaker, Commissioner
Department of Community Affairs

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Electrical Installations

In accordance with the provisions of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, this chapter was submitted to the Industrial Safety Committee as Proposed Safety Regulation No. 90, on March 25, 1969. Comments were received from the Committee on June 18, 1969. All of these recommendations were incorporated in the document which was submitted to public hearing.

After public hearing, the chapter was submitted to the Industrial Safety Board on September 12, 1969. The Board met on October 22, 1969 and after discussion elected not to exercise its right of veto.

FOREWORD

The potential dangers to life and property which might result from the misuse of electricity have been recognized by those involved with safety by the promulgation of the National Electrical Code, which has been published and revised periodically since 1897.

The need for enforcing good electrical practice is amply demonstrated by:

1. The fact that defective wiring and improperly installed electrical equipment is the second leading cause of fire in the United States.

2. Data from authoritative sources indicate that, in general, an alternating current of 0.1 ampere at commercial frequency (60 cycles) may be fatal if passed through the vital organs.

3. Estimations that a current value of 0.02 ampere is the limit at which an individual can still release himself from an object held by the hand. Such a current flow may readily be obtained in contact with low voltage sources of the ordinary lighting or power circuit.

Therefore, it is appropriate that there be an up to date Chapter of the New Jersey Administrative Code to Safeguard the worker with regard to electrical hazards in his place of employment.

The Chapter is promulgated by the Commissioner of Labor and Industry of the State of New Jersey under authority vested in him by Section 9 of the Worker Health and Safety Act, P.L. 1965, C. 154, N.J.S.A. 34:6A as follows:

The Commissioner shall make and promulgate rules and regulations reasonably necessary to implement the purposes of this Act. Such rules and regulations shall have the force and effect of law and shall be enforced in the manner provided in this Act. . . .

The same statute provides authority for the Commissioner to grant exceptions from the requirements of this Chapter in accordance with Section 23 as follows:

The Commissioner shall have the power and authority to grant exceptions from the literal requirements of rules and regulations promulgated under this Act. Such exceptions shall be granted in any particular case only where it is clearly evident that it is necessary to prevent undue hardship or where existing conditions prevent compliance. In no case shall any exception be granted unless in the opinion of the Commissioner reasonable protection of the health and safety of workers and the public will be maintained hereby. An application for an exception shall be filed in writing with the Commissioner, setting forth specifically the requirements of the rules and regulations from which an exception is desired and the reason why enforcement of the applicable provisions of the rules and regulations is unreasonable. The Commissioner shall grant or deny the exception within 30 days from the date of receipt by him of the application. The Commissioner shall maintain a record of all exceptions granted and shall make such record reasonably available for public examination and shall mail a copy of all rulings granting exceptions to the members of the board.

Prior to promulgation this Chapter was submitted to the New Jersey State Industrial Safety Committee, Public Hearing, and the New Jersey State Industrial Safety Board in accordance with requirements of the Act cited above.

All standards and publications, other than the Chapters of Title 12, N.J.A.C., referenced in this Chapter are available for inspection or purchase in accordance with Appendix A.

SECTION 1
GENERAL PROVISIONS

1.1 TITLE AND CITATION

1.1.1 For the purposes of the Department of Labor and Industry this Regulation shall be known as Chapter 162, Electrical Installations and may be cited as Chapter 162 of Title 12, N.J.A.C. or as N.J.A.C. 12:162-1 et seq.

1.2 PURPOSE

1.2.1 The purpose of this Chapter is the practical safeguarding of persons, buildings, structures, and their contents, from the hazards arising from the use of electricity for light, heat, power, radio, signaling and other purposes.

1.3 SCOPE

1.3.1 This Chapter applies to all electrical wiring and equipment used in places of employment subject to the Worker Health and Safety Act, P.L. 1965, Chapter 154, N.J.S.A. 34:6A, except as provided in 1.3.2.

1.3.2 This Chapter shall not apply to electrical wiring and equipment subject to the High Voltage Proximity Act, P.L. 1948, Chapter 154, and P.L. 1966, Chapter 261.

1.4 VALIDITY

1.4.1 Nothing in this Chapter shall be construed to prevent the enforcement of other Chapters of Title 12, N.J.A.C. which prescribe more restrictive requirements.

1.4.2 Should any section, paragraph, sentence, or word of this Chapter be declared invalid, such decision shall not affect the remaining portions of this Chapter.

1.5 EXISTING FACILITIES

1.5.1 Electrical wiring and equipment in use before the effective date of this Chapter may be continued in service unless the continued operation of such facilities constitutes a serious and substantial threat to the health and safety of employees.

1.5.2 Maintenance of existing electrical wiring and equipment shall be in conformance with this Chapter.

1.6 PLAN FILING

1.6.1 Plan filings for electrical wiring and equipment shall be in accordance with Chapter 110, Plan Filing of Title 12, N.J.A.C.

1.7.1 The effective date of this Chapter shall be May 1, 1970.

SECTION 2 — DEFINITIONS

APPROVED
Acceptable to the Commissioner. Devices having been tested and accepted for a specific purpose by a nationally recognized testing agency may be deemed acceptable.

BUILDING
A structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

BUREAU
Bureau of Engineering and Safety, Division of Labor, Department of Labor and Industry, State of New Jersey.

COMMISSIONER
Commissioner of the Department of Labor and Industry or his authorized representative.

DEPARTMENT
Department of Labor and Industry.

ELECTRICAL EQUIPMENT
Materials, fittings, devices, appliances, fixtures, apparatus and the like used as a part of, or in connection with, an electrical installation.

EMPLOYEE
Any person engaged in service to an employer for wages, salary or other compensation.

EMPLOYER
Any person or corporation, partnership, individual proprietorship, joint venture, firm, company or legal entity who engages the services of an employee and who pays his wages, salary, or other compensation; and any person exercising supervision of employees on an employer's behalf.

LABELED
Equipment or materials to which has been attached a label of a nationally recognized testing laboratory that maintains periodic inspection of production of labeled equipment or materials and by whose labeling is indicated compliance with nationally recognized standards on the conduct of tests to determine suitable usage in a specified manner.

LISTED
Equipment or materials included in a list published by a nationally recognized testing agency that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

NATIONALLY RECOGNIZED TESTING AGENCY
A laboratory such as the Underwriter's Laboratories, Inc., U.S. Bureau of Mines, Factory Mutual Laboratories or the American Gas Association Laboratories that lists, labels, or both lists and labels equipment or materials.

NFPA
National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110.

N.J.A.C.
New Jersey Administrative Code.

OWNER
Person possessing equitable title which is that person, corporation, partnership, individual proprietorship, joint venture, firm, company or other legal entity that has actual control over the premises used in whole or in part as a place of employment.

PLACE OF EMPLOYMENT
Any building or other premises occupied by an employer in or about which an employee is suffered or permitted to work.

PLAN FILING
Delivery in person or by mail; of applications, project data forms and when required, drawings, fees and related data to the offices of the Bureau of Engineering and Safety for approval and deposit in its records.

SHALL
Indicates a mandatory requirement.

STRUCTURE
An assembly of materials forming a construction for occupancy or use including among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, storage tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences, and display signs.

SECTION 3 — BASIC REQUIREMENTS

3.1 APPROVAL

3.1.1; All electrical wiring and equipment shall be approved.

3.2 COMPLIANCE WITH NATIONAL ELECTRICAL CODE

3.2.1 All electrical wiring and equipment shall comply with National Electrical Code, NFPA No. 70-1968, except as provided in 3.2.2 and 3.3.

3.2.2 Article 514 and 515 of National Electrical Code, NFPA No. 70-1968, shall not apply.

3.3 COMPLIANCE WITH OTHER CHAPTERS

3.3.1 Electrical wiring and equipment within the scope of other Chapters of Title 12, N.J.A.C. shall comply with the applicable Chapters of Title 12, N.J.A.C.

APPENDIX A
AVAILABILITY OF REFERENCED STANDARDS AND PUBLICATIONS

A.1 AVAILABILITY FOR INSPECTION

A copy of each of the standards and publications referenced in this Chapter is on file and may be inspected at the following office of the Bureau of Engineering and Safety between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

Bureau of Engineering and Safety
Department of Labor and Industry
John Fitch Plaza, Rm. 1103
Trenton, New Jersey

A.2 AVAILABILITY BY PURCHASE

Copies of the referenced standard or publication may be purchased from the organization listed below. The abbreviation preceding this standard or publication has the following meaning and is the organization issuing the standard or publication listed.

NFPA—National Fire Protection Association
60 Batterymarch Street
Boston, Mass. 02102

No. and Edition	Title	Price/Copy
NFPA No. 70-1968	National Electrical Code	$2.00

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LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Smoking in Manufacturing Establishments

In accordance with the provisions of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, this chapter was submitted to the Industrial Safety Committee as Proposed Safety Regulation No. 1, on February 14, 1969. Comments were received from the Committee on June 18, 1969. All of these recommendations were incorporated in the document which was submitted to public hearing.

After public hearing, the chapter was submitted to the Industrial Safety Board on September 12, 1969. The Board met on October 22, 1969 and after discussion elected not to exercise its right of veto.

FOREWORD

This Chapter of the New Jersey Administrative Code supersedes Bureau Safety Regulation No. 1 governing Smoking in Manufacturing Establishments, effective August 15, 1958.

This Chapter is promulgated by the Commissioner of Labor and Industry of the State of New Jersey under authority vested in him by Section 9 of hte Worker Health and Safety Act, P.L. 1965, c. 154, N.J.S.A. 34:6A as follows:

The commissioner shall make and promulgate rules and regulations reasonably necessary to implement the purposes of this act. Such rules and regulations shall have the force and effect of law and shall be enforced in the manner provided in this act . . .

The same statute provides authority for the commissioner to grant exceptions from the requirements of this Chapter in accordance with Section 23 as follows:

The commissioner shall have the power and authority to grant exceptions from the literal requirements of rules and regulations promulgated under this act. Such exception shall be granted in any particular case only where it is clearly evident that it is necessary to prevent undue hardship or where existing conditions prevent compliance. In no case shall any exception be granted unless in the opinion of the commissioner reasonable protection of the health and safety of workers and the public will be maintained hereby. An application for an exception shall be filed in writing with the commissioner, setting forth specifically the requirements of the rules and regulations from which an exception is desired and the reason why enforcement of the applicable provisions of the rules and regulations is unreasonable. The commissioner shall grant or deny the exception within 30 days from the date of receipt by him of the application. The commissioner shall maintain a record of all exceptions granted and shall make such record reasonably available for public examination and shall mail a copy of all rulings granting exceptions to the members of the board.

The Worker Health and Safety Act contains a penalty clause for violations of the Act in accordance with Section 19, which in part is as follows:

Any person violating any of the provisions of this act shall be liable to a penalty of not less than $25.00 nor more than $500.00 to be collected in a civil action by a summary proceeding under the Penalty Enforcement Law. N.J.S.A. 2A:58-1). Any violation of the act by an officer, agent or employee shall also be a violation of the act by his employer if such employer had knowledge of and actual control over the cause of such violation. Where the violation is of a continuing nature each day during which it continues, after the date given by which the violation must be eliminated in the order by the commissioner, shall constitute an additional, separate and distinct offense, except during the time an appeal from said order may be taken or is pending.

Prior to promulgation this Chapter was submitted to the New Jersey State Industrial Safety Committee, Public Hearing, and the New Jersey State Industrial Safety Board in accordance with requirements of the Act cited above.

All standards and publications, other than the Chapters of Title 12, N.J.A.C., referenced in this Chapter are available for inspection or purchase in accordance with Appendix D.

SECTION 1
GENERAL PROVISIONS

1.1 TITLE AND CITATION

1.1.1 For the purpose of the Department of Labor and Industry this Regulation shall be known as Chapter 161, Smoking and may be cited as Chapter 161 of Title 12, N.J.A.C. or as N.J.A.C. 12:162-1 et seq.

1.2 PURPOSE

1.2.1 The purpose of this Chapter is to control smoking in places of employment for the protection of life and property from fire and explosion by prescribing areas where smoking is prohibited and by establishing conditions under which smoking is permitted in certain areas.

1.3 SCOPE

1.3.1 This Chapter shall apply to every place of employment subject to the Worker Health and Safety Act, P.L. 1965, Chapter 154, N.J.S.A. 34:6A.

1.4 VALIDITY

1.4.1 Nothing in this Chapter shall be construed to prevent the enforcement of other Chapters of Title 12, N.J.A.C. which prescribe more restrictive requirements.

1.4.2 Should any section, paragraph, sentence, or word of this Chapter be declared for any reason to be invalid such decision shall not affect the remaining portions of this Chapter.

1.5 EFFECTIVE DATE

1.5.1 The effective date of this Chapter shall be May 1, 1970.

1.6 REPEAL OF PRIOR CHAPTER

1.6.1 N.J.A.C. 12:161-1 et seq., Smoking (Safety Regulation No. 1) effective August 15, 1958 is hereby repealed as a Chapter of the N.J.A.C.

SECTION 2 — DEFINITIONS

BUILDING

A structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind. See definition of STRUCTURE.

BUREAU

The Bureau of Engineering and Safety, Division of Labor, Department of Labor and Industry, State of New Jersey.

COMMISSIONER

Commissioner of the Department of Labor and Industry or his authorized representative.

EMPLOYEE

Any person engaged in service to an employer for wages, salary or other compensation.

EMPLOYER

Any person or corporation, partnership, individual proprietorship, joint venture, firm, company or legal entity who engages the services of an employee and who pays his wages, salary, or other compensation; and any person exercising supervision of employees on an employer's behalf.

EXTINGUISHER RATING (1A, 2A, 3A or 4A)

The classification and rating system used to designate a particular size of portable fire extinguisher for a Class A fire in accordance with Portable Fire Extinguishers, NFPA No. 10 — 1968. See Appendix C.

HAZARD

The potential degree of health, flammability or reactivity severity existing in the use and occupancy of a building or structure for the storage, sale, manufacture or processing of materials as classified below by Identification of the Fire Hazards of Materials, NFPA No. 704M — 1969. Specific materials are classified by Hazardous Chemicals Data, NFPA No. 49 — 1969 and Flammable Liquids, Gases and Volatile Solids, NFPA No. 325M — 1969.

EXTREME HIGH HAZARD

All uses primarily involving the storage, sale, manufacturing or processing of materials having a reactivity number of 4. See Appendix A.

HIGH HAZARD

All uses primarily involving the storage, sale, manufacturing or processing of materials having a health number of 4, 3, or 2; a flammability number of 4 or 3; or a reactivity number of 3 or 2. See Appendix A.

MODERATE HAZARD

All uses primarily involving the storage of materials having a health number of 1; a flammability number of 2 or 1; or a reactivity number of 1. See Appendix A.

LOW HAZARD

All uses primarily involving the storage of materials having a health number of 0; a flammability number of 0; or a reactivity number of 0. See Appendix A.

NFPA

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110.

N.J.A.C.

New Jersey Administrative Code.

OWNER

Person possessing equitable title shall mean that person, corporation, partnership, individual proprietorship, joint venture, firm, company or other legal entity that has actual control over the premises used in whole or in part as a place of employment.

PLACE OF EMPLOYMENT

Any building or other premises occupied by an employer in or about which an employee customarily is suffered or permitted to work.

SHALL

Indicates a mandatory requirement.

SMOKING

The carrying of lighted smoking material.

STRUCTURE

An assembly of materials forming a construction for occupancy or use including among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, storage tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences, and display signs.

SECTION 3 — CONTROL OF SMOKING

3.1 BASIC RULES

3.1.1 Smoking shall be prohibited in places of employment within the limits established by 3.2 of this Chapter.

3.1.2 Smoking shall be prohibited in any areas of places of employment where the Bureau upon investigation finds that smoking presents a serious and substantial threat to the health and safety of employees. Such areas shall be designated in writing by the Bureau.

3.1.3 The employer shall not permit an employee to smoke in areas prohibited by this Chapter.

3.1.4 The employee shall not smoke in any area prohibited by this Chapter and designated by his employer.

3.1.5 The employer shall notify the employee by posting on bulletin boards or by other acceptable means, of the specific areas of each building and structure where smoking is prohibited.

3.2 PROHIBITED AREAS

3.2.1 Except as provided in 3.2.2., smoking shall be prohibited within buildings, structures, or sections thereof, or in areas outside of buildings or structures under the following conditions.

(a) Within 100 feet of any occupancy classified as extreme high hazard.

(b) Within 50 feet of any occupancy classified as high hazard.

(c) Within 20 feet of any occupancy classified as moderate hazard.

(d) Within the hazardous areas as covered by Articles 511, 513, 514, 515, and 516 of N.J.A.C. 12:162-1 et seq., Electrical Installations, except as otherwise provided by 3.2.1(e).

(e) Within the areas described as hazardous locations by other Chapters of Title 12, N.J.A.C.

(f) Within the areas where ignition sources are prohibited by other Chapters of Title 12, N.J.A.C.

(g) In other areas designated by the employer or owner for fire prevention purposes.

3.2.2 Prohibited areas need not extend beyond unpierced vapor barriers, walls, roofs or other solid partitions. Such vapor barriers, walls, roofs or other solid partitions shall furnish the required travel distance.

3.3 ACCEPTABLE SMOKING AREA INSIDE OF BUILDINGS

3.3.1 Areas designated as acceptable smoking areas shall comply with 3.3.2 through 3.3.7.

3.3.2 Acceptable smoking areas shall be indicated by markings, signs, or otherwise visibly indicated.

3.3.3 Warning signs indicating "NO SMOKING BEYOND THIS POINT" or equivalent shall be posted at all exits from the acceptable smoking area into the prohibited area.

3.3.4 An adequate supply of ash trays, receptacles or approved cans for cigarettes, cigars, pipe dottle and matches shall be provided.

3.3.5 Where necessary, metal cans equipped with self-closing lids shall be provided for the disposal of paper and rubbish. Such cans shall be marked "RUBBISH DISPOSAL ONLY".

3.3.6 All signs required by 3.3 shall be posted in a conspicuous and appropriate location, be legible and in contrasting colors.

3.3.7 Portable fire extinguishers shall be available in the smoking area in accordance with Table 3.3.7.

TABLE 3.3.7

Minimum Extinguisher Rating — 1A
Maximum Travel Distance from Extinguisher to Smoking Area — 75 feet: Smoking Area to be Protected per Extinguisher — Less than 3,000 square feet.

Minimum Extinguisher Rating — 2A
Maximum Travel Distance from Extinguisher to Smoking Area — 75 feet: Smoking Area to be Protected per Extinguisher — 3,000 to 6,000 square feet.

Minimum Extinguisher Rating — 3A
Maximum Travel Distance from Extinguisher to Smoking Area — 75 feet: Smoking Area to be Protected per Extinguisher — 6,000 to 9,000 square feet.

Minimum Extinguisher Rating — 4A
Maximum Travel Distance from Extinguisher to Smoking Area — 75 feet: Smoking Area to be Protected per Extinguisher — 9,000 to 11,250 square feet.

3.4 SUPERVISION OF SMOKING

3.4.1 The employer shall be in responsible charge of the smoking program and shall exercise supervision over the items covered by 3.4.2 through 3.4.3.

3.4.2 Rules covering smoking privileges shall be published by the employer and posted.

3.4.3 All plant areas shall be inspected monthly by employer for compliance with this Chapter.

APPENDIX A
EXAMPLES OF DEGREE OF HAZARD

The following are examples of occupancies that could be classified under the various use groups defined under the definition of HAZARD:

EXTREME HIGH HAZARD (R-4)
Acetylene charging plants
Explosives manufacturing plants
Fireworks manufacturing plants
Methylethyl ketone peroxide storage
Pyrotechnics manufacturing

HIGH HAZARD (H-4, 3, or 2) (F-4 or 3) (R-3 or 2)
Gas processes utilizing hydrogen, natural gas, ammonia, chlorine, phosgene, hydrogen sulfide, or methylene oxide.
Cereal, feed, flour and grist or pulverizing mills.
Cryogenic storage of methane.
Distilleries.
Dusts creating severe explosion or toxic hazard.
Finishing operations with liquids with flash points below 100°F.
Gasoline bulk plants.
Grain elevators.
Hydrogenation processes.
Liquified petroleum gas charging and storage facilities.
Organic coating manufacturing operations.
Refineries and petro-chemical processes.
Waste paper shredding or sorting.
Whiskey warehouses.

MODERATE HAZARD (H-1) (F-2 or 1) (R-1)
Lumber yards.
Paper warehouses.
Public garages.
Tire warehouses.
Warehouses for storage of liquids with flash points over 100°F.

LOW HAZARDS (H-0) (F-0) (R-0)
Asbestos.
Food products.
Glass.
Metals except magnesium.
Porcelain and pottery.
Talc and soapstones.

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Labor and Industry—Smoking—continued

APPENDIX B
EXPLANATORY MATERIAL ON NFPA 704M SYSTEM

The information contained within Appendix B is derived from explanatory material on the NFPA 704M system. The following paragraphs summarize the meanings of the numbers in each hazard category and explain what a number should tell personnel about protecting themselves where the hazard exists.

HEALTH

In general, health hazard is that of a single exposure which may vary from a few seconds up to an hour. The physical exertion demanded in fire fighting or other emergency conditions may be expected to intensify the effects of any exposure. Only hazards arising out of an inherent property of the material are considered. The following explanation is based upon protective equipment normally used by fire fighters.

4. Materials too dangerous to health to expose fire fighters. A few whiffs of the vapor could cause death or the vapor or liquid could be fatal on penetrating the fire fighter's normal full protective clothing. The normal full protective clothing and breathing apparatus available to the average fire department will not provide adequate protection against inhalation or skin contact with these materials.

3. Materials extremely hazardous to health but areas may be entered with extreme care. Full protective clothing, including self-contained breathing apparatus, coat, pants, gloves, boots, and bands around legs, arms and waist should be provided. No skin surface should be exposed.

2. Materials hazardous to health but areas may be entered freely with self-contained breathing apparatus.

1. Materials only slightly hazardous to health. It may be desirable to wear self-contained breathing apparatus.

0. Materials which on exposure under fire conditions would offer no hazard beyond that of ordinary combustible material.

FLAMMABILITY

Susceptibility to burning is the basis for assigning degrees within this category. The method of attacking the fire is influenced by this susceptibility factor.

4. Very flammable gases or very volatile flammable liquids. Shut off flow and keep cooling water streams on exposed tanks or containers.

3. Materials which can be ignited under almost all normal temperature conditions. Water may be ineffective because of the low flash point.

2. Materials which must be moderately heated before ignition will occur. Water spray may be used to extinguish the fire because the material can be cooled below its flash point.

1. Materials that must be preheated before ignition can occur. Water may cause frothing if it gets below the surface of the liquid and turns to steam. However, water fog gently applied to the surface will cause a frothing which will extinguish the fire.

0. Materials that will not burn.

REACTIVITY (Stability)

The assignment of degrees in the reactivity category is based upon the susceptibility of materials to release energy either by themselves or in combination with water. Fire exposure was one of the factors considered along with conditions of shock and pressure.

4. Materials which (in themselves) are readily capable of detonation or of explosive decomposition or explosive reaction at normal temperatures and pressures. Includes materials which are sensitive to mechanical or localized thermal shock. If a chemical with this hazard rating is in an advanced or massive fire, the area should be evacuated.

3. Materials which (in themselves) are capable of detonation or of explosive decomposition or of explosive reaction but which require a strong initiating source or which must be heated under confinement before initiation. Includes materials which are sentitive to the thermal or mechanical shock at elevated temperatures and pressures or which react explosively with water without requiring heat or confinement. Fire fighting should be done from an explosive resistant location.

2. Materials which (in themselves) are normally unstable and readily undergo violent chemical change but do not detonate. Includes materials which can undergo chemical change with rapid release of energy at normal temperatures and pressures or which can undergo violent chemical change at elevated temperatures and pressures. Also includes those materials which may react violently with water or which may form potentially explosive mixtures with water. In advanced or massive fires, fire fighting should be done from a safe distance or from a protected location.

1. Materials which (in themselves) are normally stable but which may become unstable at elevated temperatures and pressures or which may react with water with some release of energy but not violently. Caution must be used in approaching the fire and applying water.

0. Materials which (in themselves) are normally stable even under fire exposure conditions and which are not reactive with water. Normal fire fighting procedures may be used.

APPENDIX C
EXPLANATORY MATERIAL ON CLASS A PORTABLE FIRE EXTINGUISHER RATINGS

The basic type of fire considered in this chapter as the one most likely to be involved with is the Class A fire. A Class A fire is a fire in ordinary combustible material such as wood, cloth, paper, rubber and many plastics.

Portable fire extinguishers are classified for use on certain classes of fires and rated for relative extinguishing effectiveness at a temperature of plus 70 degrees Fahrenheit by nationally recognized testing laboratories. This is based upon the classification of the fire and the fire extinguishing potentials as determined by fire tests.

The classification consists of a LETTER which indicates the class of fire on which an extinguisher has been found to be effective preceded by a rating NUMERAL which indicates the relative extinguishing effectiveness.

The classification and rating is found on the label of Underwriters' Laboratories, Inc., which is affixed to the extinguisher.

For example an extinguisher rated and classified as 4-A indicates that it is suitable for a Class A fire and that it would extinguish approximately twice as much Class A fire as a 2-A (2½ gallon water) extinguisher.

Extinguishers classified as B, C, or D and with even higher ratings than as required by this chapter will not comply. The reason for this is that the Class B extinguisher is for fires in flammable liquids, gases, greases; the Class C extinguisher is for fires which involve energized electrical equipment where the electrical nonconductivity of the extinguishing medium is of importance; and Class D extinguishers for fires in combustible metals, such as magnesium, titanium, zirconium, sodium, and potassium. It is not these types of fires that we expect in a smoking area.

APPENDIX D
AVAILABILITY OF REFERENCED STANDARDS AND PUBLICATIONS

D.1 AVAILABILITY FOR INSPECTION

A copy of each of the standards and publications referenced in this Chapter is on file and may be inspected at the following office of the Bureau of Engineering and Safety between the hours of 9:00 A.M. and 4:00 P.M. on normal working days.

Bureau of Engineering and Safety
Department of Labor and Industry
John Fitch Plaza, Rm 1103
Trenton, New Jersey

D.2 AVAILABILITY BY PURCHASE

Copies of the referenced standards and publications may be purchased from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning and are the organizations issuing the standards and publications listed.

NFPA—National Fire Protection Association
60 Batterymarch Street
Boston, Mass. 02110

No. and Edition	Title	Price/Copy
NFPA No. 10-1968	Portable Fire Extinguishers	$1.00
NFPA No. 325M-1969	Flammable Liquids, Gases and Volatile Solids	$3.25
NFPA No. 49-1969	Hazardous Chemicals Data	$2.50
NFPA No. 704M-1969	Identification of Fire Hazards of Materials	$0.75

LAW AND PUBLIC SAFETY

POLICE TRAINING COMMISSION

Rules of the Commission

Notice is hereby given that on December 12, 1969, Leo A. Culloo, Executive Secretary of the Police Training Commission, pursuant to authority of N.J.S.A. 52:17B-71 (h) and 17B-71.7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., adopted as Chapter 1 of Title 13 of the New Jersey Administrative Code the following rules of the Police Training Commission.

CHAPTER 1—RULES OF THE POLICE TRAINING COMMISSION

SUBCHAPTER 1—DEFINITIONS

13:1-1.1 DEFINITIONS

As used in this chapter:

"Applicant" means an individual selected by a governmental agency to attend a course of study at an approved school.

"Approved school" means a school approved and authorized by the Police Training Commission to give a police training course.

"Certification" means a written statement testifying to the qualification of an approved school or instructor.

"Commission" means the Police Training Commission or officers or employees thereof acting on its behalf.

"County training committee" means those individuals serving on a committee concerned with the administration and operation of an approved school within their county.

"Curricula" includes the subjects required by the Commission as well as the total learning experience.

"Departmental director" means the individual designated as the administrator of a law enforcement unit.

"Instructor" means an individual certificated by the Police Training Commission to teach at an approved school.

"Law enforcement unit" means any police force or organization in a municipality or county which has by statute or ordinance, the responsibility of detecting crime and enforcing the general criminal laws of this State.

"Police officer" means any employee of a law enforcement unit other than civilian heads thereof, assistant prosecutors and legal assistants, special investigators in the office of the county prosecutor as defined by statute, persons appointed pursuant to the provisions of N.J.S.A. 40:47-19 and persons whose duties do not include any police functions.

"Scholarship recipient" means the individual selected by the Police Training Commission to receive a specific gift of money to pursue part-time study in an institution of collegiate grade which offers a college curriculum leading to or accreditable toward an undergraduate baccalaureate or associate degree.

"School director" means the individual selected by a County Training Committee or departmental director to administer the operation of an approved school.

"Subject" means a specific course of instructions within the curriculum required by the Commission.

"Trainee" means an individual undergoing training at an approved school.

"Training coordinator" means an individual selected to coordinate training activities in his respective county.

SUBCHAPTER 2—CERTIFICATION FOR APPROVED SCHOOLS

13:1-2.1 TYPES OF CERTIFICATION

There shall be two types of certification:

(a) Continuing certification shall be made of approved schools offering police training on a regular basis. A continuing certificate shall be in effect until surrendered or revoked.

(b) Temporary certification shall be made of training programs offering specialized courses on a one-time basis. A temporary certification shall be issued for the period of the proposed training course or courses but shall not exceed one year from the date of certification at which time certification must be renewed.

13:1-2.2 APPLICATIONS FOR APPROVAL

Any recognized law enforcement unit, or combination of law enforcement units or state law enforcement unit desiring to establish an approved school offering curricula by the Commission shall make written application to the Commission indicating the specific need for such training, the type of certification desired and a statement providing that the agency will adhere to the standards for training established by the Commission.

13:1-2.3 PUBLIC NOTICE OF APPLICATION; FORM

The unit filing the application with the Commission shall give public notice to all law enforcement units in the county wherein the school will be located in the following form:

REQUEST FOR APPROVED SCHOOL CERTIFICATION

Date:.....

Take notice that ..... has applied
(Name of Agency)
to the Police Training Commission for a.....
(type of certificate)
certificate for the conducting of police training and to maintain a police training academy at.....
(Site of School)

Objections, if any, should be made within 15 days of this notice in writing to the Executive Secretary, Police Training Commission, 1100 Raymond Boulevard, Newark, N. J. 07102.

.....
(Name of Law Enforcement Unit)
.....
(Address of Law Enforcement Unit)

13:1-2.4 HEARING ON APPLICATION; EXCEPTION

The Executive Secretary, upon receipt of a written objection duly signed by the departmental director of a law enforcement unit shall afford a hearing to all interested parties and forthwith notify the requesting unit and the objector of the date, hour and place thereof, except that a hearing need not be held on the application if no objection has been lodged by a departmental director of a law enforcement unit within the county.

13:1-2.5 INSPECTION AND CERTIFICATION

Certification of training school will be made by the Commission acting on information supplied by the Executive Secretary based upon on-site inspections conducted by Commission staff members. Such inspections will be conducted according to the guidelines established in Commission Form PTC-13 "Inspection for Certification of Police Training School" (N.J.A.C. 13:1-10.1) which covers the following major areas:

(a) Training Administration
(b) Instructors staff
(c) Adherence to approved curriculum and training program
(d) Facilities
  1. classrooms
  2. firing range
  3. physical drill
  4. office and storage
  5. library
(e) Audio-Visual and other training aids
(f) College affiliation

13:1-2.6 REVOCATION OF CERTIFICATION; APPEAL

Certification may be revoked by the Commission whenever a school is deemed inadequate. In such event, the sponsoring agency of said school and the head of each department whose trainees attend the school shall be notified of the proposed revocation by the Commission. The school may be recertified by the Commission when it deems the deficiencies have been corrected.

13:1-2.7 APPEALS

Prior to denying certification or revoking any certification, the Commission shall give written notice of its proposed action to the applicant or certificate holder, as the case may be. Appeal may be made to the Commission upon filing a written notice of appeal with the Executive Secretary within 5 days of the receipt of such notice. Upon receipt of a notice of appeal, the Executive Secretary shall schedule a hearing on such appeal and shall give the appellant at least 5 days' written notice of the date, hour and place thereof. Appeals shall be conducted in the manner prescribed by Subchapter 9 hereof.

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Law and Public Safety—continued

SUBCHAPTER 3—INSTRUCTOR CERTIFICATION

13:1-3.1 TYPES OF CERTIFICATION

For the purposes of certification, all approved police training subjects will be designated as either professional or general in nature. Professional subjects include subjects clearly of a police nature, i.e., firearms, patrol, investigation, etc. General subjects include emergency treatment of sick and injured, civil defense, etc.

13:1-3.2 REQUIREMENTS

No certification shall be issued to any instructor who does not possess the following minimal qualifications as to training and experience:

(a) Certification to teach professional subjects
1. Law Enforcement Experience:
A minimum of 5 years of law enforcement experience.
2. Education:
A minimum of high school graduation or the equivalent.
3. Completion of an Instructor's Training Course approved by the Commission.

(b) Certification to teach general subjects
1. At least 3 years of experience in the subject area.
2. Recommendation of the school director.

13:1-3.3 WAIVER OF REQUIREMENTS

Waiver of instructor training requirements will be authorized by the Commission only under unusual circumstances and upon written application by a school director.

13:1-3.4 APPLICATION FOR CERTIFICATION

Application for instructional certification and for renewal of certification shall be made to the Commission and shall be accompanied by the endorsement of a Law Enforcement Unit Director and the School Director.

13:1-3.5 RENEWAL

Instructional certification will be issued for a period of 18 months. At the end of this period certificates may be renewed if the instructor has participated in an approved training school program during the period of the certificate.

SUBCHAPTER 4—POLICE OFFICER CERTIFICATION—BASIC TRAINING

13:1-4.1 REQUIREMENTS

No certificate shall be issued to any trainee unless the following requirements have been complied with:

(a) The trainee must be a full-time officer in a law enforcement unit located within the State.

(b) The trainee must complete the training program within the one-year statutory requirement.

(c) The trainee must have undergone a fingerprint check and a background investigation check.

(d) The trainee must, in addition to successfully completing the curricula established by the Commission, also complete any additional subjects required by the training school.

(e) The trainee must achieve a minimum averaged score of 70% in all written examinations.

(f) The trainee must achieve a minimum qualifying score in the revolver firing test.

(g) The trainee must comply with all rules and regulations of the approved school.

(h) The trainee must participate in no less than 90% of the basic training program.

SUBCHAPTER 5

POLICE OFFICER CERTIFICATION—IN-SERVICE TRAINING

13:1-5.1 REQUIREMENTS

No certificate shall be issued to any in-service trainee unless that officer has complied with the following requirements:

(a) The officer must be a full-time officer in a law enforcement unit located within the State.

(b) The officer must successfully complete the required course of study.

(c) The officer must participate in no less than 90% of the training course.

SUBCHAPTER 6

BASIC COURSE

13:1-6.1 COMMISSION TO SPECIFY MINIMUM COURSE

Each Commission approved school will offer a minimum course of basic instructions as specified by the Commission.

13:1-6.2 NOTICE OF INTENT TO OFFER BASIC TRAINING COURSE

Notification of intent to offer a basic training course and the proposed basic training curricula must be submitted to the Commission for approval at least 4 weeks prior to the start of the course.

13:1-6.3 RETENTION OF RECORDS

All required records shall be maintained and retained at the school and available to the Commission for inspection.

13:1-6.4 ATTENDANCE REQUIRED OF PROBATIONARY APPOINTEES; EXCEPTIONS

Every municipality shall authorize attendance at an approved school by persons holding a probationary appointment as a police officer, and every municipality shall require that no person shall hereafter be given or accept a permanent appointment as a police officer unless such person has successfully completed a police training course at an approved school; provided, however, that the Commission may, in its discretion, except from the requirements of this section any person who demonstrated to the Commission's satisfaction that he has successfully completed a police training course conducted by any federal, state or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

13:1-6.5 REQUESTS FOR WAIVER

Requests for waiver of basic training requirements shall be made by the law enforcement unit director to the Commission. All such requests shall be determined by the Commission on an individual basis.

13:1-6.6 FINGERPRINTING AND INVESTIGATION OF APPLICANTS

Prior to acceptance at a State approved school, every applicant shall be fingerprinted and copies of such fingerprints shall be forwarded to the New Jersey State Police Bureau of Identification and the Federal Bureau of Investigation, Washington, D.C. for clearance. An investigation will also be made into the applicant's background to ascertain his qualification to become a police officer.

13:1-6.7 NOTIFICATION TO COMMISSION OF APPOINTMENTS OF POLICE OFFICERS

Notification of appointment as a police officer in a law enforcement unit in this State shall be made directly to the Commission by the clerk of any municipality or county that falls within the jurisdiction of the Police Training Act within 30 days of such appointment.

13:1-6.8 STATE QUALIFYING CERTIFICATE

Upon successful completion of the training course, the trainee shall receive a State qualifying certificate.

13:1-6.9 INSTRUCTORS REQUIRED TO BE CERTIFIED

No person shall act in the capacity of instructor unless certification for instruction has been granted by the Commission.

SUBCHAPTER 7

SCHOOL DIRECTORS

13:1-7.1 DUTIES

(a) The school director shall be responsible for the overall administration of the school subject to the direction of a county training committee or departmental director.

(b) The school director shall be responsible for the preparation of a training schedule in conjunction with a county training committee or departmental director.

(c) The school director shall be responsible for the promulgation of such rules and regulations governing the operation of the school and the conduct of trainees that are consistent with Commission regulations. (Note: A copy of said rules and regulations shall be supplied to the Commission and the Commission shall be promptly advised of any revisions.)

(d) The school director shall be responsible for the examination of the credentials of all applicants for basic training to verify that they meet Commission standards and requirements.

(e) The school director shall be responsible for the maintenance and subsequent submission to the Commission of all forms within the required time periods.

(f) The school director shall be responsible for the maintenance of discipline and good order at the school and for immediate notification to the Commission and the departmental director of any breach of conduct on the part of a trainee.

(g) The school director shall be responsible for examination of the credentials of all instructors. He shall verify, prior to the commencement of classes, that all police instructors have been certified by the Commission.

(h) The school director shall report immediately the unauthorized absence of a trainee to the trainee's departmental director.

(i) The school director shall submit to the Commission a copy of each examination given at the school.

(j) The school director shall immediately advise the Commission on the prescribed forms when a trainee has failed or resigned from the program stating therein the reasons for such action.

(k) The school director shall be responsible for the administration of the school in order that all directives and regulations promulgated by the Commission are adhered to by the school and trainees.

SUBCHAPTER 8[1]

POLICE SCHOLARSHIPS

13:1-8.1 GRANTING AND APPROVAL

Scholarships shall be awarded by the Commission on the basis of a state-wide competitive examination conducted by the Commission.

The granting of undergraduate scholarships to policemen shall be subject to the review and approval of the governing body of the municipality or county, consistent with State law. However, no scholarship shall be granted under any such program to any person who is not a full-time policeman, nor shall a leave of absence be granted to any scholarship recipient for educational purposes. A scholarship recipient may be given consideration by the governing body of the municipality or county as to work assignments and hours, but no other preferential treatment shall be given to him.

13:1-8.2 AMOUNT AND SCOPE

Each undergraduate scholarship granted pursuant to the program shall entitle the recipient thereof to an amount which will be determined by the Commission. The undergraduate scholarship may be used for part-time study in any institution of collegiate grade which offers a college curriculum leading to or accreditable toward an undergraduate baccalaureate or associated degree and which is accredited by the State Board of Higher Education.

13:1-8.3 LENGTH OF SCHOLARSHIPS

Each undergraduate scholarship shall be for a period of no more than 4 academic years. However, scholarships may be awarded on a partial basis for the prorated cost per credit hour, but a recipient must complete his course of studies within 8 calendar years.

13:1-8.4 ONLY PERMANENT FULL-TIME POLICE OFFICERS ELIGIBLE

No person shall be eligible for a Commission scholarship unless he is a permanent full-time police officer in a municipal or county police organization.

13:1-8.5 MINIMUM SERVICE REQUIREMENTS

Applicants for scholarship awards must have a minimum of one year and nine months of police service at the time the scholarship examination is conducted.

13:1-8.6 MAXIMUM AGE

Applicants for scholarship awards must not have attained the age of 50 years at the time the scholarship examination is conducted.

13:1-8.7 APPROVAL BY GOVERNING BODY

Applicants for scholarship awards must submit written evidence of the approval of such awards by their governing bodies.

13:1-8.8 ACCEPTANCE BY COLLEGE

Applicants for scholarship awards must present written evidence of their acceptance at a college which is accredited by the State Board of Higher Education.

13:1-8.9 CONTINUED ELIGIBILITY—ACADEMIC AVERAGE

Continual eligibility for scholarship support will be based on the applicant's maintenance of an overall academic average of "C" in his program. Applicants must submit evidence of this academic average once a year as prescribed by the Commission.

13:1-8.10 TERMINATION UPON LEAVING POLICE SERVICE IN NEW JERSEY

A scholarship shall be terminated by the Commission upon its receipt of notice that the recipient is no longer engaged as a police officer in this State.

SUBCHAPTER 9

APPEALS

13:1-9.1 NOTICE OF APPEAL

All appeals to the Commission shall be by a notice of appeal to the Executive Secretary setting forth the subject matter of the appeal, the relief sought and the grounds therefor.

13:1-9.2 SERVICE OF NOTICE

The appellant shall first serve a copy of the notice of appeal upon the respondent authority. The notice of appeal, together with an acknowledgment or affidavit of service, shall be filed with the Executive Secretary forthwith.

13:1-9.3 TIME FOR APPEAL

Appeals from the action of a school authority must be taken within 30 days from the date of the action appealed from.

13:1-9.4 ANSWER

Within 10 days after service of the notice and petition of appeal, each respondent shall file an answer with the Executive Secretary and serve a copy thereof on each of the parties to the appeal. The answer filed by the respondent issuing authority shall include a statement of the grounds for its action.

13:1-9.5 NOTICE OF HEARING

Upon the filing of the notice and petition of appeal at least 5 days' notice of the time and place fixed by the Executive Secretary for the hearing of the appeal shall be given to the appellant and the respondent issuing authority.

13:1-9.6 APPEALS DE NOVO; BURDEN OF PROOF

All appeals shall be heard de novo, except as otherwise provided in section 13:1-9.8 hereof, and the parties may introduce oral testimony and documentary evidence, but the burden of establishing that the action of the respondent issuing authority was erroneous and should be reversed shall rest with the appellant.

13:1-9.7 APPEALS OPEN TO PUBLIC; EXCEPTION

All appeals shall be heard at the Police Training Commission and shall be open to the public, unless otherwise directed by the Executive Secretary.

13:1-9.8 APPEAL ON AGREED STATEMENT OF FACTS

Where none of the material facts is disputed, the appeal may be presented, subject to the approval of the Commission, upon an agreed statement of facts. Where there is available a stenographic transcript of the proceedings before the issuing authority, either party may, if at least 3 days notice of intention to do so has been given to opposing parties, or counsel therefor, offer the transcript of testimony of any witness or witnesses named in a said notice in lieu of producing said witness or witnesses at the hearing of the appeal. In such event, any opposing party may subpoena such witness or witnesses to appear personally and any party may produce any additional evidence, oral or documentary, at the hearing of the appeal. Subject to the approval of the Commission, the parties may agree to present the appeal solely upon such stenographic transcript.

13:1-9.9 SUBPOENAS

Subpoenas and subpoenas duces tecum, signed by the Executive Secretary for the attendance of witnesses or the production of books, records and other documents at the hearing on the appeal, may be obtained by the parties upon request to the Executive Secretary.

13:1-9.10 FAILURE

The failure of the appellant to appear at the time and place designated for the hearing of an appeal shall be cause for the dismissal of the appeal, and upon failure of the respondent to appear at such time and place, the Commission may permit the appellant to proceed ex parte.

13:1-9.11 CONDUCT OF HEARING

Hearings shall be conducted by the Executive Secretary or a duly designated hearer. Each party may be represented by an attorney admitted to practice in the courts of this State and shall have the right to present his case by oral and documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Testimony shall be taken stenographically and transcribed in each case. Each party shall be afforded the opportunity to present argument, either orally before the hearer immediately upon the close of

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Law and Public Safety—continued

the evidence, or by written brief. Oral argument shall be limited to 15 minutes for each party, unless the hearer shall otherwise order. Briefs, if any, shall be submitted within the time fixed by the hearer. In cases where a hearer's report is not to be prepared, such fact shall be announced by the hearer at the close of the evidence. In other cases, the hearer shall, upon receipt of the transcribed record and briefs, if any, prepare a report containing recommended conclusions and order and file the original with the Commission and forthwith transmit a copy, either personally or by mail to the parties or their attorneys. Within 10 days of the receipt of the report each party may file written exceptions and argument with the Commission together with proof of service of a copy thereof upon the other parties or their attorneys. Within 5 days after such service, answering argument may be filed with the Commission together with proof of service of a copy thereof upon the other parties or their attorneys. With respect to objectors appearing without an attorney, the provisions relating to the hearer's report shall apply only to one or more of such objectors as shall be designated by the hearer for such purpose. Except as otherwise provided herein, no oral argument may be had before the Commission unless, on their own motion, the Commission decides to hear oral argument and notifies the parties or their attorneys of the date and place fixed therefor.

The hearer's report shall not be binding upon the Commission and the Commission's decision may, in whole or in part, adopt, modify or reject the report, provided, however, that no material change in the result recommended by the hearer shall be made by the Commission without first affording the parties or their attorneys an opportunity to present oral argument before the Commission. The decision of the Commission shall be in the form of a written opinion setting forth the conclusions together with supporting reasons therefor, and their order, if any. A copy of the opinion shall be mailed forthwith to the parties or their attorneys.

Any of the provisions of this rule relating to the presentation of his case or argument, or to the procedure in connection with the hearer's report, may be waived by any party or his attorney.

13:1-9.12 RELAXATION OF RULES

The Rules herein contained shall be considered as general rules governing the conduct of appeals and, since they are designed to facilitate the hearing of appeals and advance justice, they may be relaxed or dispensed with by the Commission in any case where a strict adherence to them will result in injustice.

SUBCHAPTER 10

FORMS

13:1-10.1 INSPECTION FOR CERTIFICATION OF POLICE TRAINING SCHOOL (PTC-13)

POLICE TRAINING COMMISSION PTC-13
INSPECTION FOR CERTIFICATION
OF
POLICE TRAINING SCHOOL

Name of School
Address Phone

I. TRAINING ADMINISTRATION
- A. Name and rank of the School Director
  1. Qualification
- B. Comments on staff
- C. What is the chain of command?
- D. Is Police Training a full-time assignment for the School Director?
- E. List collateral duties and percentage of time devoted to each duty.
- F. Is school open to all departments?
  1. Will accept a maximum of outside trainees per class.
  2. Class fee if any $
- G. What agencies have tralnees regularly participating in school's Basic Course?

II. INSTRUCTOR STAFF
- A. Selection of instructors
  1. Are qualifications recorded in writing?
  2. Is selection based upon formal recommendations of School Director or training advisory committee?
  3. Who actually selects the instructor?
- B. Qualifications for instructors
  1. Are general law enforcement subjects and procedures taught by certified instructors?
  2. Are all instructors certified by the Commission or eligible for such certification?
  3. What formal teacher training is required of the instructors?
     Practice?
  4. Methods used to determine each instructor's teaching effectiveness:
     a) Are periodic evaluations of instructor's teaching ability made by the Director and/or other qualified instructors?
     b) Are student-instructor evaluation sheets used?
  5. Total number of certified instructors available
     a) Number of full-time police officers
     b) Others (Number, agency, and comments)

III. CURRICULUM
- A. Do attached course descriptions meet Commission requirements?

IV. SCHOOL HOURS AND CAPACITY
- A. How many trainees can be trained per year?
- B. How many times per year will the full Basic Course be taught?
- C. What is maximum size of each class?
- D. What are the school hours?
- E. Do school hours plus law enforcement assignment exceed eight hours per day?
  If yes, explain
- F. What other approved training will be offered?

V. FACILITIES
- A. Type of buildings
  1. General description
  2. Age of buildings
  3. Does building permit operation under all weather conditions?
     a) Proper heating?
     b) Proper ventilation?
     c) Air conditioning?

VI. CLASSROOMS
- A. Number of classrooms available.
- B. Are classrooms and training areas adequately lighted?
- C. Measurement of classrooms and maximum seating.
- D. Type of classroom furniture
  1. Student desk chairs
  2. Chairs & tables
  3. Benches & tables
  4. Otber (describe)
  5. Is classroom furniture adequate?
- E. Are acoustics Excellent .... Good .... Fair.... Poor .... Inadequate ....
  Results of tests of sound equipment:
  1. Is sound system available?
  2. Is it used properly?
  3. Describe any classroom distractions
- F. Are restrooms adequate?
- G. It is required that buildings and classrooms be inspected for compliance with local and State fire and safety regulations.
  1. Date of last fire marshall's inspection and inspector's name:

     _____ _____
     (date) (name)
- H. Does classroom have any other assets or liabilities affecting its use for instructional purposes?
  Assets:
  Liabilities:

VII. FIREARMS
- A. Location of range
  1. Distance from classroom
  2. Travel time
  3. Who provides transportation?
     Comment
- B. Range permits following shooting courses:
  1. Bullseye Target: .... yard .... yard .... yard
     a) Maximum number of positions
  2. Silhouette: .... yard .... yard .... yard
  3. Is regulation P.P.C. used?
     a) Maximum number of lanes
  4. Describe any other practical shooting courses and capacity
  5. Describe continuous program
- C. Range Safety
  1. Are range rules posted and enforced?
  2. Is a qualified range master present at all times?
     Comment
  3. Are safety precautions established and adhered to in the storage of ammunition?
  4. Will backstop contain bullet and prevent ricochets?
  5. Safety record last 10 years

VIII. DEFENSIVE TACTICS AND PHYSICAL DRILL*
- A. Location
- B. Distance from classroom
- C. Is space and equipment adequate for the course?
- D. Travel time
- E. Who provides transportation?
- F. Are showers and dressing rooms provided?

*Note if there are also provisions for safe driving training, field investigations techniques, underwater rescue training, etc.

IX. OFFICE AND STORAGE SPACE
- A. Does training staff have adequate office for counseling and administrative duties?
- B. Is clerical assistance adequate?
- C. Is proper space provided for storage of administrative training supplies and equipment?
- D. Is bulletin board provided for school administrative announcements?

X. LIBRARY
- A. Does school maintain a library for the use of trainee?
- B. Does library contain adequate copies of standard reference material?

XI. TRAINING AIDS
- A. Training aids available
  1. Projector and screen
     a) 35 MM slides
     b) 16 MM movie
  2. Over head projector
  3. Is chalk board adequate?
  4. Are flip boards used?
  5. Is flock or magnetic board used?
  6. Are easels or other stands available to properly display visual aids?
  7. Is opaque projector used?
  8. Are tape recorders available?
  9. Are charts, enlarged photographs, scale models and other aids used?
  10. For how many courses are student outlines or study guides distributed?
  11. Comments

XII. COLLEGE AFFILIATION
- A. With what college, if any, is this school affiliated?

SUBCHAPTER 11

ADMINISTRATIVE MANAGEMENT SERVICES

13:1-11.1 COUNSELING SERVICES

(a) Upon the written request of a municipality, the Commission shall provide a counseling service to such municipality for the purpose of improving the administration, management or operations of the municipal police department and may assist such municipality in implementing improved practices and techniques.

(b) The request for such assistance shall be signed by the mayor of the municipality and its chief of police, except that where the municipality does not bave an organized police department, the signature of the mayor will suffice.

(c) Requests for surveys of consolidation and pooling of police services shall require the signatures of the mayor and chief of police of each municipality making the request.

An order adopting these rules was filed and became effective December 12, 1969 as R. 1969 d. 26.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

Pension Increase Program

Notice is hereby given that on December 5, 1969 William J. Joseph, Director of the Division of Pensions of the Department of Treasury, pursuant to authority of Chapter 169, of the Laws of 1969, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 5214B-1 et seq., adopted changes in the rules relating to the Pension Increase Program (N.J.A.C. 17:1-91 through 17:1-95) as set forth in the Notice of Proposed Changes in the Rules of the New Jersey Division of Pensions, Department of the Treasury, published October 30, 1969 at 1 N.J.R. 10 (a).

An order adopting these changes was filed and became effective December 19, 1969 as R. 1969 d. 34.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Sales Tax Bureau

Linen Rentals

Pursuant to authority of N.J.S.A. 54:32B-24 and N.J.A.C. 18:24-97.8 and in accordance with the applicable provisions of the Administrative Procedure Act of 1968, an amendment to a rule of the Sales Tax Bureau, Division of Taxation, was adopted, effective December 23, 1969.

Title

An Order Extending a Rule Relating to Taxability of Certain Linen Rentals (N.J.A.C. 18:24-97.8)

N.J.A.C. 18:24-97.8 is amended as follows (additions indicated in bold face thus; deletions in brackets [thus]:

6. This ruling is effective for the six-month period ending [December 31, 1969] **June 30, 1970.**

Ordered at Trenton, New Jersey this 23rd day of December, 1969.

Sidney Glaser, Acting Director
Division of Taxation
R. J. Costigan, State Supervisor
Sales Tax Bureau

Note: The above order was filed and became effective December 23, 1969, as R. 1969 d. 36 (Exempt, Practice Rules).

(c)

TREASURY

DIVISION OF TAXATION

Sales Tax Bureau

Vending Machine Sales

Pursuant to authority of N.J.S.A. 54:32B-24 and N.J.A.C. 18:24-97.6 and in accordance with the applicable provisions of the Administrative Procedure Act of 1968, an amendment to a rule of the Sales Tax Bureau, Division of Taxation, the title and text of which follows was adopted, effective December 22, 1969.

Title

An Order Extending a Rule Relating to Coin-operated Vending Machine Sales at Ten Cents (10¢) or Less (N.J.A.C. 18:24-97.6)

N.J.A.C. 18:24-97.6 is amended as follows (additions indicated in bold face thus; deletions in brackets [thus]:

5. Thus ruling expires [December 31, 1969] **June 30, 1970** unless further extended.

Ordered at Trenton, New Jersey this 22nd day of December, 1969.

Sidney Glaser, Acting Director
Division of Taxation
R. J. Costigan, State Supervisor
Sales Tax Bureau

Note: The above order was filed and became effective December 22, 1969, as R. 1969 d. 35 (Exempt, Practice Rules).

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(a)

TREASURY

STATE HEALTH BENEFITS COMMISSION

Dependents and Children Defined

Notice is hereby given that on December 5, 1969 William J. Joseph, Secretary of the State Health Benefits Commission of the Department of Treasury, pursuant to authority of N.J.S.A. 52:14-17.27, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., adopted an amendment to (N.J.A.C. 17:9-20) "Dependents and Children Defined" as set forth in the Notice of Proposed Changes in the Rules of the New Jersey State Health Benefits Commission, Division of Pensions, Department of the Treasury, published October 30, 1969 at 1 N.J.R. 10 (b). An order adopting this amendment was filed and became effective on December 19, 1969 as R. 1969 d. 33.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

FIRST STAGE OF MASTER PLAN

Guide, Highlights and Summary

On November 27, 1969 (at 1 NJR 17(b)) the Hackensack Meadowlands Development Commission issued notice of its intention to adopt the First Stage of the Master Plan for the comprehensive development of the Hackensack Meadowlands District pursuant to the authority delegated to it at N.J.S.A. 13:17-1 et seq. (P.L. 1968, c. 404). This First Stage of the Master Plan is in the form of four draft resolutions of the Commission. These were the subject of public hearings conducted on January 6, 1970 in Bergen County Court House, Hackensack, and at 10 a.m. on January 7, in the Hudson County Court House, Jersey City. The Commission has issued a guide to the First Stage of the Master Plan summarizing the content of these four draft resolutions. That summary is published here to provide greater detail regarding the intentions of the Commission.

Copies of the full text of the proposed resolutions may be obtained upon written request directed to the Secretary of the Commission at either of the two following offices of the Commission:

Room 206
363 West State Street
Trenton, New Jersey
or
Room 221
1100 Raymond Boulevard
Newark, New Jersey

Notice is reiterated that in addition to statements received at the scheduled public hearings, the Commission will also accept written statements which are received by it prior to January 17, 1970. Such statements will be included in the record and will be given full consideration by the Commission.

It is further reiterated that after full consideration of all written and oral submissions respecting the proposed resolutions, the Hackensack Meadowlands Development Commission, upon its own motion, may thereafter adopt, in the manner provided for by N.J.S.A. 13:17-1 et seq. (P.L. 1968, c. 404), the resolutions substantially as proposed without further notice.

Leon S. Wilson, Director
Division of Administrative Procedure
Department of State

GUIDE TO THE FIRST STAGE MASTER PLAN HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

* A Statement of the goals and objectives of the Meadowlands District Master Plan.

* Facts and figures on the district's recent history of land use and absorption, projected land requirements for development over the next two years, and probable location of development from 1969 to 1971.

* Definition and description of "planning areas" and "development areas," with criteria for selection of the planning areas and a map showing where they are.

* Discussion of physical conditions of the Meadowlands, reclamation schemes, and engineering standards.

* Introduction to: District Interim Zoning Regulations. District Subdivision Regulations.

* Subsequent Stages of the Master Plan.

* * *

HIGHLIGHTS OF THE FIRST STAGE MASTER PLAN HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

* An average of 188 acres of land per year were developed in the District from 1964 to 1969. Total development was 942 acres, of which 883 were for industrial uses, 36 for commercial, 6 for residential and 17 for public buildings (the new post office in Kearny).

* The Commission projects that in each of the next two years, about 225 acres of land will be developed for industry and commerce.

* The First Stage of the Master Plan sets forth approximately 2,500 acres of land into which this development will be channeled.

* Some 10,000 acres of low-lying, largely undeveloped and strategically located Meadowlands, including major transportation interchanges and the entire river frontage, are being temporarily withheld from development because it is in these areas that the greatest range of options for future development lie. These are also the areas least effectively developable without the benefit of prior large-scale reclamation.

* Development occurring within the District over the next two years will have to conform to Commission engineering standards and to the interim zoning regulations, subdivision regulations, and building code for the district.

* The Commission has followed the directive of the Legislature to adopt its Master Plan in stages so that economic and employment growth of the District can continue while the plan is progressing, but in such a way that valuable options for reclamation and development are not foreclosed. This method also avoids the dangers inherent in the adoption of an ill-conceived or poorly coordinated Master Plan.

SUMMARY OF THE FIRST STAGE MASTER PLAN HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

The first two articles of the resolution present background material on the problems of Meadowlands development and how these problems have been addressed by the Hackensack Meadowlands Reclamation and Development Act. The first article points out that difficult physical problems, the difficulty in devising a viable comprehensive development plan, the need for an administrative agency with the necessary powers to prepare and carry out the plan, riparian title uncertainty, and complicating man-made conditions have been the key constraints upon comprehensive development until now. The second article explains the powers of the Hackensack Meadowlands Development Commission to deal with these problems, namely to adopt engineering standards for the district;promulgate and implement a Master Plan, in stages, with accompanying codes and standards; and to work in cooperation with the federal government and local governments to achieve the planning, reclamation and development of the district.

The third article contains the gist of the first stage master plan. After an introduction and a brief statement of the goals and objectives of the master plan, results of the Commission's recent research are presented, showing, with the aid of detailed maps, the amount, locations, and kinds of development of land that took place in the Meadowlands District from 1964 to 1969; projected land requirements for various kinds of development over the next two years; and the probable locations of development projected to occur from 1969 to 1971. These locations are determined according to the three main factors that have set development patterns in the past: Relatively higher elevations, better soils and easier road access. The Commission's estimates show that in the next two years, approximately 225 acres of land per year can be expected to be developed for industry and commerce.

The Commission has delineated about 2,500 acres of vacant land as "development areas," into which the development during the next two years would be channeled, subject to the new requirements of the Commission's interim zoning regulations, subdivision regulations and building code for the Meadowlands District, which are parts of this first stage plan and will be discussed below. These areas are selected for short-term development because they fall in and among existing developments which have already determined the future character of these areas. Short of a major redevelopment effort, these areas offer minimal choices in any land use plan that the Commission may ultimately adopt. In general, these "development areas" present the best opportunities in terms of elevation, soil conditions and access. They are lands which are least dependent upon extensive reclamation processes as a precondition for development, and least likely to interfere with evolving reclamation plans. This amount of land will be more than adequate to accommodate any foreseeable amount of development during the next two years — in fact, it could accommodate ten years' worth of development at current rates.

The Commission has also designated approximately 10,000 acres of land as "Planning areas," which are for a variety of reasons considered strategic to the reclamation and the overall planning and development of the District. Among these reasons are:

(1) Uncertainty of future land use;

(2) Inclusion of a large proportion of undeveloped land;

(3) Inclusion of fragmented and under-utilized land;

(4) Proximity to major transportation facilities and interchanges;

(5) Proximity to major natural resources;

(6) Strong probable influence on overall development; and

(7) Presence of large land areas which allow latitude for planning.

The Legislature has charged the Commission with preparing and implementing a plan for the most satisfactory development of the Meadowlands District. The charge to plan inherently implies the availability of multiple choices for development. The "planning areas" are critically important to the successful achievement of this legislative mandate. Since their character has not yet been established through prior development, and since they are capable of sustaining various land uses, they present the widest variety of options for future use. In addition, because of their large size and key locations, such as river frontage, it is important to preserve these planning areas intact in their present state until the final reclamation and drainage plan has been determined and until a comprenensive land use plan has been adopted for the entire district.

The Commission, in delineating land within the District into planning and development areas, is seeking to accomplish two important purposes. It is fostering the continued economic growth of the region. At the same time, it is safeguarding the key areas within the District from the kind of premature development that would nullify the reclamation and land use plans, even as they were being prepared.

Engineering standards are also established within the third article of the resolution. After outlining existing conditions within the district pertaining to geology and soils, topography, tidal action and river flows, ground water, interior drainage, navigation, and water pollution; and discussing some approaches to flood protection and reclamation; the Commission sets forth engineering standards pertaining to flood protection, drainage, and structures for the development areas described above. The Commission points out that, even though a definitive reclamation scheme for the District has not yet been decided upon, there is a sufficient basis for making engineering judgments in the development areas, though not in the planning areas, since the former areas, being generally of higher elevation at the perimeter of the district and already partially developed, present less complex reclamation problems, are less likely to have a major effect upon the district's ecology, and are already somewhat equipped with public services. The engineering standards require, among other things, adequate controls against flooding, protection of all waterways and neighboring properties, proper fill and foundation practices, special precautions for construction on old landfills, and no further pollution of air and water.

Separate resolutions within the first stage plan provide for district zoning regulations, district subdivision regulations, and a district building code, all in accordance with legislative directives to the Commission.

The zoning regulations set forth five zoning classifications for all land in the development areas. The planning areas constitute a classification by themselves. To the greatest possible extent, the classifications for the development areas follow existing municipal zoning regulations and land uses. These interim regulations will expire upon promulgation of the definitive version of the district zoning regulations, which will be part of the second stage of the Master Plan, or two years after the interim regulations are adopted and promulgated, whichever occurs first. The Commission's purpose in adopting interim zoning regulations is to carry out the legislative intention to commence regulation of development within the District with the least possible delay.

The subdivision regulations have been tailored to meet the special engineering problems confronting development in the district, and are in accordance with the engineering standards established elsewhere in the resolution. They will provide the adequate roads, drainage facilities and water and sewer systems within the District.

The District building code is based on the Standard Building Code of New Jersey, which is already in use by several of the 14 municipalities within the District. A special section on foundations was added because of the difficult foundation problems caused in the Meadowlands by soil conditions and drainage problems. The code is consistent with the engineering standards of the District, and to the maximum extent with building requirements of the municipalities.

The Legislature authorized the Commission to adopt its Master Plan in portions. Article 5 of the Meadowlands Act explicitly states that the plan "may include proposals for various stages in the future development of the District." Accordingly, the Commission has now adopted the First Stage of the plan, as described above, to enable the orderly development of portions of the district to proceed while the remainder of the plan is formulated. The First Stage concentrates upon the needs of the next two years, since the Commission anticipates that its comprehensive land use plan will be adopted within that period.

Besides the land use plan, other plans, programs and standards to be included within subsequent stages of the Master Plan include the following:

District Zoning Regulations (definitive)
Final Reclamation and Drainage Plans
Pollution Abatement Program
Solid Waste Disposal Program
Transportation Plan
Housing and Redevelopment Plan
Natural Resource Conservation Plan
Capital Improvements and Public Facilities Program
Recreation and Open Space Plan.

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THE NEW JERSEY REGISTER

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A Publication of the State of New Jersey

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THURSDAY, FEBRUARY 5, 1970

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EXECUTIVE

GOVERNOR RICHARD J. HUGHES

Eighth Annual Message to the Legislature, January 13, 1970

Mr. President, Mr. Speaker and Members of the Senate and General Assembly:

In 1966, as I assumed my second term of office, I said to the people and the Legislature of New Jersey that "we have too long been hidden in the shadows of great cities to the east and west, too long a mere corridor without our own identity, too long rich in private wealth but poor in public services, too long afraid to come to grips with our own destiny."

I believe that we in New Jersey, during the past eight years, have indeed come to grips with that destiny. I believe that we have fought hard and well for the best interests of our people. We have laid a solid foundation on which the new administration can and, I am confident, will work for greatness for this State in the 1970's.

Consider for a moment how the face of New Jersey has changed during these eight tumultuous years.

Excellence in Education

Consider the proud signs of our progress toward excellence in all phases of education:

—a new Department of Higher Education.

—a five-fold increase in expenditures for higher education.

—a four-fold increase in students enrolled in our public institutions of higher learning.

—two new State colleges authorized.

—two new medical schools in operation.

—a trebling of State aid for education to more than $300 million.

—a crucial emergency school building aid program.

—the Urban Education Corps.

—the historic Educational Opportunity Fund.

—the Public Broadcasting Authority.

—thirteen community colleges now enrolling almost 30,000 students.

—the Educational Facilities Authority.

Progress in Other Fields

Consider some other features that now identify New Jersey—features unknown in 1962:

—a great Department of Community Affairs and Housing Finance Agency.

—a great Department of Transportation.

—the strongest air and water pollution control laws in the nation.

—implementation of the crucial Green Acres bond issue.

—the historic Hackensack Meadowlands Reclamation and Development Act, the key to a massive development problem that had defied solution for 300 years.

—prevention of the giveaway of 400,000 acres in tidelands in which the State has a substantial interest.

—a Moral Recommitment to the urgent needs of our hardest-pressed citizens and communities.

—laws authorizing a statewide grand jury, witness immunity, wiretapping, a State Commission of Investigation, and strong action against loansharking and waterfront crime, together with an increase in the number of State Police from 903 to 1,568.

—the toughest gun control law in the nation.

—a great public defender system.

—a long and historic series of reforms to benefit the working men and women of New Jersey and to safeguard the human rights of all our citizens.

—voter approval of nearly $1.4 billion in bonds, beyond annual appropriations, to forge ahead with unprecedented progress in our construction and improvement of institutions, colleges, highways, commuter railroads, and water pollution control and conservation facilities.

These are a few of the actions we have taken together for all the people of New Jersey, including the one million souls who have joined our ranks since I took office. These are some of the reasons for my belief that we have together established a new and proud identity for New Jersey and created the basis for excellence in the 1970's.

Essential Action on Pending Programs

The new administration will soon be calling on this Legislature to act on important new programs for New Jersey. At the same time I respectfully call your attention to a series of legislative proposals that I have put forward repeatedly without success. I consider their prompt passage as important now as when I first recommended them.

I urge your reconsideration and enactment of the following measures:

Consumer Protection and Law Enforcement

1. The twenty-three remaining essential consumer protection bills contained in my Bill of Rights for New Jersey Consumers. These measures are essential to the well-being of both legitimate businessmen and the public-at-large, and there should be no further delay in their enactment.

2. The various anti-crime measures contained in my 1968 and 1969 legislative messages that you have not yet enacted. While our drive against crime in all its forms has been advanced by numerous programs that I have signed into law—including measures relating to the State Commission of Investigation, wire-tapping, witness immunity, the statewide grand jury, loansharking, and waterfront crime—I consider action on my additional anti-crime proposals essential to a still more vigorous war on crime.

I therefore urge once again, in the strongest terms, prompt passage of the intrastate anti-trust law that would protect honest businessmen against the intrusion of organized crime into legitimate business through extortion, intimidation, monopolization, or collusion. I also urge prompt passage of the bills I have proposed to regulate the garbage collection and disposal industry so as to eliminate alleged price gouging and collusion and to remove criminal elements from this industry.

Moreover, I urge prompt passage of the wiretap amendments I have suggested in order to ensure that effective legal wiretapping will not only serve as a crucial tool in the war on crime but will also provide the necessary safeguards for personal liberties that are lacking in the present law. I also call your attention once again to my proposal for a Division of Criminal Justice, with a strong organized crime unit, that would establish the same relationship with the State Police that now exists between the U.S. Attorney's office and the F.B.I. In addition, I urge passage once again of a companion measure to create full-time prosecutors.

Narcotics Control and Education Measures

3. Several crucial narcotics control measures that you have declined to consider to date. These include the civil commitment program for juvenile narcotics offenders; the accelerated expenditure of $6 million from the 1968 bond issue for construction or acquisition of appropriate facilities for the treatment of non-criminal addicts; and the establishment of a select and specially trained group of parole-probation officers to supervise and guide discharged addicts upon their return to the community.

4. A doubling of the emergency school construction program from $90 million to $180 million. Already 55 New Jersey communities have received assistance under this program, and authorization of an additional $90 million—as I first requested in my Moral Recommitment message of 1968—will provide direct and immediate aid to 62 districts.

5. Creation of a municipal bond bank, which through State assistance would provide both a short- and a long-term solution to the crushing borrowing cost and debt management problems of our municipalities.

6. Creation of a general state authority, under strict controls by both the executive and legislative branches, to help finance those capital projects—such as construction of sewage treatment plants—for which bond financing represents the most economical and efficient approach.

Municipal Aid and Land Use

7. Passage of my municipal aid program, which is based on a fair and equitable increase in the bank stock and financial business taxes. There can be no doubt of the pressing need for this program or of the fairness of its revenue aspects. And I have repeatedly indicated my willingness to accept any fair distribution formula.

Your decision to delay this program has already meant the loss of $27 million in new State aid to our communities. I urge you to take action so that its benefits can begin to flow immediately to our communities and their citizens.

8. A state land use act to ensure, through improved balance in land development and renewal, that we will benefit from growth rather than be victimized by it.

Health and Water Policy

9. Creation of a Division of Health Care Administration in the Department of Health to attack with utmost vigor the grave problem of skyrocketing health costs. In view of the recent increase in Blue Cross rates I commend this proposal to your attention once again with the greatest urgency.

10. Rationalization of State water policy through the creation of a water plan development board and water board of arbitration.

11. Revision of the process of pressing claims against the State along the lines I have set forth.

Conflict of Interest and Seasonal Worker Measures

12. Adoption of a strong conflict of interest law pursuant to my conditional veto message of Senate Bill #707 of 1969. The provisions of my message with reference to local officials and dealings of legislators with State agencies are especially critical and must be included in any meaningful conflicts legislation. I also call your attention to my proposal for tighter control of lobbying activities.

In acting on the conflicts problem the Legislature should also give careful consideration to establishing appropriate guidelines for State and local administrators for dealing with business concerns, the principals of which have been indicted or convicted of criminal offenses. Government should be in a position where it deals only with legitimate business enterprises. We have witnessed in recent years, however, convictions of individuals holding positions of responsibility in national corporations as well as the indictment of principals in smaller concerns. Obviously a blanket disqualification of all business concerns who may

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Governor Hughes' Eighth Annual Message—continued

have employed a wrongdoing executive cannot be justified. The governmental administrator, however, should have guidelines clearly enunciated by the Legislature to assist him in making appropriate judgments when confronted by these circumstances.

13. Measures relating to the rights of seasonal farm workers with respect to transportation safety, collective bargaining and visitation.

Election Law Reform

14. Essential revisions in our election law with reference to mandatory use of voting machines in all counties; mandatory mobile neighborhood registration; a longer registration period; improved absentee voting provisions; and the creation of a State supervisor of elections.

With respect to participation in our political process, I must point out to you once again that it is nothing short of scandalous that more than 1.2 million persons in this State who are eligible to vote, or about 25% of the total, are not registered. The measures I have urged to broaden political participation would help remedy this intolerable condition. It is your solemn duty to work not for constriction of this participation but for its expansion. I therefore ask you to accord action on these measures the highest priority.

CRUCIAL ISSUES FOR THE NEW LEGISLATURE

Above and beyond your prompt consideration of this important pending business I commend your attention to several issues that will weigh heavily on the quality of life in this State during the year and the decade ahead.

A State Income Tax

You are fully aware that a major tax decision awaits this Legislature. Indeed, you were fully aware one year ago that the pressing budget requirements of State government could not be ignored. As I told you in my budget message of last February:

"You should keep in mind that if this Legislature successfully avoids a basic tax decision, that decision certainly will be forced upon future Legislatures."

Notwithstanding my revenue proposals of last year, you chose to avoid that basic tax decision by accelerating existing revenue collections and increasing "nuisance" taxes.

In place of a forthright and realistic tax solution you opted for a one-year expedient—the accelerated collection of taxes on corporate income and net worth, motor fuels, and alcoholic beverages. To complement this bookkeeping device, which brought no real new revenue to the State, you raised motor vehicle driver and registration fees.

But successful avoidance last year means hard decisions this year. As Governor-elect Cahill warned on October 20, the budget deficit resulting from this reluctance to face fiscal facts last year could well approximate $200 million. And the actual budget that Governor Cahill will present next month may require a still larger infusion of new revenues.

The choices before you are relatively simple. You can, if you choose, increase the sales tax and remove exemptions from it. But simple logic demonstrates that such action would represent the same kind of temporizing as your decision of last year. Moreover, such changes in the sales tax would only compound its present unfairness and cruelty to those least able to pay—the poor, the elderly, and those who are on pensions or fixed income.

Need for Revenues

Since 1964 I have advocated without success the enactment of a graduated income tax as the fairest and most effective means of raising essential State revenues. The need for these revenues now is even greater than when I first proposed an income tax:

—Medicaid, now in only its first month, is bound to reflect increasing health care costs in future years and should be expanded in any event.

—The Bateman Commission report on State support of local schools reflects a growing consensus for greater State aid and should be implemented.

—Institutions and colleges approved in the 1968 bond issue must be staffed and equipped.

—Our municipalities demand and must receive greater State assistance if local government is to perform essential services.

—The cost of maintaining existing levels of public services will continue to increase.

The graduated income tax is preferable to an increase in the sales tax for many reasons:

—It taxes citizens on the basis of their ability to pay.

—It produces greater revenue and is more responsive to economic growth and inflation.

—It is easily collected, tied as it is to federal income tax returns.

—State income tax payments are 100% deductible from federally taxable income.

Tax Reform

New Jersey's antiquated tax structure must be reformed. By relying so heavily on the local property tax, we force on the homeowner and the small businessman an unfair share of the cost of public services. Moreover, the local property tax creates grave inequities among New Jersey communities. The tax reform required by these circumstances will not be achieved merely by increasing the sales tax or by removing certain exemptions. The only hope for assisting our homeowners is to enact the graduated income tax I have long urged.

Enactment of an income tax is also required if we are to remove other inequities that now weigh on our tax system. Proposals for tax relief for the elderly, fair State payments to municipalities in lieu of taxes, and other useful and deserving reforms simply cannot be put into effect without the reliable replacement revenue that an income tax would provide.

This Legislature has a unique opportunity to respond to New Jersey's pressing fiscal needs. I strongly urge you to accept the fair and responsible course—enactment of an income tax. I urge you just as strongly to avoid cruel and unfair adjustments in the sales tax that will only result in failure to meet unquestioned public needs and the inevitable imposition of an income tax at a later date.

In short, I ask you to use your great power for the good of the people and to set New Jersey's fiscal house in order.

Election Law Reform: Campaign Finance

I have already advised you of my strong hope that you will enact my proposals of last year to broaden political participation in this State. I call your attention as well to a basic defect in our approach to campaign finance. Our laws governing campaign spending promote evasion and hypocrisy by setting unrealistic limits. As you know, the Election Law Revision Commission is to report in April on recommended changes in these laws, and I urge your prompt consideration of them.

At the same time I urge you to amend our election laws to require full public disclosure of all campaign contributions and expenditures. Public confidence in the integrity of men and women in politics can be assured only when the possibility or appearance of purchased influence is removed.

At the same time, we should encourage support for political candidates from a far broader spectrum of citizens. Accordingly, I urge you to work with our Congressional delegation to raise again in Congress the question of a federal income tax deduction for campaign contributions of limited size by private citizens and, if and when you enact a State income tax, to include within it a similar provision.

The Equal Time Problem

Another issue that will require federal action is the availability of free prime television time to candidates for public office. Present law on this question, which requires equal treatment for all candidates, including frivolous ones, makes the allocation of such free public service time most difficult. The limits on television appearances by candidates thus imposed deprive the public of an excellent opportunity to study candidates and issues at first hand and induce major party candidates to rely for exposure on extraordinarily expensive television advertising.

I therefore urge you to lend your full support to efforts to revise the equal time provision so as to place before the public, in prime time, the major party candidates and those independent candidates who enjoy a more substantial base of electoral support than is now required.

I also ask you to encourage our new Public Broadcasting Authority to extend the maximum possible coverage to political campaigns and affairs of government, including, for example, the sessions of this very Legislature. For government in this way will become closer to the people and will be the better for it.

The decade ahead will require of political figures a higher degree of responsiveness to public needs than ever before. And it will require of our citizens a greater degree of participation in and concern for public matters than we have ever known. The reforms I propose are essential to meet these needs of the 1970's.

Audits of Municipal Budgets

I call your special attention to my proposal of last year to vest in the Division of Local Finance of the Department of Community Affairs the same kind of powers held by the General Accounting Office, the agency employed by Congress in the oversight of federal programs. The performance audits contemplated in this measure would be extremely useful in determining the efficiency and effectiveness of local government services. Moreover, they would contribute to increased confidence in local government and greater public willingness to face needs whose legitimacy is clearly established. A related measure to subject county and municipal authorities to a state audit also merits your immediate approval.

These actions, together with a sharp upgrading of the responsibilities of the State auditor, as recommended by the Vieser Commission, will provide the taxpaying public with reliable assurance that tax dollars are being spent wisely and honestly by both state and local governments. I urge your immediate action on these measures.

Education: Handicapped Children and Illiteracy

Continued progress in education at all levels will require your close attention to and support of the programs of the Departments of Education and Higher Education. I call your attention as well to important legislative action in two areas:

1. I urge you to support the forthcoming proposals of Senator Beadleston to expand the scope of the historic Beadleston laws that now help about 25,000 handicapped school children each year. Senator Beadleston is rightly concerned, for example, with the need to develop methods to discover children with suspected handicaps at an earlier age and to keep track of their development so that our schools can anticipate and respond to needs well ahead of time. The Rubella epidemic of 1963 and 1964, which resulted in a severe loss of hearing for a tragically large number of children, is a case in point.

In this connection I urge you to authorize the Department of Health to provide aid to mounicipalities to initiate a statewide program of immunization shots against German Measles, or Rubella, for all school children.

I also call your attention to the need to mandate special education for all handicapped children at an earlier age and to lengthen the school year for them. Such action may require both increased State aid and additional regional facilities, especially for children who are brain damaged, multiply handicapped, or suffering from severe hearing loss. I ask you to support Senator Beadleston's proposals in this crucial field.

2. I urge you to make New Jersey the first state in the nation to recognize as a matter of legislative policy the right of all citizens to read. The U. S. Commissioner of Education has stated that hundreds of thousands of adult citizens are caught in the mire of illiteracy and thousands of young men and women are graduated from high school each year even though they are effectively illiterate. Commissioner Allen has urged that we accept the elimination of this illiteracy as a fundamental national goal in the 1970's, and I ask you to insist that New Jersey will lead the way in this essential drive.

Success in this effort will require far more money, expertise, and concern than are now being concentrated on this grave educational problem. I ask you to sort out our priorities and place first things first. I ask you to make it possible for the 1970's to be remembered as the time when New Jersey, through a quiet revolution in our public schools and a great expansion in our school programs for adults, erased forever the blight and shame of illiteracy.

Capital Punishment

More than five years have elapsed since a majority of the members of the New Jersey Commission to Study Capital Punishment recommended that the death penalty be retained. That recommendation should now be reviewed in light of legislative and judicial developments both in this country and throughout the civilized world. I propose that a joint executive and legislative Commission be constituted for this purpose.

Among the many factors that such a Commission should consider are the following:

1. Whether the abolition or severe restriction of the death penalty in the 13 states of the United States and the more than 30 foreign countries where it has occurred has resulted in increased criminal activity or greater hazard to the public, or particular segments of the public, such as policemen and prison guards.

2. Whether there is some deterrent effect to the death penalty notwithstanding statistics which disclose that the rate of homicides is not higher in jurisdictions which have abolished it than in ostensibly similar jurisdictions which retain the penalty.

3. Whether any deterrent which the death penalty may have presented is not thoroughly dissipated by seemingly interminable legal delay in the execution of sentence and the apparent tendency toward de facto abolition of the penalty.

4. Whether the death penalty and/or the delay in its execution (one New Jersey inmate has spent more than 12 years on death row) result in cruel and unusual punishment in light of evolving societal standards.

I view the study here proposed as urgent notwithstanding the fact that cases pending before the U.S. Supreme Court raise serious questions concerning the constitutionality of death penalty statutes. Assuming the Court finds the imposition of capital punishment constitutionally permissible under existing procedure or under procedures to be devised, it will not have answered the question of the social utility of the death penalty. That question should be answered by the Commission after careful and dispassionate analysis, bearing in mind that the State should not exact the life of any person, no matter how depraved, unless there is clear evidence that the taking of life is necessary to further an essential social end.

A New Housing Policy

As you well know, it is increasingly difficult for New Jersey families to find the decent, adequate, and safe housing they seek. Fully one-fourth of all our housing units are substandard. High interest rates, rapidly rising construction costs, and ever more limited availability of land have slowed housing construction dramatically in the last four years. While New Jersey should be constructing 100,000 new houses annually to replace dilapidated units and to meet population growth, we are building only about 40,000.

Some important action is being taken. In just a few years, New Jersey has become one of the nation's leaders in devising and carrying out housing programs. The Housing Finance Agency has constructed or approved for construction 3,800 apartment units worth more than [illegible] million. The State has joined with federal agencies in seeking new, cost-reducing construction and financing methods. Despite our efforts, the gap between supply and need is growing.

As a first step in devising a new housing policy, the Legislature should commit the State to replace all housing destroyed by public construction. It should provide the legal and financial means to live up to that commitment. Thus, houses torn down for highways, new state colleges, urban renewal programs, or institutions would be replaced at approximately the same price levels, size, and quality. The advantages of adopting this policy are many:

—At a time when housing is in short supply, this policy would ensure that public action would not decrease the housing supply, as it may be doing now.

—This policy would improve an imperfect relocation program which cannot now assist those dislocated by public projects because of an inadequate housing supply

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Governor Hughes' Eighth Annual Message—continued

—Generally, such a policy will build housing where it is most needed—in our cities for our poorer citizens.

Protecting Our Environment

President Nixon has now articulated as a national goal for the 1970's what an increasing number of Americans have felt most deeply—the essential need to stop the poisoning of our environment and to restore and safeguard the precious ecological balance that all too often has been so violently disturbed. We in New Jersey, the most urbanized and congested State in the nation, must pay special heed to this national goal. Few tasks before this Legislature in the year and the decade ahead will require more resourcefulness and political courage.

To set the stage for your action in this field on a whole series of fronts, I urge you to weigh carefully, and to hold hearings on, the Environmental Bill of Rights introduced last year by your distinguished former colleague, Assemblyman Robert Wilentz of Middlesex County. The clear focus of the Wilentz proposal on the pressing need to prevent the further scarring of our environment by physical progress must be the focus of this Legislature as well.

I also call your attention to one specific proposal in this field that holds the greatest promise for our region. I refer to the action I hope you will take this year to create a Hudson River Basin Compact that will enable New York and New Jersey to join in the mammoth task of restoring majesty to the Hudson. The groundwork for such a compact has already been laid through extensive staff work in both States, and I urge you to work with Governor Rockefeller and the New York Legislature to make this great venture a reality.

The Forgotten New Jerseyans

When history judges the Hughes Administration, I hope it will record that this was an Administration that gave its best efforts to reveal and resolve the unspoken problems, discrimination, and suffering it found in this State. Let history record that we who have governed during these past eight years set as our goal the protection and uplifting of those New Jerseyans who are truly forgotten—those who are least able to speak for themselves.

When we sought millions of dollars to build new institutions and strengthen our programs of care, the unfortunate children in our institutions, and those who were not admitted for lack of room, could not speak for themselves. This Administration spoke for them.

When increases were sought in the rates for automobile and health insurance, New Jersey motorists and families were not organized to speak for themselves. This Administration spoke for them.

When some sought to divest the State of its interest in more than $1 billion of tidelands constitutionally dedicated to the School Fund, the school children of our State were not able to walk the corridors of the Legislature in their own defense. This Administration spoke for them.

When seasonal farm workers were denied the most basic elements of human decency, they were not organized to correct the conditions of their own suffering. This Administration spoke for them.

These few examples pinpoint one of the major guidestars of this Administration. I ask you today to cherish that guidestar in the years ahead. For government will always hear those who speak most loudly—those with long membership lists and heavy treasure chests. But government must have a special sense of mission, and make a special effort, to hear the ignored and the neglected.

This is a high obligation. I urge you with all my heart to defend the truly forgotten New Jerseyans as we have tried to do. I urge you to protect the many programs we have begun for precisely this purpose—from the Public Defender system to the Public Broadcasting Authority; from the three new Departments of State government to our institutional program.

And in your battle for the forgotten New Jerseyans I ask you to bring to a still higher degree of effectiveness the concept of the public defense. I ask you to work in the years ahead for still broader protection of the public's rights as they are affected by every agency of State government. This is your sworn and sacred duty.

In leaving this office and in trying to say goodbye, I have been groping for words to express the respect and affection I feel for the people of New Jersey—people of all parties, of every condition, and of every part of this magnificent State. Perhaps I can best say what I feel in the words I used in my first inaugural address just eight years ago:

"I am conscious of a heavy debt to my State, for it is here that I have lived my life and had my being; where I have served as a judge; where I have practiced my profession; where I have reared my family; where I have touched the hands of friends.

It is with deep awareness of this obligation that I approach my part in the major tasks ahead.

While we are only men, yet with the help of God, whose ministers we are, let us act together in the interest of the State we love, to strengthen and protect the heritage we hold in hand for ourselves and for succeeding generations.

Goodbye and God bless you.

RICHARD J. HUGHES,
Governor.
January 13, 1970.

Attest:
Alan J. Karcher,
Acting Secretary to the Governor.

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Inaugural Address, January 20, 1970

Reverend Clergy, Mr. Chief Justice, my Distinguished Predecessors, Members of the Legislature, my family, friends and fellow citizens:

We meet in this historic city in the first month of a new decade to finalize the will of the citizens of New Jersey emphatically declared this past November.

We meet on the banks of the Delaware on this cold January day to inaugurate a new Administration with much the same ceremony that characterized more than 50 such occasions since the establishment of the free and independent State of New Jersey.

The record of the intervening years, now almost two centuries, is one at which only the superficially informed might scoff, permitting today's headlines to crowd out the underlying story of achievement in every field by generations of sons and daughters of New Jersey . . . in science and the arts . . . in government and law . . . in war and in peace. To mention the names of Edison and Stevens, Whitman and Williams, Pitney, Griggs and Wilson, Lawrence and Halsey, Aldrin, Schirra and Schweickart . . . at this place and moment is no chauvinist rhetoric. It's an affirmation required of one assuming this high office.

No man takes this oath, no man assumes the Office of Governor without experiencing an almost tangible union with the rich history and tradition that is New Jersey. I think I speak for many of us here in public life when I add that history and tradition to us is more than yellowed parchment, stylized ritual or self-correcting remembrances of another time.

We prefer to think of history and tradition in human terms, and to identify with men not unlike ourselves attempting to solve the problems of their day. Each new Governor in his own way and in his own time saw, in his inaugural address, an opportunity to set the tone of his Administration.

Many of my predecessors, honestly alarmed at the number and complexity of problems pressing in from all sides, used this occasion to articulate a seemingly endless litany of crisis. Yet, I do not think it would be exaggeration for me to say that never before in the history of New Jersey has an incoming Governor been confronted with the enormity of problems, both in variety and degree, which now face this new Administration.

While this address must essentially be a declaration of principle rather than a specification of policies, the citizens have the right to know my thoughts on the most pressing of these problems.

We are all painfully aware of the image attached to our proud State's name in press and periodicals throughout the Nation. While we know New Jersey is a law-abiding and basically religious community of seven million souls, candor compels the admission that we do have serious law enforcement problems. I am personally convinced that the people of this State . . . those in North Jersey and South Jersey . . . the old and young . . . the rich and poor . . . the vocal minorities and the silent majority . . . black and white . . . all the good people . . . seven million of them . . . are shocked at the charges leveled against officials in almost every branch of government.

They expect—they demand—that every countering resource of their government be used to insure impartial investigation, fair prosecution, and just punishment of the faithless few who have betrayed their public trust and those who have corrupted them.

I, therefore, want to assure you, my fellow citizens, that in this crisis, where the very life of self-government is at issue, there will be no executive compromise, neither of principle nor policy, not with the Legislature, the Judiciary, or with the administrative departments; for where criminals go unpunished for breaking the law, good citizens are penalized in their obedience to it.

No other single factor, in my judgment, handicaps the efforts of men of good will to compose social differences than the cynical conviction of so large a number of the law abiding themselves that a combination of great wealth and purchased influence places a favorite few beyond the law that binds all others. The resulting malaise in the body politic has caused some, you've read or heard them, to question the further viability of the democratic system, and excited others, surely you've seen them on the television screen, to demand its overthrow.

Unconvinced by the tortured rationalization of the theorists and unfrightened by the violence of the activists, we propose another prescription, not very new to be sure, but effective in earlier times of trial. We, the representatives of this generation of good Jerseymen, reclaim for our fellow citizens the full power to do all acts and things that this State has the sovereign right, and we the moral obligation, if not the sacred duty, to do.

This is not an opportune occasion to detail the steps that have already been taken and that will be taken in the war against crime in New Jersey. Suffice it to say that there is a total commitment on the part of this Administration to search out and destroy the corrupters and the corrupted wherever they exist in the 21 counties of New Jersey. No area will be sacrosanct, and no party will be immune. So that the message is clear to all, I would remind you that this Administration has no commitment except to the people of the State of New Jersey, and that, therefore, in the words of the soldier poet, I begin my service with a complete freedom of action, 'able to walk in my own way and with an eye to see things as they are'. War on crime in this State provides an unparalleled opportunity for this Administration to demonstrate quickly, clearly and dramatically that more than a new Administration and a new decade is under way in Trenton. This will not be a new chapter in an old book. We will start by redefining public service, and we will hopefully write guidelines and standards that will once again bring citizens from other states to New Jersey in search of imaginative new answers to old problems.

But, my fellow citizens, let me emphasize that we must rekindle respect for New Jersey not only by what we uproot and discard, but also by what we grow and nurture.

Let the quality and progress of this State be measured by its compassion and care for its sick and its elderly. Let it be measured by its ability to overcome the evils of poverty, neglect, and prejudice that tear at the hearts of our cities. And, above all, let quality and progress in New Jersey be measured by our achievements in the education of our young.

All my adult life I have held with Aristotle that the fate of empires depends on the education of youth.

I know from my own personal experience that we in New Jersey are blessed with thousands of dedicated teachers at all levels. But, I also know that they are burdened with a system that did not grow quantitatively and qualitatively to meet the population boom of the 50's and 60's. We have too often settled for less than the best in education in New Jersey, and we have become wed to techniques, standards and establishments whose rigidity has retarded incentive, imagination and creativity in our professional teaching corps. The Romans expressed it well, 'Talis Magister, qualis discipulus.' Not literally but accurately translated, 'To understand the pupil, look to the teacher.'

I suggest that it is the inspired teacher, freed from time-consuming demands of less productive assignments, encouraged and motivated, who can dramatically and quickly uplift the quality of educational climate that permits the fullest intellectual, physical and moral growth of our youth. In my judgment, however, the present system often forces an exceptional teacher out of the classroom and into administrative positions and too often out of the field of education altogether.

I have discussed these and other thoughts with those officially charged with the responsibility for the quality of secondary and higher education in this State. I have strongly urged that our education departments proceed with all speed to project a master blueprint for the upgrading of our system with emphasis on correcting the quality gap in the urban centers. I have asked that the views of organized teaching groups be sought and the opinions and recommendations of outstanding individual educators be solicited. I have called for a master plan that talks not only of new money, but of new ideas . . . not only of new buildings, but of new teaching techniques . . . not only of new research grants, but of new leadership dedicated to new levels of excellence.

We cannot afford to fail our young and our future.

The congestion of our highways, the plight of the commuter, the cost of highways in dollars and lives are too well known to all New Jersey citizens to require a further description by me.

Because the elements creating these problems, in most instances, are interstate and regional in character as a result of our geographic location, they can, in most instances, only be solved by federal-state or multi-state efforts.

I have every confidence that our relations, both with the Federal Government and our neighboring states, will be friendly and productive in the years ahead.

Our State has in the past utilized to a great extent the concept and mechanism of 'authorities' to develop needed highways and transportation facilities, including bridges, tunnels and turnpikes, and they have served their purposes well. There has, however, been a growing belief on the part of some that these authorities are not in any way subject to the policy of the State Government. In many instances, dialogue and communication between the State Government and the authority acting through its appointed commissioners and executive directors has been inadequate and, therefore, some extracurricular activities of some authorities have raised serious questions as to their real mission and purpose.

It is my conviction that all authorities are creatures of the State and that they must, therefore, be completely responsive to the needs of the State as defined by the elected officials of the people.

To that end, therefore, I shall look for greater participation in the field of mass transportation and highway construction by many public authorities of this State. I am confident that in this effort to implement the policy of our State in this important endeavor we will have enthusiastic cooperation from the governors of our sister states. I am convinced that a proper, balanced program of mass transportation and highway development is indispensable to the economic growth of New Jersey and the redevelopment and revitalization of our principal cities.

My emphasis on law enforcement, education and transportation should not be interpreted as indicating any less concern for all the areas of State Government that cry out with equal volume for the attention of new minds.

I am deeply concerned with the inadequate and antiquated penal system; with the need for new, modern and enlightened facilities.

I grieve at the shortage of beds for the retarded child, the sick and the elderly. I am troubled by the soaring costs of hospital care and the almost unbearable burden of providing adequate protections for ourselves and our fellow citizens in the field of insurance.

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Governor Cahill's Inaugural Address—continued

I share the alarm of all thinking citizens at the awesome increase in the use of narcotics by our youth in all areas of the State . . . in city and suburb. . . . by rich and poor . . . black and white. I am impatient with our inability to prevent the erosion and pollution of our most prized natural resource, the seashore and beaches of New Jersey. I am apprehensive and deeply troubled by the danger to health from the continued and increased pollution of air, streams, rivers and even our ocean.

The Federal priorities which exclude adequate assistance to local and state governments, as well as private entrepreneurs in the field of housing, are completely illogical and must be changed immediately. Our bousing shortage, particularly in the low income and middle income fields, is incredible, and no peace will ever come to our cities unless dramatic improvement is made in the field of housing in the immediate future.

Having participated in the development of the legislative process in the field of civil rights for the past decade as a member of the Judiciary Committee of the House of Representatives, I am satisfied with our progress in the field of civil rights as a matter of law, but I am not satisfied with our progress in civil rights as a matter of fact. It does little good to legislate the right of open housing when there are no houses . . . the right to work regardless of color when there are no job opportunities . . . the right to equal education when the schools are not comparable.

In other words, we need the implementation of the legislation, and we need it today. No field in this competitive and profit-oriented society is more important than the protection of unwary buyers who are daily defrauded of hard-earned dollars by deceivers and those who misrepresent and oppress. It is not enough to caution, 'BUYER BEWARE,' especially when the buyer knows not of whom and of what to beware. Our State must and will take a strong position at the side of the citizen in this all-important field of consumer relations.

The litany of problems could continue ad infinitum, but the one which will most determine our effectiveness in coping with future needs is our willingness and our ability to pay the cost.

In recent days I have spoken out about the fiscal crisis New Jersey is in today, the causes of that crisis, and my decision to avoid a State income tax through an increase in the existing sales tax. It is not my intention today to replay the events that confront me now, in the first few minutes of my Administration, with a projected budget deficit of almost three hundred million dollars.

It does bear repeating, however, that I intend to set our fiscal house in order and that I will not flinch . . . I will not hesitate . . . I will not turn away from hard decisions dealing with the ability of this State to meet the legitimate needs of its people.

The credibility of our avowal to root out corruption cannot be separated from our obligation to deal affirmatively with the less newsworthy but equally important everyday demands on a wide range of necessary State services. Putting this in plainest language, it means that those programs necessary to a supportable life for our citizenry—the poor and the hungry—must be paid for as we go, with the State providing its proper share of the costs.

Local communities, and this applies to many suburban towns almost as surely as it does to all the cities in this State, have reached the point in their real estate levies where further increases might endanger their whole tax structure. The concept of state aid, though late in acceptance, is now fixed New Jersey policy.

In Washington, under a new Administration, we have at last adopted as national policy the principle of federal aid through tax sharing. This policy, whose full impact on our problems is inevitable if not imminent, reflects an understanding that most of the problems facing New Jersey today are problems that are national in scope.

Many of these problems, I suggest, were aggravated and enlarged during the decade of conflicts and contradictions we have just concluded.

In this past decade we walked on the moon, but barred black children in some states from walking into classrooms.

As a Nation we spread our wealth across the world and into space, yet we ignored the powder keg of frustrations that produced the burning of some of our major cities.

We stood in awe as one rare man breathed the winds of change in Rome, while elsewhere crowds of disillusioned youth shouted 'God is dead.'

We produced thousands of rebels without causes, and a black man from Atlanta who shook the conscience of a Nation and two white men from Massachusetts who literally gave their lives for their fellowmen.

This, indeed, has been a decade of differences, divisiveness and disunity. It has generated dissension, dismay and despair. As a result, we need in New Jersey and in this Nation a reappraisal of our basic political, social and personal values.

In the furor and the sound and the violence of the past decade, we have submerged and forgotten much of what made America unique in the family of governments. Since the days of the Revolution, the greatest export of the United States has not been its grain, nor its meat, nor its money, but the living proof that government of, by and for the people can and does work.

Nationally, we must end a cruel and senseless war. Our Nation must turn its energies and resources to the serious problems at home. The new proposed Federalism must be [illegible] This states can no longer supply on their own the needs of their people. The Federal Government must accept the burdens or share the dollars.

In the final analysis, however, neither money nor rhetoric will solve the problems of New Jersey or the United States. We require dedicated, tough-minded men and women willing to give of themselves. The true test of this Administration will be its ability to rally to its standard men and women of all ages, colors and creeds who believe, as I do, that it is the responsibility of leaders in government to provide the Renaissance of the 70's.

We must set the example—overcome the dissension and the hates—bind the wounds of the 60's. We must restore confidence in public service and in public servants, and we must lead the fight against hypocrisy, deceit and apathy.

We must, in a word, be DOERS—men of ideals, but also men of action. We must be men who will 'follow the white cockade,' 'seek the Grail' and 'reach for the unreachable star.' We must be men who, in the words of Teddy Roosevelt, will dare to do—will strive to do the deeds—will know the great enthusiasms, the great devotions—who will spend ourselves in a worthy cause—who will know the thrill of high achievement—and, even if we fail, will fail while daring greatly so that our place will never be with those cold and timid souls who know neither victory nor defeat!

'Come my friends,
Tis not too late
To seek a newer world. . . .
To strive to seek to find
And not to yield!'

This Administration will 'dare to do.' We will fight mediocrity. We will seek excellence. To this cause I have given my oath before God and you, my fellow citizens.

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 MARKETS

Asparagus Sampling for Inspection

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority delegated in N.J.S.A. 4:10-13, proposed to adopt N.J.A.C. 2:13-12.1, a new regulation requiring unrestricted sampling of asparagus for processing as follows:

2:31-12.1 UNRESTRICTED SAMPLING OF ASPARAGUS FOR PROCESSING

(a) Foreword:

The grading of asparagus for processing is one of the principal functions of the service provided by the State for inspection and classification of products according to Standards.

Producers who contract with processors and others on the basis of contract or grade specifications are paid in accordance with the percentage of pay-weight delivered. These percentages of pay-weight and other factors are established for each load or lot by analysis of samples in accordance with contract specifications or State Standards. Since accuracy of determination of these percentages is entirely dependent upon the sample analyzed from each load or lot graded, it is imperative that truly representative samples be obtained from each load or lot. Such truly representative samples may be obtained only when the entire load or lot is made accessible for unrestricted sampling.

(b) Unrestricted sampling:

All inspection and grading of asparagus for processing, as performed by the New Jersey Department of Agriculture, shall be on the basis of unrestricted sampling. Unrestricted sampling means that any and all containers designated by the official inspector as containers to be sampled from a load or lot of asparagus shall be made available to the inspector for sampling.

All applicants requesting inspection and grading services on asparagus for processing, as provided by the New Jersey Department of Agriculture, shall provide such equipment and personnel as are necessary to make all loads or lots of asparagus accessible for unrestricted sampling.

The Secretary shall deny inspection and grading services to any applicant who does not provide such equipment and personnel as are needed to insure unrestricted sampling of asparagus for processing.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action to: John J. Repko, Director, Division of Markets, New Jersey Dept. of Agriculture, P.O. Box 1888, Trenton, N. J., 08625 before February 26, 1970. Telephone (609) 292-5536. The Secretary of Agriculture, upon his own motion or at the instance of any interested party, may thereafter adopt the above regulation as set forth without further notice.

Phillip Alampi
Secretary of Agriculture

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Notice of Termination of Inspection Service

Notice of Termination of Inspection Service

The Hotel and Multiple Dwelling Health and Safety Law of 1967 (N.J.S.A. 55:13A-1 et seq.) authorizes the Commissioner of the Department of Community Affairs to make discretionary special or pre-sale inspections of buildings subject to the Hotel and Multiple Dwelling Health and Safety Law on behalf of their owners. These buildings include hotels, motels, guest houses, and boarding houses with ten or more units of dwelling space, or where the maximum number of occupants thereof is 25 or more, and multiple dwellings with three or more units of dwelling space. The purpose of these pre-sale inspections is to assure a purchaser that he is acquiring a building which meets the requirements of, or which is not subject to, the Regulations for the Construction and Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10-100.0 et seq.) to facilitate transferring good title, securing mortgage loans, or for satisfying the requirements of financing agencies. Since this function is not an integral part of the Bureau's mission under the Hotel and Multiple Dwelling Health and Safety Law and in view of the availability of private inspection firms purporting to be qualified to provide this service to private parties, the Bureau of Housing Inspection within the Department of Community Affairs discontinued special inspections as of February 1, 1970.

A list of firms which have offered to perform this service as agents of the parties to the transaction is available upon application to the Bureau of Housing Inspection, Department of Community Affairs, Post Office Box 2768, Trenton, New Jersey 08625.

Paul N. Ylvisaker, Commissioner
Department of Community Affairs

(c)

CONSERVATION AND ECONOMIC DEVELOPMENT

ROUND VALLEY RESERVOIR

Proposed Winter Use Regulations — Ice Boating

The Department of Conservation and Economic Development, pursuant to authority delegated in N.J.S.A. 13:8-20, proposes to adopt the following rules regulating the operation of ice-boats on waters administered by the Department.

1. Ice boating is permitted by advance request to the Regional Supervisor, Voorhees State Park. Permission may be refused if in the opinion of the Regional Supervisor the ice is not of sufficient thickness for safe use.

2. Ice boaters must comply with safety standards of the Eastern Ice Yachting Association.

3. A minimum of two ice boats is required at all times in order to provide a buddy system for safety.

4. Ice boaters must wear protective crash helmets of a type acceptable for use by motorcyclists under the New Jersey Motor Vehicle Laws.

5. Ice boating shall be permitted only on such days and during such hours as designated by an authorized representative of the Department.

6. All craft and persons are prohibited from the restricted areas in the vicinity of the dam and pumping station.

7. Ice fishing, ice skating, snowmobiling, and all winter sports activities are prohibited.

Interested persons are invited to submit statements in writing urging the adoption, modifications or implementation or rejection of the proposed rules to Robert Solan, Esq., Chief, Bureau of Legal Services, Department of Conservation and Economic Development, Room 811, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08608, on or before February 27, 1970.

The Commissioner of Conservation and Economic Development, after giving full consideration to all statements relevant to the proposed rules may thereafter, upon his own motion or at the instance of any interested person, adopt the above rules, substantially as set forth, without further notice.

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

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(a)

CONSERVATION AND ECONOMIC DEVELOPMENT

DIVISION OF PARKS, FORESTRY AND RECREATION

Proposed Regulations for Snowmobile Operation

The Department of Conservation and Economic Development, pursuant to authority delegated in N.J.S.A. 13:8-20, proposes to adopt the following rules regulating the operation of so-called "snow-mobiles" on state-owned lands administered by the Department.

LANDS OWNED BY THE STATE OF NEW JERSEY
AND
ADMINISTERED BY THE DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT
BY THE RESPECTIVE DIVISIONS:
DIVISION OF PARKS, FORESTRY AND RECREATION
DIVISION OF WATER POLICY AND SUPPLY
DIVISION OF RESOURCE DEVELOPMENT

1. These regulations pertain to the operation of "motorized snow vehicles" which are defined as self-propelled vehicles designed to be driven exclusively on snow or ice or both. For the purpose of these regulations "snowmobile" is used synonymously with "motorized snow vehicle."

2. Snowmobiling is permitted only on the snowmobile trails or routes as designated. Trails shall be established by the Division of Parks, Forestry and Recreation with the approval of other Departmental agencies.

3. All other motorized vehicles not designed to be driven exclusively on snow or ice or both such as all-terrain vehicles, mini-bikes, motorcycles, trail bikes, and other vehicles of a similar nature are restricted from the use of snowmobile trails.

4. Operators and passengers of snowmobiles must wear crash helmets at all times. The helmets shall be of a type acceptable for use by motorcyclists under the New Jersey Motor Vehicle Laws.

5. Snowmobiles shall be equipped with working head lights, tail lights, brakes, and proper mufflers as supplied by the motor manufacturer for the particular model without modifications.

6. Snowmobiles shall not be operated in a reckless or careless manner or at excessive speeds.

7. Snowmobiles shall not be operated in a manner which is dangerous to persons or property.

8. Accidents involving personal injury or damage to property exceeding $50 must be reported to the Officer-In-Charge immediately.

9. No person shall operate a snowmobile while under the influence of intoxicating beverages or drugs.

10. Snowmobiles shall not be operated at any time in any manner intended or reasonably to be expected to harass, drive, or pursue any wildlife.

11. During the hours from one half hour before sunset to one half hour after sunrise, all snowmobiles are required to have lighted head lights and lighted tail lights.

12. No person shall litter or dispose of trash or garbage along the snowmobile trails.

13. All snowmobiles are required to come to a complete stop when crossing Department roads or public roads.

14. Parking of automobiles and trailers carrying snowmobiles shall be restricted to those parking areas which are designated.

15. Any organized activity or snowmobile rally must be scheduled at least five (5) days in advance with the respective field office of the Bureau which administers this land within the Department.

16. Snowmobiles shall not be operated on ice or a snow surface of a lake or pond unless specifically approved or designated.

17. Snowmobiling is permitted on Lake Hopatcong, Lake Wawayanda, Swartswood Lake, and Shepherd Lake. Snowmobiling is not permitted on the Spruce Run or Round Valley Reservoir or on the Delaware and Raritan Canal property.

18. The following rules and regulations shall apply to the operation of snowmobiles on designated waters of this State within the jurisdiction of this Department whether frozen, both tidal and non-tidal, and the marginal areas adjacent to this State:

A. Snowmobiles shall not be operated more than ten (10) miles per hour within 100 feet of shores, docks, abutments, people or objects on the ice.

B. A siren shall not be attached to any snowmobile other than a snowmobile operated by or for the department or first aid squad, police, or fire department.

C. The provisions of these regulations shall not apply to any snowmobile or operator while actually competing in an authorized race as herein provided held under the auspices of a duly incorporated yacht club or racing association.

D. No snowmobiles shall move across a course or around the courses of any such authorized race or regatta so as to create a condition which shall unnecessarily endanger the life, limb, or snowmobiles and ice boats of those competing in the race or regatta.

E. No person shall fail to stop or lay to when ordered to do so by any Departmental employee charged with enforcing these regulations.

F. No snowmobile shall be operated more than fifteen (15) miles per hour after 10 p.m.

G. On Lake Hopatcong no snowmobiles shall be operated in excess of fifteen (15) miles per hour before 12 noon on Sunday. Group riding before 12 noon on Sunday is also restricted to fifteen (15) miles per hour.

H. All snowmobiles navigating the frozen waters of this State shall comply with the inland rules of the road as set forth in the Coast Guard pamphlet C.G. 169 and all amendments thereto pertaining to meeting, overtaking, and crossing situations.

19. All regulations contained herein shall apply to all lands and waters administered by the respective Bureaus within the Department and shall be and are enforceable on a Department-wide basis by the respective Bureau officers working within the Department.

Interested persons are invited to submit statements in writing urging the adoption, modifications or implementation or rejection of the proposed rules to Robert Solan, Esq., Chief, Bureau of Legal Services, Department of Conservation and Economic Development, Room 811, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08608, on or before February 27, 1970.

The Commissioner of Conservation and Economic Development, after giving full consideration to all statements relevant to the proposed rules may thereafter, upon his own motion or at the instance of any interested person, adopt the above rules, substantially as set forth, without further notice.

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

(b)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Changes In State Sanitary Code Regulating Refuse Disposal and Dumps

The Public Health Council of the Department of Health, pursuant to authority delegated in N.J.S.A. 26:1A-7, proposes to revise Chapter VIII of the State Sanitary Code to read as follows (additions in boldface thus; deletions in brackets [thus]):

PROPOSED REVISION
STATE SANITARY CODE—CHAPTER VIII
REFUSE DISPOSAL

Regulation 1. Dumps Prohibited

Dumps are hereby declared to be nuisances hazardous to human health.

Beginning July 1, 1958, disposal of organic and/or combustible matter or other forms of solid waste on lands in this State shall be made only through use of:

a. Sanitary landfills established, [conducted,] operated and maintained in accordance with [standards] **the Regulations** set forth in [Regulations 4, 5 and 6 of] this Chapter.

[OR]

b. Incinerators constructed, operated and maintained in accordance with [Code or] Regulations of the New Jersey [Air Pollution Control Commission.] **State Health Department promulgated under authority of the Air Pollution Control Act of 1954.**

c. Other methods of disposal as may be approved by the State Department of Health.

Regulation 2. Registration (New Regulation)

a. Registration statement; filing with Department. No person shall hereafter engage or continue to engage in disposal of solid waste in this State without first filing a completed registration statement with the Department.

b. Approved Registration

No person shall hereafter engage or continue to engage in disposal of solid waste in this State without first obtaining approved registration from the Department.

c. Persons required to sign and verify statement; form and contents. The registration statement shall be signed and verified by the individuals specified in subsection (3), shall be made on forms prescribed and furnished by the commissioner and shall state such information necessary and proper to the enforcement of this Chapter as the commissioner may require, including:

1. The name under which the business is conducted.

2. The address of each location in New Jersey at which the business is to be conducted.

3. If the registrant is a proprietorship, the name and address of the proprietor; if a partnership, the names and addresses of all partners; if a corporation, the date and place of incorporation, the names and addresses of the president and secretary thereof and the name and address of the designated registered agent in this State; or if any other type of business association, the names and addresses of the principals of such association.

4. The names and addresses of those individuals having actual administrative responsibility, which in the case of a proprietorship shall be the managing proprietor; partnership, the managing partners; corporation, the officers and directors; or if any other type of association, those having similar administrative responsibilities.

5. If the business is to be conducted at more than one location in this State, the name and address of the individual in charge of each such location.

6. A description of the business engaged in and the classes of solid waste treated at the disposal facility.

7. The name and address of the individual or individuals on whom orders of the commissioner may be served.

8. A statement as to whether the registrant engages in collection systems, storage facilities, or other related solid waste systems.

d. Non-registration. No registration shall be approved by the Department when in the opinion of the Department such solid waste system will not meet the standards of criteria set forth in this Chapter.

e. Time for filing. A registration statement shall be filed prior to July 1 in each calendar year following the calendar year of original registration.

f. Fees. None

g. Change of address; if any location of a registered business is to be changed, the registrant shall give the Department written notice prior to the change of the address of such new location and the name and address of the individual to be in charge thereof.

Regulation [2.] 3. Domestic Refuse

The provisions of this [Code] Chapter shall not be applicable to disposal of family garbage or family refuse on the premises where the family resides nor shall the provisions of this [Code] Chapter be interpreted as permitting disposal of domestic sewage in any manner other than that prescribed by law.

Regulation [3.] 4. [Sanitary Landfill Location] **Sanitary Landfill Design**

[Sanitary landfills, whether operated on firm ground or on soft and unstable ground as may be found in marshes and swamps shall be planned by a properly qualified engineer and be operated and maintained by properly trained personnel. The location or site of a sanitary landfill should be chosen with the approval of the local board of health.]

An operational design prepared by a licensed professional engineer shall be submitted to the Department for approval with the Registration Statement. It shall embody but not be limited to the following information: plot plan, ground and/or surface water elevations, final grades to be obtained, and the source, type and amount of material to be used for covering purposes. A statement of approval by the local authorities shall be included with the submission.

Regulation [4.] 5. [Requirements of Firm Ground Sanitary Landfills] **Sanitary Landfill Operational Requirements (General)**

[Sanitary landfills on firm ground shall be designed, operated and maintained in such manner that:]

a. The [face] **width of the working** [fill is] **face shall be kept as narrow as is consistent with the proper operation of trucks and equipment in order that the area of waste material exposed during the operating day is minimal. No operating face shall exceed 150 feet in width.**

b. All [exposed surfaces, including the face of the fill, are covered with at least six (6) inches of earth at the close of each day's operation] **deposited material shall be promptly spread and compacted to a uniform grade by use of heavy equipment.**

c. [Refuse is compacted into layers of approximately one-fourth of the original refuse volume.] **The operating depth of the filling operation shall be maintained as shallow as is consistent with the proper support of equipment and vehicles on the surface of the fill. No layer shall exceed twelve (12) feet in depth.**

[d.] [Bulky waste material which may furnish rat harborage is not used for the final surface or side slopes, but incorporated within the fill.]

[e.] [The final earth covering for surface and side slopes is compacted and maintained at a depth of not less than twenty-four (24) inches.]

[f.] **d.** Cracks, depressions and erosion of the earth covering for surface and side slopes of fills shall be promptly repaired.

[g.] **e.** The toe of finished fills having boundary side slope shall terminate in a dike or a [ditch filled with] sand [and] **and/or gravel ditch.** [or either]

[h.] **f.** [Surface water is properly drained, filled or treated with effective chemicals so as to prevent mosquito production and odors.] **The surface of the fill shall be so graded to facilitate drainage therefrom.**

[i.] **g.** Control over the scattering of papers and other lightweight materials [is] **shall be** effected by the use of movable fencing or other [suitable] **acceptable method.**

[j.] **h.** Dust control [is] **shall be** effected as needed by [spraying of the exposed waste material and adjacent surface.] **wetting or by other effectual means.**

[k.] **i.** Scavengers, if permitted, [are properly] **shall be** supervised so as not to interfere with the [refuse disposal] **operation.**

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Health—continued

[l.] j. Equipment adequate for digging, spreading, compacting [and] and/or covering [is] shall be provided. [as needed.]

[m.] k. Sufficient standby equipment [is] shall be readily available [to prevent delay in covering due to] should a breakdown occur. [breakdowns or peak loads.]

[n.] 1. An adequate water supply [and] and/or fire-fighting equipment [is] shall be readily available to [control] extinguish any and all fires.

m. Control of insects and rodents shall be effected through the use of insecticides and/or rodenticides.

n. All sloped faces of the fill shall be adequately covered with six (6) inches of inorganic, inert material at the close of each day's operation.

o. The top exposed surface of the active operating area shall not exceed an area greater than 100 x 150 feet to facilitate truck movement. Said exposed surface area and side slopes shall be covered on a progressive basis with either an intermediate or final earth cover and in no case shall any material be left uncovered for longer than three (3) days.

p. An intermediate twelve (12) inch cover of earth shall be placed on all surfaces of the fill when an additional layer or lift of refuse is planned within six (6) months.

q. A twenty-four (24) inch cover of earth shall be placed on all surfaces having reached the final planned grade or conclusion of operation.

r. Cracks, depressions and erosion of any earth covering shall be promptly repaired.

(Note: The Regulation previously designated as "Regulation 5. Requirements of Soft and Unstable Ground Sanitary Landfills" is to be repealed in its entirety.)

Regulation 6. [Rodents, and Insects Hazardous to Public Health.]

Sanitary Landfill Operational Requirements (Specific)

[Rodents, or insects hazardous to public health, shall not be permitted to exist on sanitary landfills.]

a. Sewage Sludge and Other Fecal Material

1. No raw or untreated sewage sludge or other fecal material of human or animal origin, liquid or solid, shall be deposited in direct or indirect contact with surface or ground waters of this State or near any river, stream or tributary leading into a river or stream which is a source of potable water. Furthermore, such material shall not be deposited in any solid waste disposal system located in tide water, swamp, or marsh land which in the opinion of the Department can cause or threaten pollution to the waters of this State.

2. All raw or untreated sewage sludge or other fecal material received at a landfill site shall not be lagooned but shall be immediately and thoroughly mixed with garbage and refuse to attain maximum absorption.

3. All areas whereon raw or untreated sewage sludge or other fecal material has been deposited shall be covered with six (6) inches of clean earth at the conclusion of the day's operation.

4. Disposal of sewage, sewage sludge or other fecal material on any landfill in this State shall be immediately discontinued if evidence discloses leaching of such material from the fill.

b. Bulky Items (junk automobiles, household appliances, demolition material, tree parts, etc.)

1. All bulky wastes received for disposal shall be thoroughly crushed with heavy equipment.

2. All bulky items mixed with any putrescible wastes shall be incorporated in the fill and covered in accordance with provisions of Regulation 5.

3. Bulky items shall not be permitted to protrude through the final surface or side slopes of a landfill.

4. Separate areas of a landfill operation may be designated solely for the disposal of bulky items. All items so handled shall be covered with clean earth at the conclusion of the workweek.

c. Hazardous and/or Chemical Wastes, Excluding all Radioactive Waste

1. Responsibility of Shipper (Waste Producer)

The shipper shall provide minimum labels in accordance with the current Federal regulations for "Explosives and Other Dangerous Articles." (Where unlisted hazardous wastes in any quantity are to be disposed, the shipper will provide such information as may be required to insure safe disposal. In these cases, this should include prior arrangement with the disposal area, or treatment or salvage company, in order that they can be alerted in advance to assure safe handling.)

The shipper shall issue a bill of lading to accompany each shipment of waste chemicals. This bill of lading shall be used to communicate with those handling these waste chemicals to alert them of their hazards or nuisance potential by including appropriate warning notations, or by use of a stamp showing the material to be a flammable liquid, or flammable solid, or spontaneously combustible, or dangerous when wet, or oxidizing agent, or organic peroxide, or poison, or acid, or caustic, or non-hazardous, or emitting a noxious odor, etc.

2. Responsibility of the Hauler (Trucker or Carrier)

The contractor engaged in transporting hazardous chemicals is responsible for operating within existing laws governing the transportation of dangerous articles as Chapter 128, Laws of New Jersey 1950.

3. Responsibility of the Receiver (landfill operator, chemical incinerator operator, recovery operator or treatment operator)

The operator of any disposal facility is responsible to operate in compliance with all laws and regulations.

Regulation 7. Disrupted Landfill Requirements (new Regulation)

a. Approval shall be obtained from the Department prior to any excavation, disruption or removal of any deposited material from either an active or discontinued landfill.

b. Requests for approval shall include an operational plan stating the area involved, depth of such excavation with final grades, estimated cubic yards of material to be excavated, locale where excavated material is to be redeposited and estimated time required for completion of excavation procedures. A statement of approval by the local authorities shall be included.

c. All excavation shall be confined to an area consistent with the number of pieces of digging equipment and/or trucks used for haulage.

d. Measures shall be taken during excavation to control: dust, odors, fires, rodents, insects and blowing litter.

e. All opened faces and surfaces resulting from excavation shall be covered with clean earth when digging procedures are curtailed for periods extending beyond sixteen (16) hours.

f. All redeposited material resulting from excavation shall conform to the requirements of said Regulations 4 and 5.

Regulation 8. Smoking, Smoldering or Burning Landfills (New Regulation)

a. The primary responsibility for current operations or in the case of discontinued operations in the event of a fire shall be the local board of health and the person, agent or municipality having title to the premises whereon the fire exists and shall be responsible for extinguishing the same.

b. The operator of a currently operated landfill shall be responsible for initiating and continuing fire-fighting methods until all smoldering, smoking and burning ceases.

c. The operator of any landfill wherein smoldering, smoking or burning is occurring shall immediately notify the police department having jurisdiction of this fact.

d. The operator of any landfill shall seek and obtain fire-fighting assistance if smoldering, smoking or burning persists for longer than twenty-four (24) hours.

e. The operator of any landfill shall not conduct dumping activities within the immediate vicinity of any smoldering, smoking or burning condition. Precautions shall be taken to prevent dumping activities from interfering with fire-fighting endeavors.

f. Any disruption of the finished grade or covered compacted surfaces of a landfill used for fire-fighting purposes shall be repaired by re-grading and re-covering upon completion of fire-fighting activities.

g. Control and prohibition of air pollution from refuse disposal and salvage operation shall be effected through Chapter 2 of the Air Pollution Control Code.

Regulation 9. Termination or Change of Ownership of a Landfill (New Regulation)

a. The operator, owner or lessee of any landfill shall notify the State Health Department of his intent to discontinue operations thereon.

b. The local board of health shall examine all sanitary landfills upon discontinuance of operations thereon to determine whether there has been compliance with Regulation 5. Notification of such findings shall be supplied to the State Health Department.

c. Any landfill that has been terminated under the provisions of this Regulation must comply with Regulations 2 and 4 if active dumping is to be continued or resumed at a later date.

Regulation 10. Submission of Operating Reports (New Regulation)

a. Operating reports of solid waste disposal systems shall be supplied as required by the Department on forms prescribed by the Department.

Any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing at the Prince Theatre, adjacent to the Palmer Motor Inn on U.S. Route #1 between Trenton and Princeton, New Jersey, at 10:30 A.M. on February 9, 1970 pursuant to public notice given by the Public Health Council in newspapers of general circulation in each of the counties of this State not later than January 16, 1970.

Written statements or arguments may be mailed before February 9, 1970 to:

Office of the Commissioner
Department of Health
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

The Public Health Council, 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.

E. Powers Mincher
Administrative Practices Officer
Department of Health

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Regulation governing Participation in the Alternate Benefit Program

Notice is hereby given that the Chancellor of Higher Education, pursuant to authority of Chapter 242, Laws of 1969, N.J.S.A. 18A:66-167 et seq., proposes to recommend to the Board of Higher Education at the March 20, 1970 meeting of the Board, regulations governing participation in the alternate benefit program by certain members of the faculty and other eligible employees at the New Jersey College of Medicine and Dentistry; Rutgers, the State University; Newark College of Engineering; the Department of Higher Education; the State Colleges, and the County Community Colleges.

Insofar as the proposed regulation affects County Community Colleges, it would replace Regulation #851 of the "Regulations Governing County Community Colleges."

Interested persons may obtain a copy of the proposed regulation by writing or calling the Community College Program, Department of Higher Education, 225 West State Street, Trenton, New Jersey, 08625. Telephone (609) 292-5369.

Notice is also given that any interested person may present statements or arguments, orally or in writing relevant to the proposed action by writing or calling the office of the Community College Program, Department of Higher Education, 225 West State Street, Trenton, New Jersey 08625 on or before February 27, 1970. Telephone (609) 292-5369.

The Board of Higher Education, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed regulation without further notice.

Ralph A. Dungan
Chancellor
Department of Higher Education

(b)

INSTITUTIONS AND AGENCIES

BOARD OF CONTROL

Resolution Regarding Standards for Medical Care and Services

The following resolution regarding standards for public institutions providing medical care and services under the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 et seq., was adopted by the State Board of Control of the Department of Institutions and Agencies pursuant to authority of N.J.S.A. 30:1-7, 30:1-12 and 30:1-14 through 17.

WHEREAS, The New Jersey Medical Assistance and Health Services Act (Chapter 413, New Jersey Laws of 1968) authorizes payment of medical assistance for certain care and services which may be provided by public institutions; and

WHEREAS, As a condition of Federal financial participation under Title XIX of the Social Security Act it is required that the State Plan for Medical Assistance specify the standards to be utilized in determining that such institutions are qualified to provide such care and services;

BE IT RESOLVED, That pursuant to the authority granted by Title 30 of the Revised Statutes, sections 30:1-7, 30:1-12 and 30:1-14 through 17, the following policies shall govern the establishment and maintenance of standards for public institutions providing medical care and services pursuant to the said New Jersey Medical Assistance and Health Services Act:

1. Any public institution providing in-patient or out-patient services as a general hospital shall be required to meet and maintain the standards established and approved by this Board for private hospitals;
2. Any public institution providing skilled nursing home services shall be required to meet and maintain the standards established and approved by this Board for private nursing homes, as well as the standards for skilled nursing homes established pursuant to Title XIX of the Social Security Act;
3. Any public institution for tuberculosis or mental diseases providing in-patient hospital services shall be required to meet and maintain the standards established and approved by this Board for private hospitals, as well as the standards for a tuberculosis hospital or psychiatric hospital, as appropriate, established pursuant to Title XVIII of the Social Security Act;
4. Procedures and processes required to determine that the standards established herein are met and maintained by the appropriate institutions shall be exercised by and through the Bureau of Community Institutions, utilizing, so far as available, the services of the Office of Certification of Health Facilities (State Department of Health); and
5. The Commissioner shall promulgate such further policies and procedures, as may be necessary, to implement this resolution.

Lloyd B. Wescott, President
State Board of Control

Note: The above Resolution was filed and became effective January 14, 1970 as R. 1970 d.11 (Exempt, Nondiscretionary Rule).

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(a)

INSTITUTIONS AND AGENCIES

BOARD OF CONTROL

Proposed Minimum Bed Requirements for Hospitals

The State Board of Control, pursuant to authority delegated in N.J.S.A. 30:11-1 et seq., proposes to revise the Regulations concerning minimum bed requirements for a hospital facility in order to amend and supplement the Regulations contained in the Manual of Standards for Private Hospitals (dated July, 1968).

The proposed Regulations which shall be applicable to all new and existing licensed and approved general hospitals in the state, are as follows:

The Board of Trustees of a proposed new hopsital or of an existing hospital proposing to expand should demonstrate by adequate supporting data that the planned facility is needed, that it has adequate community support, sound financing and a program to provide adequate professional and non-professional staffing.

1. Any new hospital proposing to build must present a master plan, including schematic drawings, for a 200-bed hospital and must complete 100 beds within that plan. If a new hospital will initially complete and operate fewer than 200 rated beds, the hospital must demonstrate that other hospitals in the area are willing to, and are able to, provide the services excluded by the new hospital which are adequate to meet the needs of the community to be served by the new hospital.

2. Any existing hospital of fewer than 200 beds proposing to expand must present a master plan, including schematic drawings, for orderly expansion to a 200-bed hospital. If the existing hospital has fewer than 100 beds it must complete a minimum of 100 beds within that plan.

3. Full consideration should be given to possible merger of facilities and consolidation of planned or existing services with other hospitals before building new or expanding existing hospitals.

4. If the need is demonstrated, any satellite hospital facility may be smaller than 100 rated beds; but must be affiliated with, and operated under, the effective supervision of the Board of Trustees of an existing 200-bed (or larger) hospital. Any new satellite hospital facility must also be planned and constructed under the effective supervision of the Board of Trustees of the hospital with which it is affiliated.

5. If the need is demonstrated, an out-patient clinic service (including emergency services) of an existing hospital may be located in a separate building and at a distance from the hospital, but must be operated under the effective supervision of the Board of Trustees of an existing 200-bed (or larger) hospital.

Any interested person may present statements or arguments in writing relevant to the proposed action to:

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

on or before February 27, 1970.

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

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

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of the Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A. 44:10-3 proposes to amend the Categorical Assistance Budget Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

316. CHILD CARE

316.1 Expenses of child care for the purposes of this Section means the authorized rates for "Day Care Centers," "Family Day Care Homes," [and] "In Home Care" **and "Day Camps."**

316.4

b. Special circumstance allowances or vendor payments for child care are authorized only for day care centers, [or] family day care homes, **and day camps** which have been approved by the Department of Education or Bureau of Children's Services, whichever is applicable.

316.8 Day Camp

a. "Day camp" is construed to mean either the operation of day care center services in an outdoor rather than an indoor setting, or other supervised group care for children with a planned recreational and educational program in an outdoor setting.

b. The use of a day camp is permitted as an alternate form of child care during periods when other facilities are unavailable or in situations where, in the judgment of the County Welfare Board, such care is considered necessary or desirable.

c. The maximum allowable rate for care in a day camp, regardless of the source or sources of such payment, shall not exceed the applicable rate for the particular facility and class of service as determined by the Bureau of Children's Services. This rate shall be inclusive of all transportation costs except as authorized in Section 314.2 (when it is essential for physical health and safety, the costs of transporting a handicapped child to and from day camp).

317. EXPENSES INCIDENT TO WORK EXPERIENCE, OR JOB TRAINING PROGRAMS

317.1 [When a client is participating in a designated and/or approved job or work experience training program or when a client has been enrolled in WIN Program, Priority II, a special circumstance allowance for expenses incident to training for each such person shall be recognized unless Section 317.2 is applicable.]

A special circumstance allowance for expenses incident to training shall be recognized, except when Section 317.2 is applicable, for each member of the family budget unit participating in one of the following:

a. a job or work experience training program designated and/or approved by the County Welfare Board;

b. in ADC, enrollment in the WIN Program, Priority II;

c. enrollment in a full-time (as defined by the institution client is attending) educational experience other than the normal four-year high school curriculum, regardless of the type of program, provided such educational program is designed to attain a vocational objective which, in the judgment of the County Welfare Board, is both feasible and reasonable.

317.2 A special circumstance allowance for expenses incident to training shall not be recognized in any of the following situations:

a. in [OAA, AB & DA,] **all programs,** client is receiving allowances or payments of any kind from a MDTA program **(see Sections 408.7 and 412.5);**

b. in ADC, client is participating in the WIN Program, Priority I **or Priority III;**

[c. in all programs, client is participating in any other training program which provides payments or allowances for expenses incident or attributable to training;]

[d.] **c.** in all programs, client is employed and [his] **allowance for expenses of employment** [are recognized in his budget.] **is being deducted from earnings or otherwise recognized.**

317.3

a. The monthly special circumstance allowance for expenses incident to training is $50.

b. This allowance is deemed to be a total allowance and thus inclusive of all expenses [(except for child care and medical care costs)] incident or attributable to [job or work experience] training **(except for child care and medical care costs).** No additional allowances [for expenses incident to job or work experience] **of any kind for training** are authorized.

c. When the client is participating in any training program recognized in Section 317.1 (except the WIN Program, Priority II) which itself provides payments or allowances for expenses incident or attributable to training, the amount of such payments or allowances (except those amounts directly and identifiably expended for tuition, other educational fees, required textbooks, laboratory equipment, other required equipment and transportation expenses) shall be considered as unearned income of the client in determining the family budget deficit.

(1) In ADC, when an eligible child under 21 is regularly attending school, such child shall be budgeted according to Section 606.4.

402. AVAILABLE RESOURCES

402.1 Only available resources shall affect the amount of the grant. The cash, which can be realized, by the sale or pledge of a resource, within [a period of 7 days,] the time period that would be covered by an assistance payment shall be considered as an available resource.

However, if immediate need is demonstrated, a grant shall be provided until such time as the cash is actually available.

402.3

b.

3. Conservation of Income for Specified Purpose: Moneys which a client who is in fact a public assistance recipient may set aside, whether in a bank account or otherwise, for the specific purpose of accumulating funds to cover the purchase of an identified item(s) of family living, will not be considered an available resource so long as the amount thus conserved does not exceed the total of three months' budgeted needs for the family budget unit.

408. EXEMPT RESOURCES

408.3 DISREGARD OF EARNED INCOME IN ADC

c. EARNED INCOME OF A FULL OR PART-TIME STUDENT OVER 14 YEARS OF AGE

The earned income of any child over 14 years of age in [an] **the** ADC Family Budget Unit who is a [full or part-time student, but who is not a full-time employee,] **full-time student, or is a part-time student who is not a full-time employee,** shall be disregarded in determining need of the Family Budget Unit and in evaluating his capacity as a legally responsible relative.

4. [Students eligible for such disregard, and also students who are fully employed and thus not eligible for the disregard (408.3-c.),] **Part-time students who are fully employed and are thus not eligible for the disregard of earned income as described in this section,** may have all or portions of their income conserved for future identifiable educational needs in accordance with Section 408.3-d.

502. LEGALLY RESPONSIBLE RELATIVES

502.1 Certain relatives are specifically identified by law as legally responsible relatives (R.S. 44:1-140). For purposes of application of the specific policies and standards hereafter provided in this chapter and Appendix V the following table indicates the legally responsible relative, in each categorical program, to whom such policies and standards are intended to be applicable:

LEGALLY RESPONSIBLE RELATIVE

	PROGRAM					
	OAA	DA	ADC	AB	MAA	MA
Spouse	X	X	X	X	X	X
Child under age 55	X	X	X	X	X	
Any parent of a minor child		X	X	X		X
Parent under age 55		X	X	X		
Grandparent under age 55		X	X	X		
Parent under age 55 of a blind or disabled child over 21						X

606. THE FAMILY BUDGET UNIT

606.2 ADC

h. A child or an adult eligible for ADC who is temporarily in an institution shall continue to be regarded as a member of the family budget unit. In situations where such residential institutional care continues for a period of 30 days or more (disregarding any interruptions for "visits home" by the day or week-end) the element of food shall be recognized as an income equivalent of [$30.00] **$25.00** per month.

606.4 ELIGIBLE ADC CHILD OVER 18 AND UNDER 21 REGULARLY ATTENDING SCHOOL

a. In ADC, when in accordance with Manual of Administration, Section 2280.2, an eligible child under 21 is regularly attending school, this child shall be included as a member of the family budget unit whether or not he is living in the home during the period in which he is pursuing his studies.

b. [In those situations where such child is attending a post-secondary school (e.g.—college, community college, vocational school above high school level, etc.) a monthly special circumstance allowance of $50.00 for expenses incident to training shall be recognized in accordance with Section 317. during those months the student is actually attending such school, except in situations where he is a full time employee (see Section 408.3-c.).

1. The student who is a full time employee is eligible for deduction of expenses of employment and the disregard of earned income (Section 408.3-a.).]

Any unearned income of this child, such as scholarships, grants or any other forms of financial assistance for educational purposes, shall first be applied to expenses directly related to education, namely: tuition payments, payment of student fees, purchase of required textbooks, laboratory equipment, any other required equipment, transportation expenses, and, if he is living away from home, room and board expenses. All remaining unearned income shall be considered as income to the family budget unit. (See Section 408.3 for regulations concerning earned income of a full or part-time student.)

The student and the County Welfare Board have joint responsibility in securing factual data concerning such scholarships, grants, or funds.

1. If the student is in fact living apart from the family budget unit and is receiving financial assistance for full room and board expenses, the element of food shall be recognized as an income equivalent of $25.00 per month in determining the needs of the family budget unit.

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Institutions and Agencies—continued

611. BUDGETARY STATEMENT SECTION—DETERMINATION OF MONTHLY SHELTER COST

611.3 Enter the number of persons in the shelter unit. **Do not include any persons who are in fact roomers or roomer-boarders.**

613. BUDGETARY STATEMENT SECTION—DETERMINATION OF INCOME FROM ROOMER(S) TABLE-BOARDER(S) OR ROOMER-BOARDER(S)

613.2 [All income derived] **The total net income** from this source(s) shall be entered on the income side of the client's budget.

Note: In Appendix Sec. I Schedule IX "Emergency Home Furnishings," the following change is proposed:

Under the heading "Kitchen Furnishings," add the item "Range" and the following allowances in this order under columns one through six: $100, $100, $100, $100, $100, $125.

Appendix Sec. II

II. 4. REGULATIONS AND SCHEDULE OF MONTHLY ALLOWANCES FOR ROOM AND BOARD FOR ADULTS

4.5 When a client, who is in need of extensive personal services on a regular and continuous basis, is purchasing a room and board living arrangement, with personal service, in a private family home in which he is the only guest, the monthly allowance may be an amount up to [$130.00] **$150.00.**

4.7 In no event shall the public assistance allowance to the client for purchase of a room and board living arrangement, with or without extensive personal services, exceed the minimum amount which the establishment customarily charges to or for other guests, not dependent on public assistance or other form of public subsidy, for the same accommodations and/or services.

6. WELFARE RENT SCHEDULES FOR PUBLIC ASSISTANCE RECIPIENTS RESIDING IN PUBLIC HOUSING PROJECTS

6.1 The amount of rent to be charged public assistance recipients residing in public housing projects shall be determined in accordance with the procedures and conditions developed by the Division of Public Welfare, the Regional Office of the Federal Department of Housing and Urban Development, and the New Jersey State Association of Housing and Redevelopment Authorities. Each Welfare Rent Schedule so established will represent the amount of rent correctly to be charged by a particular Housing Authority, and the amount that will be recognized by the public assistance agency.

These regulations are not to be construed as contradictory to Section 108. of this Manual and the rental amounts established shall be considered reasonable as defined by Section 107.

6.2 The Welfare Rent Schedule is to be used when any portion of a family's income is derived from any public assistance program.

6.3 There will be no surcharges for excess utilities made by the Housing Authority.

6.4 The Schedule will establish a maximum rent to be charged for families of seven or more; for Housing Authorities which have established a maximum rent applicable to all tenants, the amount of rent to be charged for families of seven or more shall be the lesser of the Welfare Rent Schedule maximum or the maximum established for all tenants.

6.5 Each Schedule is applicable to a specific Authority and is authorized as a temporary arrangement only, subject to any change at a later date or as the result of any Statewide policy on this subject which may be developed.

6.6 The amount of public assistance payments made to families shall be considered by the Housing Authority as secondary income and shall not be used in determining eligibility for occupancy.

6.7 The local Housing Authority shall have the authority, subject to the conditions in Sections 6.2 through 6.6, to effect an adjustment in the Welfare Rent Schedule at any time, provided that any such change shall not occur within a period of one year from the date of a previous adjustment.

The procedure for making an adjustment in the Welfare Rent Schedule is as follows:

a. The Housing Authority shall initiate the process for an adjustment in the Schedule by:

1. computing a proposed Schedule in accordance with the formula; and

2. forwarding two copies of this Schedule to the municipal welfare department and two copies to the county welfare board.

b. The proposed Schedule must be received by the public assistance agencies at least 60 days prior to the effective date of the implementation of such Schedule.

c. Upon receipt of the proposed Schedule the local public assistance agencies will each retain one copy and promptly forward the other copy to the Division of Public Welfare with a statement including:

1. Acceptance of, or objections (with reasons) to the new Schedule.

2. The suggested effective date of the implementation of the Schedule.

3. Any other comments or suggestions.

d. The Division of Public Welfare upon receipt of a proposed Schedule which it finds to be correct in accordance with the formula, will send a formal letter of approval of such Schedule to the Housing Authority with copies of the letter to the public assistance agencies. This letter shall include:

1. The effective date of the implementation of the Schedule,

2. The rents as set forth in the Schedule,

3. A statement that the Schedule is approved with the understanding that it had been prepared in accordance with the formula.

6.8 No new Welfare Rent Schedule shall be implemented by either the Housing Authority or the public assistance agencies prior to receipt of official notice of approval from the Division of Public Welfare.

Appendix Sec. V.

G. SCHEDULE II — FOR DETERMINING THE LEGALLY RESPONSIBLE RELATIVE'S CAPACITY TO CONTRIBUTE TO SUPPORT

3. Legally Responsible Relative is Married and Both Husband and Wife Have Income

a. When the LRR whose capacity to support is being determined is a married person, and both the husband and wife have income, proceed as follows:

(1) For Family Size of 2 only:
Consider only the income of the LRR and include the spouse in determining family size.

(2) For Family Sizes of 3 or more:
Consider only the income of the LRR and exclude the spouse only in determining family size.

(3) Make any adjustments as authorized by Appendix V - [A, B, C and D.] **Sections B and D.**

(4) The resulting figure is the **adjusted** income to [be used to determine] **use in determining** the LR's capacity **to contribute** to support.

b. Husband and wife are legally responsible relatives of the same client
When the husband and wife have incomes and both are LRRs of the same client or family budget unit:

(1) add the incomes of the husband and wife;

(2) make any adjustments as authorized by Appendix V - **Sections** [A] B and [C] D;

(3) the resulting figure is the **adjusted** income to [be used to determine] **use in determining** the LRR's capacity to contribute to support.

Any interested person may present statements or arguments in writing relevant to the proposed action to Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before February 27, 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

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Food Stamp Program Manual

Proposed Amendments to the Food Stamp Program Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 30:1-12, proposes to amend the New Jersey Food Stamp Program Manual by revising Exhibit B—Table II—Net Income Basis of Coupon Issuance for Low Income Households.

The purpose of this proposed revision is to liberalize the program by reducing the amount of money needed to purchase food coupons, and to provide that families of the same size receive the same total coupon allotment, which amount has been determined by the United States Department of Agriculture.

Copies of the proposed revision to Exhibit B—Table II may be obtained by writing to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625.

Any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare at the above address on or before February 27, 1970.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revision of Public Welfare Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:10-3, proposes to revise the Division of Public Welfare Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

2286. Employment and Training

.2 Employment **or Training** for Mother

a. Since it is a basic principle to strengthen family life, a mother's first responsibility is the care and protection of her child and/or incapacitated husband. However, self-support, by all reasonable means, should at all times be actively encouraged. Consistent with this principle, total or partial self-support through employment **or training for employment** of the mother [may] **shall** be encouraged provided such employment or training is not contraindicated after careful evaluation of the following criteria:

1) The need for the mother's services at home depends upon the number, age and special needs of the children (see 2200. Appendix on WIN program for guidelines) incapacity of the father; the mother's acceptance of the homemaking responsibility; and the availability of a mother-substitute to assure the adequate care and supervision of the children at home **or child care setting.**

2) Her potential for employment **or training** depends upon her [training and] capacity for employment **or training,** the economic feasibility, the job availability, and her physical and emotional ability to assume the dual responsibility of mother and breadwinner.

b. If, in the finding of the agency, the employment **or training** of the mother is not contraindicated, she may be required to show that she is actively seeking employment, and may be required to accept employment **or training** when suitable employment **or training** opportunity can be identified as available to her. Under such circumstances, failure or refusal to seek employment or to accept available employment **or training,** shall be just cause to delete the needs of the mother from the grant [subject to executive approval].

Any interested person may present statements or arguments in writing relevant to the proposed action to Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before February 27, 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)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:10-3, proposes to revise the Division of Public Welfare Manual of Administration by adding the following as an ADC insert (additions indicated in bold face thus; deletions indicated within brackets [thus]):

2560. METHODS OF PAYMENT FOR INCOMPETENT RECIPIENTS

[All references to representative payee and authorized custodian are applicable in ADC.]

The principle of money payments presumes that a person is physically and mentally able to manage his personal affairs. It is recognized, however, that some persons otherwise eligible, cannot be effectively provided for through the issuance of cash payments, either because they are legally barred from endorsing checks or because otherwise inadequate to manage their own affairs.

Assistance shall be provided for eligible persons determined to be incompetent (as defined in .1, below) by whichever method (as provided in .2, below) is required or appropriate.

.1 Incompetent Person Defined

a. Not applicable in ADC.

b. Not applicable in ADC.

c. Not applicable in ADC.

d. Applies in ADC. (See 2294., Other Incompetents and 2633., Family Life)

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Institutions and Agencies—continued

.2 Methods Available

a. Not applicable in ADC.

b. Applies in ADC.

c. Applies in ADC.

d. Applies in ADC.

e. Applies in ADC.

.3 Priorities and Conditions in Selection of Method

a. Not applicable in ADC.

b. In ADC assistance shall be paid, whenever possible, to a protective payee in any case where it is determined that the payments to such parent or relative are failing to secure for the child or children a standard of maintenance and care consistent with the program. (See 2562.) A protective payee is authorized to administer payments of public assistance, but is not authorized to receive, hold or administer any other property, real or personal, of the recipient nor to act as representative of the recipient in any other manner whatsoever. Money payments made by this method as well as medical vendor payments are subject to Federal matching.

c. Applies in ADC.

d. Not Applicable in ADC.

e. Applies in ADC.

.4 Limitations on Appointment
Applies in ADC.

2561. Payments on Behalf of Incompetent Minor (18-21 years)
Not applicable in ADC.

2562. Protective Payee
Applies in ADC.

.1 Determination of Need for Protective Payments

a. In ADC a determination that protective payments are required must be based upon the CWB's findings that the parent or parent person is so unable to manage money that making assistance payments to him would be contrary to his welfare and the welfare of the child or children. (See 2294.2)

.1 b. Not applicable in ADC.

.2 Selection of Protective Payee
Applies in ADC.

.3 Appointment of Protective Payee
Applies in ADC.

.4 Payment Procedure
Applies in ADC.

.5 Assistance and Services to Recipient

a. Applies in ADC.

b. Applies in ADC.

c. In ADC when it appears that need for protective payments will continue or is likely to continue beyond one year because all efforts have not resulted in sufficiently improved use of assistance in behalf of the child, appointment of a representative payee or legal guardian shall be effected. However, action to effect appointment of a representative payee or legal guardian shall be taken whenever such action will more appropriately serve the recipient's welfare than the continuation of a protective payee.
CWB shall review the need for protective payments on behalf of children and the way in which a protective payee's responsibilities are carried out as frequently as is indicated by the individual's circumstances and at least every three months.

d. In ADC action to terminate protective payments for a recipient shall be promptly taken whenever a determination by the CWB indicates that such procedure is no longer required.
The termination of this procedure shall be recorded in the welfare board minutes and written notice shall be sent to the individual concerned. The recipient shall also receive written notice of the termination of the arrangement.

.6 Change in Protective Payee
Applies in ADC.

.7 Fair Hearing
Applies in ADC.

2563. Representative Payee or Legal Guardian

.1 Appointment of a Representative Payee or Legal Guardian
Applies in ADC.

.2 Payment to a Representative Payee or a Legal Guardian
Applies in ADC.

.3 Change of Representative Payee or Legal Guardian
Applies in ADC.

2564. Authorized Custodian
Applies in ADC.

2625. Competency Status

.1 Mental Competency
First sentence applicable in ADC.

.2 Minority (DA)
Inapplicable in ADC.
(See 2112.1 ADC Insert for discussion of "parent minor")

.3 Other Incompetency
[Inapplicable in ADC] Applies in ADC.

2633. Family Life

.1 General Policy on Eligibility
The law, in addition to stating that the purpose of ADC is to provide care for children "under standards and conditions compatible with decency and health to help maintain and strengthen family life," also directs that "payments of financial assistance, with respect to a dependent child or children, to a parent or relative with whom such child is living, will be terminated promptly, and other arrangements for the care and maintenance of such child or children instituted, in any case where it is determined that the payments to such parent or relative under the provisions of this act are failing to secure for the child or children a standard of maintenance, care and family life consistent with the purpose stated above."

It shall be a continuing concern of CWB to assure that the purpose of the program as stated above is being accomplished in each active case[,] . Methods will be in effect by which children will be identified whose parent or relative has demonstrated an inability to comply and prompt action shall follow upon any considered decision of the CWB that such purpose of the program is being violated. (See 2560., Methods of Payment for Incompetent Recipients.)

2885. Requests to Return Unattached Child to New Jersey

.3 When Child is Member of ADC Family

a. Request Received by BCS (Central or District Office)

When the BCS routes to CWB a request initially received by BCS and determined to be for a child who is a member of an ADC family, CWB shall take prompt action to evaluate the situation. If it is determined that the child should return to his family CWB shall negotiate directly with the referring out-of-State agency, giving assurance that the child will be eligible to receive ADC as soon as returned, and asking for details of travel plans.

Appropriate adjustment of the ADC grant shall coincide with the date of return [.] , [Where necessary an additional payment should be issued by executive authority as provided in] and in accordance with 2520. ADC Insert. It will be expected that the out-of-State agency will provide the cost of transportation.

If CWB determines that it is not a good social plan for the child to return to the ADC family, a summary of the reasons for the decision together with copies of the correspondence shall be forwarded to the [Bureau] Division for referral to BCS.

b. CWB Receives Request
When CWB receives the request from out-of-State regarding return of a child who is a member of an ADC recipient family, CWB shall promptly investigate the situation and follow the same procedures as in a. above.

c. [Bureau] Division Receives Request
In the event that the State [Bureau] Division receives a request to return a child, and it can be determined from [Bureau] Division files or by telephone clearance with a CWB that the child is a member of an ADC recipient family, the [Bureau] Division will acknowledge the request and route the correspondence to CWB for processing as in a. above.
All other requests will be referred directly to BCS.

d. Municipal Director Receives Request
The municipal welfare departments have been instructed to route all such requests to the State [Bureau] Division for disposition.

Any interested person may present statements or arguments in writing relevant to the proposed action to Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before February 27, 1970.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Industrial Trucks

Notice is hereby given that on December 29, 1969, Raymond F. Male, Commissioner of Labor and Industry, pursuant to authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with the applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., adopted Chapter 147, Industrial Trucks, of Title 12 of the New Jersey Administrative Code.

Requests for copies of the text of the Chapter should be addressed to:

Department of Labor and Industry
Bureau of Engineering and Safety
P.O. Box V
Trenton, New Jersey 08625

The following is the Foreword to the Chapter:

FOREWORD

Prior to World War I there were practically no industrial trucks or, for that matter any other material handling equipment in substantial use. The industrial fork lift truck as we know it today really started its ascendency during World War II.

In our growing industrial civilization with its great concentrations of population it would be very difficult indeed to move the vast amounts of food and material needed without the use of the industrial truck. While the industrial truck has been introduced to reduce the cost of material handling, its introduction has produced new problems in moving material safely.

We are concerned not only with the design and construction of trucks but also with their safe application and use. As with other types of mobile equipment the misuse of the industrial truck may present a hazard both to the operator and other workers. This misuse may also introduce a fire or explosion hazard and the possibility of water damage and mechanical damage to plant facilities.

We can adequately specify the design and construction requirements for the equipment, but that is just part of the problem. To remain safe the truck must be kept in good operating condition. The severe service to which industrial trucks are subjected make adequate maintenance programs imperative. The final responsibility for safe operation, provided the truck is well designed and properly maintained, is the operator's. He must be trained and have the degree of competence to perform the task in a safe manner.

Therefore, this Chapter of the New Jersey Administrative Code is promulgated to establish reasonable standards for the design, construction, maintenance and operation of industrial trucks.

This Chapter is promulgated by the Commissioner of Labor and Industry of the State of New Jersey, under authority vested in him by Section 9 of the Worker Health and Safety Act, P.L. 1965, Chapter 154, N.J.S.A. 34:6A-9 as follows:

> The Commissioner shall make and promulgate rules and regulations reasonably necessary to implement the purposes of this act. Such rules and regulations shall have the force and effect of law and shall be enforced in the manner provided in this act . . .

The same statute provides authority for the Commissioner to grant exceptions to the requirements of this Chapter in accordance with Section 23 as follows:

> The Commissioner shall have the power and authority to grant exceptions from the literal requirements of rules and regulations promulgated under this act. Such exception shall be granted in any particular case only where it is clearly evident that it is necessary to prevent undue hardship or where existing conditions prevent compliance. In no case shall any exception be granted unless in the opinion of the Commissioner reasonable protection of the health and safety of workers and the public will be maintained thereby. An application for an exception shall be filed in writing with the Commissioner, setting forth specifically the requirements of the rules and regulations from which an exception is desired and the reason why enforcement of the applicable provisions of the rules and regulations is unreasonable. The Commissioner shall grant or deny the exception within 30 days from the date of receipt by him of the application. The Commissioner shall maintain a record of all exceptions granted and shall make such record reasonably available for public examination and shall mail a copy of all rulings granting exceptions to the members of the board.

This Chapter was submitted to the Industrial Truck Association for their review and comment.

Prior to its promulgation, this Chapter was submitted to the New Jersey State Industrial Safety Committee, Public Hearing, and the New Jersey State Industrial Safety Board in accordance with the requirements of the act cited above.

An order adopting this Chapter was filed January 15, 1970 as R. 1970 d.12, to be become effective July 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

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(a)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Overhead and Gantry Cranes

Notice is hereby given that on December 15, 1969, Raymond F. Male, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, 52:14B-1 et seq., adopted Chapter 148, Overhead and Gantry Cranes, of Title 12 of the New Jersey Administrative Code.

Requests for copies of the text of the Chapter should be addressed to:

Department of Labor and Industry
Bureau of Engineering and Safety
P.O. Box V
Trenton, New Jersey 08625

The following is the Foreword to the Chapter:

FOREWORD

This Chapter is a new Chapter of the New Jersey Administrative Code on the subject of overhead and gantry cranes.

This Chapter establishes reasonable standards for such cranes in places of employment for the protection of the health and safety of employees.

This Chapter is promulgated by the Commissioner of Labor and Industry of the State of New Jersey, under authority vested in him by Section 9 of the Worker Health and Safety Act, P.L. 1965, Chapter 154, N.J.S.A. 34:6A-9 as follows:

> The Commissioner shall make and promulgate rules and regulations reasonably necessary to implement the purposes of this act. Such rules and regulations shall have the force and effect of law and shall be enforced in the manner provided in this act . . . .

The same statute provides authority for the Commissioner to grant exceptions from the requirements of this Chapter in accordance with Section 23 as follows:

> The Commissioner shall have the power and authority to grant exceptions from the literal requirements of rules and regulations promulgated under this act. Such exception shall be granted in any particular case only where it is clearly evident that it is necessary to prevent undue hardship or where existing conditions prevent compliance. In no case shall any exception be granted unless in the opinion of the Commissioner reasonable protection of the health and safety of workers and the public will be maintained thereby. An application for an exception shall be filed in writing with the Commissioner, setting forth specifically the requirements of the rules and regulations from which an exception is desired and the reason why enforcement of the applicable provisions of the rules and regulations is unreasonable. The Commissioner shall grant or deny the exception within 30 days from the date of receipt by him of the application. The Commissioner shall maintain a record of all exceptions granted and shall make such record reasonably available for public examination and shall mail a copy of all rulings granting exceptions to the members of the board.

Prior to its promulgation, this Chapter was submitted to the New Jersey State Industrial Safety Committee, Public Hearing, and the New Jersey State Industrial Safety Board in accordance with the requirements of the act cited above.

An order adopting this Chapter was filed December 16, 1969 as R. 1969 d.27, to become effective May 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rules governing Driving Tests, Visual Acuity, Law Knowledge Tests, Applications for Licenses, Validation of Permits, Student Permits, Bus Driver Licenses

Notice is hereby given that on January 6, 1970, June Strelecki, Director of Motor Vehicles, pursuant to authority of applicable provisions of Title 39, Motor Vehicles and Traffic Regulations, of the New Jersey Statutes Annotated, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, 52:14B-1 et seq., adopted rules governing Driving Tests, Visual Acuity, Law Knowledge Tests, Applications for Licenses, Validation of Permits, Student Permits, and Bus Driver Licenses as set forth in the Notice published November 27, 1969 at 1 N.J.R. 20(c).

Orders adopting these rules were filed and became effective January 9, 1970 as R. 1970 d.3, d.4, d.5, d.6, d.7, d.8, and d.9.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Point System for Drivers

New Jersey has been called one of the most progressive states in developing safety on the road by supervision of drivers and inspection of vehicles.

Since 1938, New Jersey owners have been subject to vehicle inspection, at first twice a year, but now annually. Driver education courses in the state's high schools have mushroomed in recent years, with heavy emphasis on developing safe drivers.

Many chronic violators of traffic laws and unsafe drivers have had their licenses suspended or revoked since the state's famous "point system" went into effect in July 1952.

Speeding is a major reason for suspension of a driver's license. The most recent regulation of the Division of Motor Vehicles, relating to the suspension of a license on a speeding charge, became effective April 1, 1969. It is substantially the same regulation that has been in effect for several years. It follows:

"The New Jersey driver license or reciprocity driving privilege of any person shall be suspended upon conviction of operating a vehicle upon any street or highway, or upon any turnpike, parkway or facility operated by a state authority, commission, board or agency created by the State or by compact or agreement between this State and any other State, now existing or which may hereafter be created, at a speed of:

1. Ten or more miles per hour over the legal limit, providing the speed as indicated by the conviction is 60 to 80 miles per hour, such suspension to be for a period of 30 days.

2. Sixty miles per hour or greater where the safe driving speed limit upon any turnpike, parkway, or facility operated by a state authority, commission, board or agency, or by compact or agreement between this State and any other State or upon any other limited access highway, has been reduced by the proper authority because of weather conditions, road conditions, or any emergency, such suspension to be for a period of 30 days.

3. Eighty-one miles per hour or greater but not exceeding 90 miles per hour providing the speed is in excess of 20 miles or more of the legal speed limits, such suspension to be for a period of 60 days.

4. Ninety-one miles per hour or greater but not exceeding 100 miles per hour providing the speed is in excess of 20 miles or more of the legal speed limit, such suspension to be for a period of 90 days.

5. One hundred-one miles per hour or greater, such suspension shall be for a period of time to be determined by the Director based on the actual speed and driving record but in any event not less than a period of four months.

Upon conviction for a violation encompassed by this Regulation, if the Judge of the court does not impose suspension, the Director shall suspend for the period required by this Regulation. Where the Judge of a court upon conviction for a violation encompassed by this Regulation suspends a driver license for a period less than provided by this Regulation, the period of suspension shall be increased by the Director to the period required by this Regulation. No lesser period of revocation or suspension shall be imposed than that directed by the court."

The point system, by which an errant driver can have his license suspended after he accumulates 12 points, was amended slightly in August, 1969, to provide that a driver whose license was suspended under the regulation printed above would not also receive points.

The point system regulation now in force follows:

I. Point System for motor vehicle and traffic law violation repeaters.

Leaving scene of an accident	8 points
Reckless driving	6 points
Racing on highway	6 points
*Speeding - 20 MPH or more over legal limit providing speed limit is under 50 MPH	6 points
*Speeding - Other	4 points

*No points will be assessed for a speeding conviction which results in a driver license suspension under the Suspension for Speeding Regulation.

Passing on curve or hill or otherwise unsafely	5 points
Passing stopped school bus	5 points
Following too closely	5 points
Other moving violations	3 points

II. The date of the violation will be the controlling factor in evaluating the three year period.

III. Violations in other states and the Provinces of Canada will be charged against the driving record and points assessed.

IV. An accumulation of twelve points within a three year period may cause the driver to be subject to a hearing before the Director of the Division of Motor Vehicles or a Hearing Officer designated by the Director on a rule to show cause why his driver license should not be suspended, or driver may elect to attend a Division of Motor Vehicles Driver Improvement School.

V. The Director, in her discretion, may permit a driver subject to suspension under this Regulation to elect to attend a Division of Motor Vehicles Driver Improvement School in lieu of all or part of a period of suspension. The maximum period of suspension that may be credited is two (2) months.

If a period of suspension longer than two (2) months is imposed, a driver must surrender his driver license in accordance with an official order of suspension and he must serve the period which is in excess of two (2) months. The privilege may be restored after expiration of the period in excess of two (2) months upon agreement to attend a Division Driver Improvement School.

A driver who elects to attend a Division Driver Improvement School in lieu of all or part of a period of suspension shall agree in a signed statement to the following conditions:

> He will attend a school to which he is assigned with respect to location and he will attend each of the sessions of the class to which he is assigned.
> He will comply with the rules governing attendance, his conduct, instructions and examination.
> He will, upon successfully completing the course, in lieu of all or part of period of suspension be officially warned with respect to his future driving.
> He will be subject to suspension of driver license privilege if he fails to attend each of the sessions, fails to comply with the rules, or fails to successfully complete the course.

VI. A driver who accumulates twelve or more points and his driver license privilege is suspended may be required to attend and successfully complete a Division of Motor Vehicles Driver Improvement School Course as a condition to restoration of driver license privilege.

VII. Restoration after suspension or official warning, or warning after successfully completing a Division Driver Improvement School Course following accumulation of twelve or more points shall be with the express condition and understanding that any violation of the motor vehicle laws of New Jersey committed within a period of one year thereof may result in summary suspension of driving privileges, without hearing, for the following periods:

(a) When the violation occurred within six months of the date of action ..... three months;

(b) When the violation occurred after six months but within nine months of the date of action. two months;

(c) When the violation occurred after nine months but within one year of the date of action..... one month.

VIII. The provisions of this Regulation shall not be affected by any revocation or suspension imposed by the Judge of a court, except that no lesser period of revocation or suspension will be imposed than that directed by the court.

IX. Upon suspension of a driver license privilege under this Regulation, proof of financial responsibility for the future will be required if one or more violations for which points are assessed resulted in an accident.

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Cardiovascular Conditions

The Division of Motor Vehicles may require persons who now have or in the past have had cardiovascular conditions to meet certain requirements before a driver's license may be issued or renewed.

A regulation of the Division, in effect since 1963, has the following provisions:

1. The Director in consultation with the Medical Society of New Jersey shall appoint a Medical Advisory Panel of specialists in cardiovascular disorders for the purpose of guiding him in making determinations as to whether persons are physically qualified to operate motor vehicles with safety.

2. Where it shall appear to the Director upon information or investigation that any applicant for a driver license or licensed driver suffers or has suffered from a cardiovascular condition, he may require from such person on forms furnished by the Director:

(a) Statement by the applicant of his case history.

(b) Statement by a physician including all pertinent information relative to the applicant's case including diagnosis, treatment, and prognosis.

3. All available information including the driver's statement of his case history and the attending physician's report will be referred to the Medical Advisory Panel for review and recommendation. If in the opinion of the Panel it is advisable, the applicant may be required to be examined by a member of the Panel including x-ray and/or electrocardiogram. A reasonable fee will be established to be paid by the applicant.

The members of the Medical Advisory Panel will report their findings and recommendations to the Director and the Director will determine whether or not a person may be issued a driver license.

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Law and Public Safety—continued

4. When the Director has denied an applicant a driver license pursuant to this Regulation, restoration of driving privilege may be considered providing the period of time has expired which is determined by the Panel to be applicable in the case.

Upon application for restoration, providing the period of time as determined by the Panel has expired since revocation or denial, the case will be referred to the Advisory Medical Panel as provided in Section 3 of this Regulation.

5. When an applicant is permitted to secure a driver license or his driver license privilege is restored pursuant to this Regulation, as a condition of restoration or issuance of a license the applicant must submit to the Director at six months intervals a statement of his case history and a statement of a physician on forms furnished by the Director.

The Division of Motor Vehicles may require persons who have certain convulsive disorders to comply with a regulation promulgated and adopted in 1964 and still in effect.

The regulation reads as follows:

1. Any person who suffers or who has suffered from epilepsy, convulsive disorders, convulsive seizures, or blackouts, shall as a pre-requisite to the issuance of a learner's permit or driver's license or a renewal of a driver's license establish to the satisfaction of the Director that he has been seizure free for a period of two years with or without medication and that he is physically qualified to operate a motor vehicle.

2. When it shall appear to the Director that a licensed driver or an applicant for a learner's permit or driver's license suffers or has suffered from epilepsy, convulsive disorders, convulsive seizures, or blackouts, the Director may, upon appropriate notice and opportunity for hearing, suspend the driving privilege of, or refuse to issue a driver's license to, such person as physically unqualified to operate a motor vehicle with safety. Provided, however, the Director may, in the exercise of his discretion, suspend such driver license or refuse to issue such learner's permit or driver's license pending hearing, if it shall appear to the Director to be in the interest of public safety that immediate action be taken.

3. When it shall appear to the Director, upon information received or an investigation conducted, that a licensed driver or any applicant for a learner's permit or driver's license suffers or has suffered from epilepsy, convulsive disorders, convulsive seizures, or blackouts, he may require from such person on forms approved by the Director:

a. A statement by the applicant or licensee of his case history.

b. A statement by the treating physician including diagnosis, treatment and prognosis.

c. Any other information which the Director may deem necessary to evaluate the motorist's qualification to operate a motor vehicle.

4. The Director shall appoint a Medical Advisory Panel of three members to advise him as to issuing licenses to persons suffering from epilepsy, convulsive disorders and similar disabilities. The Director shall appoint the Panel upon consultation with and advice of the Medical Society of the State of New Jersey and the New Jersey Consultation Service for Convulsive Disorders.

All available information concerning the licensed driver or applicant, including the licensee's or applicant's statement of case history, the treating physician's statement as to diagnosis, treatment, and prognosis will be referred to the Panel for review, advice, and recommendation.

Each member of the Panel shall separately report his findings and recommendations to the Director of Motor Vehicles.

Notwithstanding the provisions of paragraph 1. of this Regulation, if the members of the Panel so recommend, the Director may grant a learner's permit or initial driver license or permit a motorist to retain his driver license although such person may have suffered from a seizure within a two year period from the date of the Director's determination.

5. When the Director has denied an applicant a driver's license or has suspended the license of a licensed operator pursuant to this Regulation, issuance or restoration may be considered providing the individual submits:

a. A current statement of his case history.

b. A current statement by the treating physician including diagnosis, treatment, and prognosis.

c. A current report covering the results of an electroencephalographic examination.

d. Satisfactory evidence that Section 1 and Section 4 of this Regulation have been complied with where applicable.

The Director may, in addition, require that a motorist be given a driving test and examination at the Division's Driver Improvement Clinic.

6. As a condition precedent to the issuance or restoration of driving privileges pursuant to this Regulation, the individual shall submit to the Director, on forms approved by the Director, a statement of his case history and a statement by a treating physician. These statements shall be submitted every six months for a period of two years from the date of restoration. Subsequent statements shall be submitted on a yearly basis.

(a)

STATE

ATHLETIC COMMISSION

Public Information about Professional Boxing Programs

Notice is hereby given that on January 5, 1970, Morris Mogelever, Acting Athletic Commissioner, pursuant to authority delegated in N.J.S.A. 5:2-5, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, N.J.S.A. 52:14B-1 et seq., adopted a rule concerning public information about professional boxing programs as set forth in the Notice published November 27, 1969 at 1 N.J.R. 23(a).

An order adopting this rule was filed and became effective January 5, 1970 as R. 1970 d.2.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE INVESTMENT COUNCIL

Proposed Change in Rules

Carrol M. Shanks, Chairman of the State Investment Council, pursuant to the authority delegated in N.J.S.A. 52:18A-89, proposes to revise N.J.A.C. 16:3-5.140 as follows (additions indicated in boldface thus):

16:3-5.140 Temporary reserve group.

The temporary reserve group shall include:

(a) General Investment Fund.

(b) General Trust Funds.

(c) Housing Assistance Fund.

(d) Local Emergency Aid Fund.

(e) New Jersey College of Medicine and Dentistry Funds.
(1) Operating Fund
(2) Grant Fund

(f) New Jersey Educational Facilities Authority.

(g) New Jersey Housing Finance Agency.

(h) 1964 Higher Education Construction Fund.

(i) Public Buildings Construction Fund.

(j) Revolving Housing Development and Demonstration Grant Fund.

(k) School Building Aid—Capital Reserve Fund.

(l) State Employees' Social Security Deduction Fund.

(m) State Health Benefits Fund.

(n) State of New Jersey—Alternate Benefit Program.

(o) State 1960 Institution Construction Fund.

(p) State 1964 Institution Construction Fund.

(q) State Recreation and Conservation Land Acquisition Fund.

(r) State Transportation Fund.

(s) State Water Development Fund.

(t) Unemployment Compensation Auxiliary Fund.

(u) Veterans' Loan Guaranty and Insurance Fund (Veterans' Guaranteed Loan Fund).

(v) Water Conservation Fund.

Any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action to the Division of Investment, State House, Trenton, New Jersey 08625, on or before March 2, 1970. Telephone (609) 292-5106.

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

Norman E. Hardy
Deputy State Treasurer

(c)

TREASURY

DIVISION OF TAXATION
MOTOR FUELS TAX BUREAU

Proposed Revision of Rules

Notice is hereby given that the acting director of the Division of Taxation, Department of the Treasury, pursuant to the authority delegated in N.J.S.A. 54:39-10, proposes to revise N.J.A.C. 18:18-1G (7) and (9), to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

N.J.A.C. 18:18-1 DEFINITIONS — The following terms, whenever used or referred to in these Regulations, shall have the meanings given unless a different meaning clearly appears from the context:

A. COMMON CARRIER means any person engaged in or employed in the business of carrying fuels for others for hire.
(Historical Note: Formerly Reg. M.F. 10 filed 4/30/57.)

B. DIRECTOR means the Director of the Division of Taxation in the Department of the Treasury. (Cross Reference: N.J.S.A. 54:39-9.)

C. DISTRIBUTOR means and includes every person, wherever resident or located, who imports into this State fuels for use, distribution, storage or sale in this State after the same shall reach this State; and also every person who produces, refines, manufactures, blends or compounds fuels and sells, uses, stores or distributes the same within this State.

(1) A person applying for a New Jersey Distributor's License or presently holding a Distributor's License on the basis of the importation of motor fuels into this State, must import 50% or more of the total amount of motor fuels handled by him in this State calculated on a calendar year basis.

(2) No person who has had a Distributor's License cancelled for failure to import 50% or more of the fuel handled, will be eligible for a Distributor's License until six (6) months have elapsed from the time of cancellation.

(3) A New Jersey Licensed Distributor who acquires motor fuels in another State for eventual distribution by him within this State and who must temporarily relinquish title to such fuels for the sole purpose of availing himself of a pipeline facility to move those fuels into this State, shall be considered the importer of that fuel in computing his ratio of imports to meet the Distributor's License requirement established by this Bureau. (Cross Reference: N.J.S.A. 54:39-3.)

D. EXPORT means the sending or carrying by any person of fuels out of New Jersey to another State or foreign country in the way of commerce. (Cross Reference: N.J.S.A. 54:39-28.) (Historical Note: Formerly Reg. M.F. 2 filed 4/30/57.)

E. FUELS means (1) any liquid or gaseous substance commonly or commercially known or sold as gasoline regardless of its classification or use; and (2) any liquid or gaseous substance used, offered for sale or sold for use, either alone or when mixed, blended, or compounded, for the purpose of generating power for the propulsion of motor vehicles upon the public highways; and includes: (a) all grades of motor gasoline, natural gasoline, marine gasoline, aviation gasoline, motor fuel blending naphthas, motor grade benzol and motor grade toluol; and (b) any liquid prepared, advertised, offered for sale or sold for use as or commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the latest revised standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products (American Society for Testing Materials Method D-86) shows not less than ten per centum (10%) distilled (recovered) below three hundred forty-seven degrees (347°) Fahrenheit and not less than ninety-five per centum (95%) distilled (recovered) below four hundred sixty-four degrees (464°) Fahrenheit; and (c) all combustible gases which exist in a gaseous state at sixty degrees (60°) Fahrenheit and at fourteen and seven-tenths (14.7) pounds per square inch absolute pressure, industrial naphthas and solvents, aromatic distillates, diesel fuel, additives, and all other products not included within the foregoing provision of this section; provided, however, that only those quantities of said combustible gases and said other products, which are used, offered for sale or sold for use to propel motor vehicles upon the public highways are to be subject to these regulations; and provided further, that any person dealing therein, shall at any time, and from time to time, upon written request of the Director, report his receipts, sales, use and distribution of said combustible gases and said other products in a manner prescribed by the Director. (Cross Reference: N.J.S.A. 54:39-2.)

F. GASOLINE means any liquid or gaseous substance commonly or commercially known or sold as gasoline regardless of its classification or use. (Cross Reference: N.J.S.A. 54:39-2.)

G. GASOLINE JOBBER means a motor fuels wholesale dealer who regularly makes 95% or more of his gasoline sales to not less than 25 retail dealers, fleet operators or other large consumers, including farm accounts and who maintains fixed gasoline storage facilities having a capacity of 50,000 gallons or more either owned or rented under lease for a term of not less than 1 year.

(1) Gasoline storage facilities as segregated for the Jobber's exclusive consumption are not to be included in determining the 50,000 gallons or more requirement for storage.

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Treasury—continued

(2) Wholesale Dealer Status—A gasoline jobber must qualify in every respect with all the terms and conditions prescribed for a wholesale dealer under these rulings. There is no requirement that a gasoline jobber possess a Wholesale Dealer's License in order to qualify for a Gasoline Jobber's License.

(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.

(4) Twenty-Five (25) Customers or More—In order to qualify for a Gasoline Jobber's status, a person must, at all times, have a minimum of 25 regular customers, in this State, all of whom are either retail dealers, fleet operators, large consumers or farm accounts. (Cross Reference: N.J.S.A. 54:39-6.1)

(5) Retail Dealer—(as a Jobber customer) means any person who engages in the business of selling fuels as defined in the Motor Fuels Tax Law (R.S. 54:39-1 et seq.) from a fixed location such as a service station, filling station, store or garage, directly into the service tank or tanks of any vehicle propelled by said fuel.

(6) Fleet Operator—(as a Jobber customer) means any person who operates for use in a business, at all times, five (5) or more vehicles propelled by gasoline.

(7) Large Consumer—(as a Jobber customer)—The primary [factor] factors which will be considered in the determination of a large consumer, shall be the number of gallons of gasoline ([6,000] 2,000 gallons or more per year) purchased by such a consumer and the storage tank facilities (a tank capacity of 300 or more gallons) used by such a consumer.

(8) Regular Customer—(as a Jobber customer)—Any retail dealer, fleet operator, large consumer, or farm account who purchases a substantial amount of fuel at frequent intervals throughout the year.

(9) Gasoline Storage Facilities—A Gasoline Jobber must maintain, in this State, at all times throughout the year, fixed storage facilities for gasoline, having a minimum capacity of 50,000 gallons.

(a) In determining the 50,000 gallons or more requirement, the storage tank facilities owned or leased for a term of not less than one year, and maintained by a gasoline jobber located on premises used for the making of retail gasoline sales by the jobber may be included; provided, the jobber can furnish, upon request, proof that such ownership or lease arrangement is bona fide, the result of an arm's length transaction, and that such facilities are used primarily and directly for the furtherance of the gasoline jobber's business.

(b) Gasoline storage facilities used [for making retail sales] or segregated for a Gasoline Jobber's exclusive use, shall not be included in determining the 50,000 gallons or more requirement.

(10) A Gasoline Jobber may engage in the selling of gasoline at wholesale without obtaining a Wholesale Dealer's License, during the period in which he has obtained a Gasoline Jobber's License. If desired, a Gasoline Jobber may, in addition, obtain a Wholesale Dealer's License. In order to engage in the wholesale sales of motor fuels other than gasoline, a Gasoline Jobber must obtain a Wholesale Dealer's License, in addition to a Gasoline Jobber's License.

(11) Upon the revocation, cancellation or expiration of a Gasoline Jobber's License, all the untaxed gasoline remaining in inventory at the time of such revocation, cancellation or expiration, shall be reported on the final return and the tax due thereon paid.

(12) Revocation of License: The Bureau may, at any time, make inquiry with respect to the continued eligibility of a Gasoline Jobber and may require any Gasoline Jobber to furnish information and documents as may be necessary to establish his eligibility. In the event there is evidence that a Gasoline Jobber has failed to meet the requirements for the holding of a Gasoline Jobber's License, the Bureau shall schedule a hearing upon not less than 10 days' notice, to determine the qualifications of a Gasoline Jobber. If it is found upon sufficient evidence that the Gasoline Jobber has failed to comply with the necessary requirements for a License, the Bureau may revoke the Gasoline Jobber's License or impose such other penalties as may be prescribed by law. A person whose Gasoline Jobber's License has been cancelled for failure to meet the qualifications of the license or for other reasons shall not be eligible for reinstatement until 6 months have elapsed. (Cross Reference: N.J.S.A. 54:39-6.1, 11, 12, 31.1)

H. IMPORTER means a person who brings fuels into this State, from a point outside this State, in his own vehicles or who hires a carrier to transport the product and who has full ownership, possession, control, title, custody and direction of the product while in transit into this State.

I. MOTOR VEHICLE means any vehicle designed to transport passengers or property over the public highways and which must be registered with the Motor Vehicle authorities of any state before it may lawfully be used upon the highways. (Historical Note: Formerly Reg. M.F. 6, Filed 4/30/57)

J. PERSONS means and includes natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations, and any receiver, trustee, conservator or other officer appointed pursuant to law or by any court, state or federal; also counties, municipalities and other political subdivisions of this State, singular or plural and the State of New Jersey. The use of the singular number shall include the plural number. (Cross Reference: N.J.S.A. 54:39-4)

K. PURCHASE means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession. (Cross Reference: N.J.S.A. 54:39-7)

L. RETAIL DEALER means any person who engages in the business of selling fuels from a fixed location such as a service station, filling station, store or garage, directly into the service tank or tanks of any vehicle propelled by said fuel. (Cross Reference: N.J.S.A. 54:39-5)

M. SALE means, in addition to its ordinary meaning, any exchange, gift, theft or other disposition. In every case where fuels are exchanged, given, stolen or otherwise disposed of, they shall be deemed to have been sold. (Cross Reference: N.J.S.A. 54:39-7.)

N. SALE FOR EXPORT means a sale of fuels in New Jersey by any person to another person not a New Jersey Distributor or Gasoline Jobber, who sends or carries the fuels so purchased out of New Jersey to another State or foreign country in the way of commerce. (Historical Note: Formerly Reg. M.F. 2 filed 4/30/57.) (Cross Reference: N.J.S.A. 54:39-28.)

O. SPECIAL "A" LICENSEE means any person who imports fuels into this State for the purpose of selling same incidental to his principal business of buying and selling fuels in this State or for the purpose of consuming same or for the purpose of blending same with other fuels on which the tax had been paid or is properly owing to the State and who does not hold a Distributor's License. (Cross Reference: N.J.S.A. 54:39-64(a).)

P. SPECIAL "B" LICENSEE means any person who obtains fuel free of the New Jersey State Tax and sells same for ultimate use or uses same to propel a motor vehicle upon the public highways. Any person having both taxable and non-taxable uses and/or sales of such fuels shall hold a Special License "B". (Cross Reference: N.J.S.A. 54:39-64(b))

Q. Special Fuels means all motor fuels other than that commonly known as gasoline (See Reg. 18:18-1E) (Cross Reference: N.J.S.A. 54:39-2)

R. USE means and includes, in addition to its ordinary meaning, the transfer of fuel by a Distributor or Gasoline Jobber into a motor vehicle or into a receptacle from which fuel is supplied by him to his own or other motor vehicles. (Cross Reference: N.J.S.A. 54:39-8.)

S. WHOLESALE DEALER means any person who engages in the business of selling motor fuels to other persons who resell the said motor fuel or who place or have the said fuel placed into their containers or storage tanks for future consumption. The words containers or storage tanks as here used shall not apply to vehicle service tanks used only to carry motor fuels for use in propelling only the vehicle carrying such tanks. (Cross Reference: N.J.S.A. 54:39-6.)

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed at the Motor Fuels Tax Bureau, 107 West State Street, Trenton, New Jersey 08625, on or before February 27, 1970. Telephone (609) 292-5125. The Division of Taxation, Department of the Treasury, upon its own motion or at the instance of any interested party may thereafter adopt the above rule substantially as set forth without further notice.

Sidney Glaser
Acting Director
Division of Taxation

(a)

TREASURY

Outdoor Advertising Tax Bureau

DIVISION OF TAXATION

Prohibited Locations for Outdoor Signs

Notice is hereby given that on January 16, 1970, John A. Kervick, State Treasurer, pursuant to authority delegated in N.J.S.A. 54:40-64, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, 52:14B-1 et seq., adopted an amendment to N.J.A.C. 18:21-16 concerning the issuance of outdoor advertising permits in certain prohibited areas as set forth in the Proposed Revision of the Rule on Prohibited Location for Outdoor Signs published December 25, 1969 at 1 N.J.R. 32(c).

An order adopting this amendment was filed and became effective January 16, 1970 as R. 1970 d.13.

Leon S. Wilson
Director of Administrative Procedure,
Department of State

(b)

PORT OF NEW YORK AUTHORITY

THE COMMISSIONERS

Revision of Rules Regarding Parking at Air Terminals

Revision of Schedule of Charges and Extension of Air Line Leases at Newark Airport

I, Doris E. Landre, the Secretary of the Port of New York Authority, a body corporate and politic, created by compact between the States of New York and New Jersey with the consent of the Congress of the United States, hereby certify that the following is a true and correct transcript from the Official Minutes of a meeting of the Committee on Operations of The Port of New York Authority, duly held on the 4th day of December, 1969, containing the following resolutions:

Air Terminals - Revision of Rules and Regulations

RESOLVED, that the Rules and Regulations governing the operation of Port Authority Air Terminals adopted by the Committee on Operations at its meeting on October 6, 1955 (appearing at page 9, et seq. of the Committee Minutes of that date), as subsequently amended, be and the same are hereby amended, effective January 1, 1970, by revising Rule 410/0-16 to read as follows:

"The Manager may remove from any area of an air terminal any vehicle which is disabled, abandoned, parked in violation of these rules and regulations, or which presents an operational problem, to any other area at the terminal and may store the same thereat, at the owner's or operator's expense and without liability for damage which may result in the course of such removing, towing or storage."

Newark Airport - Revision to the Schedule of Charges - Extension of Airline Leases

RESOLVED, that the Schedule of Charges for the use of the Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at Newark Airport adopted by the Committee on Operations by resolution of October 5, 1959 (appearing at page 45 et seq. of the Committee Minutes of that date) as amended, be and the same is hereby further amended, effective January 1, 1970, by amending the first paragraph of the section entitled "Public Landing Area Charges" by deleting the figure ".40" and substituting the figure ".46"; and be it further

RESOLVED, that the Executive Director be and he hereby is authorized on behalf of the Port Authority to enter into agreements with United Air Lines, Inc., Trans World Airlines, Inc., Eastern Air Lines, Inc. and American Airlines, Inc. extending the terms of their long-term leases at Newark Airport to December 31, 1970 and providing for the payment of flight fees at the rate of $.46 thousand pounds of maximum weight for take-off of each aircraft and providing for the payment of a minimum flight fee of $25 for all aircraft of the lessees having less than twenty-five seats which land or take-off at Newark Airport during specific peak periods; and be it further

RESOLVED, that the form of the agreements shall be subject to the approval of General Counsel or his duly designated representative.

THAT (except as hereinafter stated) it appears from the Official Minutes of the Committee on Operations of The Port of New York Authority that the said resolution or resolutions were duly and unanimously adopted by the said Committee of The Port of New York Authority and are now in full force and effect.

No exceptions.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the Official Seal of The Port of New York Authority this 23rd day of December, 1969.

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

Note: These resolutions were filed January 5, 1970, as R. 1970 d.1 (Exempt, Exempt Agency Rules).

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THE NEW JERSEY REGISTER

Vol. 2—No. 3 NEW JERSEY, THURSDAY, MARCH 5, 1970 2 N. J. R. 21

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
Grace O'Rourke Bartnett, Editor

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THURSDAY, MARCH 5, 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.

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Budget Message - February 16, 1970

Following are selected highlights and excerpts from Governor William T. Cahill's first Budget Message to the Legislature February 16, 1970:

This . . . budget totals $1,590,118,803 . . .

* * * * *

The Budget projects . . . [a] . . . surplus of $75 million. . . . about 4½% of the resources expected to be available next year. It compares with the . . . surplus of fiscal . . . 1969 of $127 million, and the . . . surplus of the current fiscal year, which we estimate will be $125 million.

* * * * *

GENERAL STATE OPERATIONS

My recommendations for general State operations include significant increases in next year's counterparts of present programs for State Police, motor vehicles, work incentive, rehabilitation, higher education, institutions and agencies and State employee salaries and benefits. The aggregate increase for general State operations is $98.5 million.

Likewise there is an increase in State aid to local districts of $123.4 million, representing next year's counterparts of this year's programs for Medicaid, aid to dependent children, mental health, aid to local school districts, county colleges, local libraries, the teachers' pension fund, crippled children, property and railroad tax replacements and assistance for community affairs programs.

I have increased recommendations for capital construction by $9.9 million, including the correction of conditions at the Martland Hospital in Newark, medical college construction, construction of State Police and motor vehicle facilities, improvement of State park and recreation facilities, miscellaneous construction and advanced planning at our State colleges, and highway construction.

LAW AND PUBLIC SAFETY

. . . This Budget recommends $51.3 million in operating funds for the Department, . . . an increase of $4.7 million . . .

. . . there is a significant increase of $400,000 for . . . the Statewide Law Enforcement Information Network System (SEINE), . . .

* * * * *

. . . I am recommending eight added positions in the Division on Civil Rights, . . .

For the Division of State Police I am recommending . . . $21.3 million, . . . an increase of $1.7 million . . .

Improved Communications

Increases totalling $338,173 are being recommended for a major program of expanding the capability of the State Police communications system . . .

* * * * *

For the Division of Motor Vehicles this Budget recommends operating funds of $21.9 million, an increase of $2.2 million over the current year. This will give added support . . . for traffic safety in the following areas:

—an increase of $792,000 for normal salary increments and for 59 added positions . . .

—an increase of $311,868 for full year implementation of the Liability Insurance Certificate Program . . .

—an increase of $1,039,100 for the added cost of reflectorized license plates on a full-year basis, . . .

* * * * *

INSTITUTIONS AND AGENCIES

I am recommending an appropriation of $165.2 million for this Department which represents increases of $3.9 million for the Division of Mental Retardation, $1.8 million for the Division of Mental Health and Hospitals, $2.3 million for the Division of Correction and Parole, $2.9 million for the Division of Public Welfare, and $6.5 million for the Division of Medical Assistance and Health Services. The Office of the Public Defender, which is assigned to the Department for administrative purposes, is recommended for a $1.9 million increase.

* * * * *

Day Care Center Growth

. . . An increase of $904,000 is recommended to provide for training the additional 211 children and to provide equipment for the eight new centers. . . .

An increase of $51,000 in the cost of family care for retarded children results from making provision for 25 additional children and authorizing a rate of $1,620 per year per child for the entire family care population. The Purchase of Residential Care program for retarded children increases by $285,000 to $2,160,000. . . .

Correction and Parole

* * * * *

. . . I recommend an appropriation of $8.5 million, an increase of $1 million over the current year, for all costs at the prison locations at Trenton, Rahway and Leesburg including custodial staff to reactivate a section at the Trenton State Prison and all other increased operational needs.

* * * * *

Child Care

* * * * *

The Budget provides for an increase in the average number of children under supervision of the Bureau of Children's Services from an estimated 20,400 children in fiscal year 1969-70 to an estimated 21,430 in fiscal year 1970-71 at an additional expense of $300,468 for 84 new positions.

WIN Program

* * * * *

The recommendation of $1,901,250 represents the State's 25% share of the cost of providing this service . . . The Federal government pays 75%.

* * * * *

Legal Representation for Indigents

* * * * *

. . . the budget recommendation provides for 354 budgeted positions in fiscal year 1971 versus 182 in fiscal year 1970 and for legal and investigative services in the amount of $1,519,343. In all, next year's recommendations are for $5,017,394, an increase of about $1.4 million over funds expected to be available this year.

Public Assistance

* * * * *

Total recommendations for public assistance next year are $144,733,000 as compared with $127,489,000 for fiscal year 1969-70, an increase of $17,244,000.

* * * * *

Aid to Community Mental Health Services

The increase of $1,650,000, in the Community Mental Health Services—State Aid account results from Chapter 74, P.L. 1969 . . .

Medicaid Program

. . . The estimated case load for fiscal 1970-71 is 454,800 persons or one out of every 16 residents. The total cost of payments to providers of service to that case load is estimated at $159,320,000, of which $75,995,000 is Federal funds and $83,325,000 is State funds.

* * * * *

The estimated cost to administer Medicaid is $11,215,196 of which $6,255,000 is Federal matching funds. More than two-thirds of this money is payable to third-party fiscal agents, Prudential and Blue Cross.

* * * * *

HEALTH

* * * * *

Narcotic and Drug Abuse

* * * * *

. . . The recommendation of $475,000 for the Narcotic and Drug Abuse program . . . represents largely a continuation of some of the programs formerly budgeted under the Department of Institutions and Agencies.

Also, there is recommended under Health—State Aid, a sum of $600,000 to finance county drug addiction treatment centers throughout the State. . . .

* * * * *

Improvement of Delivery of Health Services

* * * * *

. . . my recommendation includes an additional $1.2 million in the Health—State Aid account for greater support of local health services. Also, my recommendation provides for $300,000 for urban health centers . . .

* * * * *

Crippled Children

I have included an increase of $628,000 for the Crippled Children's program to meet hospital and convalescent care costs . . .

TRANSPORTATION

For the operation, construction and State aid responsibilities of the State in all fields of transportation services, I am recommending $127 million, an increase of $6 million.

. . . $10.3 million is allocated to continue the subsidy necessary to assure minimum service under contracts between the railroads and the Commuter Operating Agency. . . .

* * * * *

An amount of $31.4 million is recommended for grants to local governments under the various State aid programs of this Department . . .

. . . this Budget recommends an amount of $17.8 million to be used along with balances from present appropriations to match completely the Federal aid available to New Jersey for the 1971 fiscal year. . . .

* * * * *

An increase of $1 million, to a total of $3 million is recommended for major resurfacing, reconstruction, and repair of existing State highways. . . .

CONSERVATION AND ECONOMIC DEVELOPMENT

. . . $28.7 million are recommended to carry on . . . the programs of the Department . . . This sum includes $931,000 for . . . the Division of Water Policy and Supply. . . .

. . . An amount of $4 million is recommended for capital construction projects at our State parks. . . .

This Budget recommends an amount of $523,000 for the enforcement of health regulations relating to . . . shellfish . . .

Funds of $1.3 million are included for the operation of the Bureau of Forestry. . . .

The recommendations of this Budget highlighted a serious deficit in the funding of this Department's Boat Regulation Commission and marine patrol. Against projected requirements of $840,000, I can only recommend an amount of $400,000. . . .

An amount of $837,000 is recommended for operation of the Division of Economic Development including $500,000 for promotion expenses of the State and a small sum to enable the Division to assume its responsibility as the State's primary demographic agency.

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Budget Message—continued

PUBLIC UTILITIES

The $1.5 million recommended as a direct appropriation to this Department will be financed through assessments on the utility companies which it regulates . . .

* * * * *

Public Broadcasting Authority

I am proposing the appropriation of $2.8 million as evidence of my interest in New Jersey's entry into the field of television broadcasting.

* * * * *

DEFENSE

An appropriation of $4.1 million is recommended for . . . this Department. This sum includes $588,000 for . . . the Division of Civil Defense . . .

* * * * *

CIVIL SERVICE

. . . this Budget recommends $3.4 million, an increase of $300,000 over the current year.

The recommendation includes $77,293 for 17 new positions . . . for system improvements in central office procedures, for speedier services to the 283 local jurisdictions now under civil service and for a modest expansion of State employee training. . . .

LABOR AND INDUSTRY

Manpower

. . . I am recommending, therefore, funds in the amount of $800,000 to continue the existing Work Incentive Training program at its present scale of 3,000 training opportunities through the next fiscal year. This sum will match about $3.2 million in Federal funds.

* * * * *

OTHER FUNCTIONS

As for the regulatory functions in the Department of Labor and Industry, . . . the Department of State, the Department of Agriculture and the Department of Banking and Insurance, the total . . . recommended . . . is for $16.4 million which . . . includes . . . $150,000 to establish the Department of Banking.

THE GOVERNOR'S EMERGENCY FUND

My recommendations . . . include the usual sums for unforeseeable conditions, . . . compensation awards for State employees . . . and $350,000 to meet the cost of any . . . rise in the price of . . . supplies . . . for . . . our institutions . . .

* * * * *

TREASURY

. . . this Budget recommends a total of $25.1 million, or an increase of $1.8 million over the current year.

* * * * *

Recommendations include $120,551 for 15 new positions for . . . State purchasing and investment programs, $70,000 for 12 added staff . . . [for] . . . accounting and budgeting procedures, and $50,000 for the continuing study of State employment conditions pursuant to Chapter 304, P.L. 1968.

* * * * *

EDUCATION

This Budget recommends . . . $649.8 million . . . Aid to local school districts represents . . . $319.4 million. Included . . . is $216.9 million . . . for local school districts. Funds . . . for education of the handicapped increase . . . to $29.1 million.

There is included . . . $2.6 million for adult education . . .

For vocational education, . . . $4 million which will be matched by Federal and local sources.

For transportation of children . . . the State's 75% share will increase . . . to $28.3 million.

State contributions to pensions and fringe benefits of teachers . . . will increase . . . to $129.8 million.

School building aid debt service amounts to $3.1 million. . . .

The State aid . . . [for the] . . . school lunch program will amount to $3.4 million. . . .

HIGHER EDUCATION

* * * * *

The . . . budget includes . . . $198.1 million for . . . higher education, an increase of $43.6 million . . . This includes $131.7 million for . . . Rutgers . . .; the six State Colleges . . . ; the New Jersey College of Medicine and Dentistry; the Newark College of Engineering; and the State School of Conservation, and for . . . two new State colleges.

* * * * *

"Open Door" Policy

. . . I have recommended $22.6 million for financial aid to . . . an estimated 27,200 students. Included . . . is $9.8 million, which will aid approximately 7,100 . . . who will thus be enabled to attend college under the "Open Door" policy. . . .

* * * * *

Higher Education Capital Construction

In addition to . . . $8 million for the redemption of bonds for higher education construction, I am recommending . . . $4 million . . . to permit . . . renovations of the Martland Hospital . . . to supplement teaching hospital facilities to be provided at the New Jersey College of Medicine and Dentistry. . . .

Medical Education

* * * * *

. . . I have recommended additional capital appropriations totaling $6.4 million for . . . development of [the New Jersey College of Medicine and Dentistry and Rutgers Medical School] . . .

The combined total recommended for the operation of both institutions . . . is $13.4 million.

* * * * *

COMMUNITY AFFAIRS

* * * * *

The . . . recommendation for this Department . . . is $29.2 million—$3.3 million for direct operating costs, and $25.9 million for State aid programs.

. . . $12 million [is] for supplementary municipal aid. . . . $7.2 million [is] for housing and urban renewal programs, exclusive of the $2.7 million . . . for . . . the Model Cities programs. Taken together, the $9.9 million . . . is expected to produce about $25.5 million in Federal grants . . .

Of the $7.2 million for housing and urban renewal . . . $6.1 million is . . . [for] . . . the development of new housing units and upgrading . . . existing housing units for low-income and middle-income residents . . .

* * * * *

. . . Along with local funds, the $3 million recommended for assistance to local agencies for community action, legal services, economic development, and government personnel training programs will attract at least $26.1 million in Federal funds to New Jersey.

. . . I have recommended $1 million for aid to local agencies in establishing and operating day care centers . . .

The Neighborhood Education Center Act of 1968 . . . authorized . . . eight such centers . . . By July, 1970 five centers will be in operation with a capacity for 200 students, and I have recommended $600,000 for their continued operation . . .

Another $1.6 million . . . will provide for direct advice and assistance programs to local and county governments . . .

* * * * *

EMPLOYEES SALARIES AND BENEFITS

* * * * *

. . . although I have provided $30 million in this Budget for salary adjustments or other benefits, it must not be interpreted as being a commitment across-the-board to all State employees. I can assure the State employees, however, that there will be careful analysis, compassionate considerations and just determinations. . . .

THE JUDICIARY

I am proposing . . . $8.3 million, an increase of $300,000 for operations of The Judiciary, including funds for 26 new positions. . . .

(a)

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Proclamation Declaring State of Emergency

PROCLAMATION

WHEREAS, the Governor of the State of New Jersey is charged with the responsibility of protecting the health, safety and welfare of the citizens of this State; and

WHEREAS, in order to insure such protection it is necessary to provide for the uninterrupted treatment and disposal of sewage; and

WHEREAS, six of the sewage treatment facilities in New Jersey, namely, Middlesex County Sewerage Authority; Passaic Valley Sewerage Commissioners; Bergen County Sewer Authority; Joint Meeting, comprising twelve municipalities in Essex and Union Counties known as Elizabeth Joint Meeting; Linden-Roselle Sewerage Authority; and Rahway Valley Sewerage Authority, process one-half of the sewage of this State; and

WHEREAS, the aforementioned facilities are engaged in the treatment of sewage and the disposal thereof by means of having solid waste, commonly called sludge, transported in barges which are pulled to sea by tugs, at which point the sludge is dumped into the ocean; and

WHEREAS, the amount of sludge disposed of into the sea through the use of barges and accompanying tugs is 5,300 tons per day; and

WHEREAS, the tugs which are used in the aforesaid operations are privately owned; and

WHEREAS, the personnel who operate the tug boats necessary in the removal and disposal of sludge are members of Local 333, United Marine Division, National Maritime Union, which Union and its members are presently engaged in a state of strike and have been for seven days, as a result of which the tug boat operations have been discontinued preventing the removal of the sludge by barges into the ocean; and

WHEREAS, because of sludge accumulation, the treatment plants will not be able to function, causing approximately 500 million gallons per day of raw sewage to flow into the waters of the Raritan Bay, Upper New York Harbor, Arthur Kill, Newark Bay and Hackensack River; and

WHEREAS, the control of this situation is beyond the capabilities of local authorities; and

WHEREAS, the continuing disposal of raw sewage into the various waterways, with its staggering pollution effects, will imminently cause danger, and great and irreparable harm to the health and safety of the citizens of this State, its natural marine life resources, and its shore areas; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251, and any amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, in order to prevent further danger to the health, safety and welfare of the citizens of the State of New Jersey, its natural marine life, and shore areas, do hereby declare and proclaim that a state of emergency exists in this State.

FURTHER, I do hereby invoke such emergency powers as are conferred upon me by the Laws of 1942, Chapter 251, and all amendments and supplements thereto, as shall be announced by order, rule or regulation promulgated under said act until such time as it is declared by me that a state of emergency no longer exists in this State.

GIVEN, under my hand and the Great Seal of the State of New Jersey, this seventh day of February in the year of our Lord one thousand nine hundred and seventy and in the Independence of the United States the one hundred and ninety-fourth.

William T. Cahill
GOVERNOR

By the Governor
Jean E. Mulford
Acting Secretary to the Governor

(b)

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Order to Commissioner of Health

ORDER

WHEREAS, on February 7, 1970, pursuant to the power and authority vested in me by the Constitution and the laws of the State of New Jersey, particularly, P.L. 1942, c. 251 (Disaster Control During Emergency) and all amendments and supplements thereto, I have declared that a state of emergency exists in the State of New Jersey; and

WHEREAS, the Laws of 1942, Chapter 251 (Disaster Control During Emergency) and all amendments and supplements thereto, authorizes the promulgation of such orders, rules and regulations as are necessary to meet the various problems presented by the emergency;

NOW THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, do hereby ORDER AND DIRECT:

1. The Commissioner of the Department of Health (hereinafter referred to as the Commissioner) to utilize and employ all the available resources of the State Government and of each and every political subdivision of this State, whether of men, properties or instrumentalities and to commandeer and utilize any personal services and any privately owned property (including, but not by way of limitation, barges, tug boats or other vessels) necessary to abate the aforementioned emergency situation in the State of New Jersey and necessary to transport to designated disposal areas and effect disposal at the earliest possible date any and all sewage sludge from the treatment facilities known as Middlesex County Sewerage Authority; Passaic Valley Sewerage Commissioners; Bergen County Sewer Authority; Joint Meeting comprising twelve municipalities in Essex and Union Counties known as Elizabeth Joint Meeting; Linden-Roselle Sewerage Authority and Rahway Valley Sewerage Authority.

2. The Commissioner to take any and all steps necessary with regard to the transportation and disposal of sewerage from the aforementioned treatment facilities to disposal areas.

3. In carrying out the provisions of this Order, the Commissioner shall be deemed to be the agent of the Governor and shall have full authority, unless otherwise ordered by the Governor, to adopt such rules, regulations, orders and directives as he shall deem necessary. The Commissioner may provide for such exemptions or exclusions from any rule, regulation or order adopted if he shall deem that there is not a need or a necessity for uniform application of such rules, regulations, orders or directives.

4. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agent or employee of every political subdivision in this State and of each member or all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate with the Commissioner in all matters concerning this emergency.

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Executive Order—continued

5. All State officials and agencies shall cooperate fully with the Commissioner and the Department in the implementation of this Order.

6. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law.

7. This Order shall remain in effect until termination of the state of emergency declared by the Governor in the aforementioned proclamation of February 7, 1970.

GIVEN, under my hand and the Great Seal of the State of New Jersey, this seventh day of February in the year of our Lord one thousand nine hundred and seventy and in the Independence of the United States the one hundred and ninety-fourth.

William T. Cahill
GOVERNOR

By the Governor
Jean E. Mulford
Acting Secretary to the Governor

(a)

COMMUNITY AFFAIRS

OFFICE OF COMMUNITY SERVICES

Proposed Regulations for the Recruitment and Training Program

The Commissioner of Community Affairs, pursuant to authority delegated in N.J.S.A. 52:27D-3, proposes to adopt, Chapter 61 of Title 5 of the New Jersey Administrative Code, Regulations governing the Recruitment and Training Program in the Office of Community Service, as follows:

CHAPTER 61. RECRUITMENT AND TRAINING PROGRAM

SUBCHAPTER 1. Description and General Provisions

5:61-1.1 General Description.

The Recruitment and Training Program in the Office of Community Services shall consist of the New Jersey Community Development Training Program, the Interns in Community Service Program, the Community Employees Talent Bank, and such other programs and activities as the Commissioner or the Director may assign to the Program.

5:61-1.2 Definitions.

As used in this Chapter, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

a) "Administrator" means the Administrator of the Recruitment and Training Program.

b) "Commissioner" means the Commissioner of Community Affairs.

c) "Department" means the New Jersey Department of Community Affairs.

d) "Director" means the Director of the Office of Community Services.

e) "Division" means the Office of Community Services in the Department of Community Affairs.

f) "Local government agency" shall mean any New Jersey municipal or county government, and any New Jersey municipal, county, regional, or other public agency, such as a housing authority, planning board, non-profit or limited dividend housing corporation or association, Community Action Agency, Model Cities agency or citizen participation structure, or some other similar local agency located in this State.

g) "Local official" means any officer or employee of any local governmental agency, or any individual who has been offered a position by any local governmental agency upon completion of a training program conducted pursuant to this Chapter.

h) "State official" means any officer or employee of the State of New Jersey, or of any department, agency or authority thereof.

5:61-1.3 Administrator.

Under the supervision of the Director, the Recruitment and Training Program shall be administered by an Administrator, who shall be designated by the Commissioner from among the employees of the Department, and who shall serve as Administrator at the pleasure of the Commissioner.

5:61-1.4 Correspondence.

All correspondence and inquiries regarding the Recruitment and Training Program should be addressed to the Administrator, Recruitment and Training Program, Office of Community Services, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

SUBCHAPTER 2. New Jersey Community Development Training Program

5:61-2.1 General Description.

The New Jersey Community Development Training Program is designed to help provide capable and skilled personnel at the State and local levels, so that they may have the technical knowledge necessary to plan and carry out community development activities in fields such as municipal and county finance and administration, housing, public health, anti-poverty, public safety, and other programs designed to improve the quality of life in our communities. Grants are made available through State-aid, and through the United States Community Development (Title VIII) Training Program.

5:61-2.2 Title VIII Program.

The United States Community Development Training Program is conducted under Title VIII of the United States Housing Act of 1964, P.L. 88-560, 20 USC 801, which enables states to provide educational and training opportunities for persons in or about to enter the public service in community development fields. The Department has been designated by the Governor as the State Title VIII Agency for New Jersey. Pursuant to this designation, the Department makes grants and conducts training programs subject to the restrictions and requirements of the Housing Act of 1964, and pursuant to the regulations and guidelines established by the United States Department of Housing and Urban Development.

5:61-2.3 State-aid Grants: Purposes.

State-aid grants for training programs may be made to any person, association, corporation, agency, or other entity, to match non-State Fund grants for training programs for State and local officials pursuant to this Subchapter.

5:61-2.4 State-aid Grants: Priorities

In considering proposals and applications for State-aid training assistance, the Administrator shall give priority to those proposals which appear best designed to promote the establishment and maintenance of programs for the training of local government officials and personnel, and to proposals which appear best designed to assist local government in the solution of its problems, to strengthen local self-government.

5:61-2.5 Training for Local Officials.

State-aid grants for training programs for local officials may be made to provide training in any field or subject directly or indirectly related to any of the duties of the local officials being trained.

5:61-2.6 Training for State Officials.

State-aid grants for training programs for State officials may be made to provide training in a field or subject which is directly related to those functions of the officials which are primarily designed to provide direct assistance to local communities.

5:61-2.7 Local Share Required.

Except for programs included as part of an approved application for a United States Community Development (Title VIII) Training Program grant, each State-aid training program grant must be matched by not less than a like sum from non-State Fund sources. Subject to the approval of the Director, this sum may be made available in cash or in services.

5:61-2.8 Stipends and Salaries not Included.

State-aid training funds may not be used to pay stipends or salaries for trainees. Trainees receiving on-the-job training shall be paid by the employing agency, with State-aid training funds paying only the cost of training itself. Subject to the prior approval of the Director, stipends or salaries paid to on-the-job trainees may be credited toward the local share, if any, required pursuant to Section 2.6.

5:61-2.9 Training by the Department.

Subject to the approval of the Commissioner, the Administrator may arrange to have any Title VIII or State-aid training program conducted directly by the Division, or by any other division, agency, bureau, or office in the Department.

SUBCHAPTER 3. Community Employees Talent Bank

5:61-3.1 General Description.

The Community Employees Talent Bank is designed to assist local governmental agencies in recruiting personnel trained in various administrative, professional, and technical skills. The Administrator maintains a Talent Bank File of resumes from sources throughout the State and nation. These resumes contain the names and qualifications of individuals who have expressed an interest in local government positions in New Jersey. Copies of these resumes are made available upon request to any local governmental agency in the State.

5:61-3.2 Submission of Resumes.

Any individual interested in professional employment with any local governmental agency in New Jersey may submit a resume to the Administrator to be included in the Talent Bank File. In addition to such information as the individual may deem relevant, the resume shall include the following information:

a) name, age, and place of residence;
b) educational qualifications;
c) employment record;
d) military service, if any;
e) nature of position desired; and
f) restrictions on place of employment, if any.

All resumes submitted for filing shall be filed in the Talent Bank File for not less than one year from the date of submission, unless a shorter period is requested by the individual filing the resume.

5:61-3.3 Submission of Requests.

Any local governmental agency in New Jersey may submit a request to the Administrator for copies of resumes from the Talent Bank File. Such requests shall describe, in as much detail as the Administrator may deem necessary, the nature and duties of the position sought to be filled. The Administrator shall review the resumes in the Talent Bank File, and he shall send the requesting municipality or county copies of those resumes which he believes to be appropriate for the position described.

5:61-3.4 Resumes Open to Inspection.

All resumes filed in the Talent Bank shall be open to inspection by a representative of any local governmental agency during ordinary business hours at the principal offices of the Recruitment and Training Program, 363 West State Street, Trenton, New Jersey 08625.

Any interested person may present statements or ar ments in writing relevant to the proposed action at Office of Community Services, Department of Commun Affairs, Post Office Box 2768, Trenton, New Jersey 08 on or before March 31, 1970.

The Commissioner of Community Affairs, upon his o motion or at the instance of any interested party, m thereafter adopt the above rule substantially as set fo without further notice.

Edmund T. Hume, Commission
Department of Community Affa

(b)

CONSERVATION AND ECONOMIC DEVELOPMENT

BOAT REGULATION COMMISSION

Proposed Regulation Concerning Water Pollution by Boats and Vessels

The Boat Regulation Commission, pursuant to author delegated in N.J.S.A. 12:7-34.49 and 12:7-34.50, proposes adopt the following amended version of a rule origina proposed in a Notice published November 27, 1969 1 N.J.R. 17(e) concerning water pollution by boats a vessels.

REGULATION No. 1-36
POLLUTION

Any person who discharges, or suffers or permits discharge from a boat, vessel or any contrivance desig or used for navigating in or upon water, of any was debris, refuse, chemical or any other matter or mate by any method, means or manner into or upon waterway, artificially constructed lagoon or any of waters of this State, is a disorderly person, and u conviction shall be punished by a fine of not more t $100.00 for the first offense or imprisonment of ten d or both. Any person who violates any provision of t regulation for a second time shall be subject to a fine to exceed $200.00 or imprisonment for twenty days or b

a. Any person who operates a vessel, or who is the c tain of a vessel, or who is charged with the operation c vessel in or upon any waterway, artificially construc lagoon or any of the waters of this State is deemed, the purposes of this regulation, to have given his cons to the discharge of any waste, debris, refuse, chemi or any other matter or material by any method, means manner into or upon said waters from said vessel.

b. It shall be the duty of the owner or the operato any boat, vessel or any contrivance designed or used navigating in or upon water from which is discharg or suffered or permitted the discharge, or any person discharges, or suffers or permits the discharge from vessel, of any waste, debris, refuse, chemical or any o matter or material by any method, means or manne take immediate measures to recover such litter or mate from upon, in or under said waters of this State.

c. Nothing in this regulation shall be construed applying to the operation or use of a marine toilet insta in any vessel using the tidal waters of this State.

Any interested person may present statements or a ments in writing, orally in person or by telephone, rele to the proposed action to:

James K. Rankin, Chief
Bureau of Navigation
Division of Resource Development
Department of Conservation and Economic Developn
Room 711, Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625
on or before March 30, 1970.

The Boat Regulation Commission, upon its own m or at the instance of any interested party, may there adopt the above rule substantially as set forth wit further notice.

Jack Sullivan, Chairman
Boat Regulation Commi

(c)

EDUCATION

STATE BOARD OF EDUCATION

Kindergarten Class Enrollment

Carl L. Marburger, Secretary to the State Board of cation, pursuant to authority of N.J.S.A. 18A:4-15, ad an amendment to N.J.A.C. 8:26-12 "Enrollment (for Section 5, page 11, Rules of the Commissioner)" sub tially as proposed in the Notice published Decembe 1969, at 1 NJR 28(c).

The amended rule as adopted follows:

8:26-12 Enrollment (formerly Section 5, page 11, of the Commissioner)

The maximum enrollment for any kindergarten shall not exceed twenty-five pupils per teacher, e by permission of the county superintendent of schoo granting exceptions the county superintendent shal full consideration to the need for employment of a teacher or teacher aide.

An order adopting this amended rule was filed a came effective February 17, 1970 as R. 1970 d.18.

Leon S. Wilson
Director of Administrative Proc

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(a)

HEALTH

COMMISSIONER

Order - February 8, 1970

ORDER

Pursuant to the authority vested in me by Order of the Governor on February 7, 1970, declaring a state of emergency in accordance with P.L. 1942, c. 251, and amendments and supplements thereto, I hereby seize, commandeer and utilize for the use and benefit of the State of New Jersey the following personal services and property and direct the State Police to obtain such personal services and property:

Barge "Judson K. Stickle" owned by A & S Transportation Co., and the crew of the said Barge is directed to man the vessel as employees of the State of New Jersey until further notice.

This Order to be served on Captain William Van Dorn, Vice President in charge of operations.

Barge "Raritan" owned by Modern Transportation Co., and the crew of the said Barge is directed to man the vessel as employees of the State of New Jersey until further notice.

This Order to be served on Captain William F. Geiger, President.

James Cowan, Commissioner
Department of Health

(b)

HEALTH

COMMISSIONER

Order - February 13, 1970

TAKE NOTICE, that I hereby revoke the Order of February 8, 1970 issued by me seizing, commandeering and utilizing, for the benefit of the State of New Jersey, the Barge "Judson K. Stickle" owned by A & S Transportation Co. and the crew thereof, which Order was issued pursuant to authority vested in me by Order of the Governor on February 7, 1970, declaring a state of emergency in accordance with P.L. 1942, c. 251 and amendments and supplements thereto.

This Order shall be served upon Captain William Van Doren, Vice President in charge of operations.

James Cowan, Commissioner
Department of Health

(c)

HEALTH

COMMISSIONER

Order - February 13, 1970

TAKE NOTICE, that I hereby revoke the Order of February 8, 1970 issued by me seizing, commandeering and utilizing, for the benefit of the State of New Jersey, the Barge "Raritan" owned by the Modern Transportation Co. and the crew thereof, which Order was issued pursuant to authority vested in me by Order of the Governor on February 7, 1970, declaring a state of emergency in accordance with P.L. 1942, c. 251 and amendments and supplements thereto.

This Order shall be served upon Captain William F. Geiger, President.

James Cowan, Commissioner
Department of Health

(d)

HEALTH

COMMISSIONER

Order - February 13, 1970

TAKE NOTICE, that I hereby revoke the Order of February 11, 1970 issued by me, seizing, commandeering and utilizing, for the benefit of the State of New Jersey, the Barge "Ocean Disposal #1", owned by Weeks Stevedoring Co., Inc. and the crew thereof, which Order was issued pursuant to authority vested in me by Order of the Governor on February 7, 1970, declaring a state of emergency in accordance with P.L. 1942, c. 251 and amendments and supplements thereto.

This Order shall be served upon Hedley M. Weeks, President.

James Cowan, Commissioner
Department of Health

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the 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 the Categorical Assistance Budget Manual as follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

NOTE: Delete Section 311. "Medical Care," including subsections 311.1 through 311.3 thereof.

Delete Section 311.7 "Expenses Incident to Patient Care for the Chronically Ill in a Home Other Than a Medical Institution," including subsections 311.71 through 311.73.

Delete Section 311.8 "Payments for Patient Care for the Chronically Ill in Licensed Proprietary Nursing Homes, Eligible Public Medical Institutions and Approved Infirmary Sections of Nonprofit or Charitable Homes" including subsections 311.81 through 311.86 and 311.88 thereof.

311. ALLOWANCES FOR THE CHRONICALLY ILL IN LICENSED PROPRIETARY NURSING HOMES, ELIGIBLE PUBLIC MEDICAL INSTITUTIONS, AND APPROVED INFIRMARY SECTIONS OF NON-PROFIT OR CHARITABLE HOMES

a. When a client is receiving patient care in one of the above institutions, allowances for clothing, personal incidentals, and applicable special circumstance items shall be recognized by the County Welfare Board in such client's budget. Payments for these costs shall be made in the following order:

1. from resources of the client, if any;
2. by actual money payment.

312. [SUPPLEMENTARY MEDICAL] BLUE CROSS AND BLUE SHIELD INSURANCE PREMIUM COSTS

[b] Blue Cross

1. Subject to the provisions of paragraph b.-2. below, if a client is already paying a premium for a Blue Cross **and/or Blue Shield** policy which provides benefits for himself, or for himself and his dependents, or for his dependents only, a recurring allowance based on actual cost shall be included in the client's budget unless the benefits included within the medical insurance or the expenses of procuring these benefits are otherwise available without cost to the client or are otherwise provided for by agency policy.

2. For any client or dependent of a client who is 65 years of age or older, the amount of the recurring allowance shall not exceed the premium cost of a Blue Cross policy which augments but does not duplicate the benefits provided by Part A of Title XVIII of the Social Security Act (Hospital Insurance Benefits).

318. EXPENSES INCIDENT TO ERRAND OR DOMESTIC SERVICE

318.4 The total cost of all regular recurring allowances, including both basic and special circumstance requirements, should be compared with [allowable basic rate for purchasing patient care in a private medical institution.] **the maximum rate for patient care in a skilled nursing home.** When the cost exceeds [allowable basic care rate in a private medical institution.] **the maximum rate in a skilled nursing home,** there must be medical and social reasons for continuing this home living arrangement. Consideration shall be given to the desirability of preserving the family unit and to the feasibility of continuing to permit the client to live in his home.

NOTE: Delete Appendix Section 4 "Increase in Monthly Allowances for Nursing Home Care Related to Minimum Wage Payment."

Any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before March 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 rule substantially as set forth without further notice.

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(f)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Food Stamp Program Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 30:1-12, proposes to amend the New Jersey Food Stamp Program Manual by revising Exhibit B—Table I—Net Income Basis of Coupon Issuance for Categorical Assistance Households.

The purpose of this proposed revision is to liberalize the program by reducing the amount of money needed to purchase food coupons, and to provide that families of the same size receive the same total coupon allotment, which amount has been determined by the United States Department of Agriculture.

Copies of the proposed revision to Exhibit B—Table I may be obtained by writing to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625.

Any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare at the above address on or before March 30, 1970.

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(g)

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. 44:10-3, proposes to revise the Medical Assistance for the Aged Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

NOTE: Delete existing sections 0001. "Legal Citation," 0002. "General and Special Federal Requirements," and 0003. "State Determination of Scope of Programs."

[0010.] **0000.** Nature of the Program

[0011.] **0001.** Purpose and Intent.

[Although both OAA and MAA concern persons 65 years of age and older,] **The New Jersey Program of Medical Assistance for the Aged concerns people 65 years of age or older.** [it] **It** is intended that MAA shall extend assistance to [some] **those** individuals who normally maintain themselves but who are unable to meet the costs of specified types of medical care **and are not eligible to receive medical assistance under the New Jersey Medical Assistance and Health Services Act.** [This necessarily implies a higher standard of financial eligibility for MAA, but if such individuals can be protected from depletion of their resources through heavy medical expenses their subsequent need for public assistance can be obviated. On the other hand, there is no prohibition against providing services through MAA to eligible needy aged persons who might otherwise be eligible for assistance through OAA.]

[0012.] **0002.** Contrast with [other Public Assistance Programs] **Income Maintenance Programs.**

In contrast with other public assistance programs, MAA contemplates expenditures for medical care only, and not for income maintenance. [Assistance payments under MAA may include the costs of maintenance items if State policy so determines, but under present Federal legislation such costs are not matchable.] In further contrast with other programs, the process of preparing a client's budget involves only the determination of available income and resources. When a person has been found eligible for MAA, the allowances are specified by the established rates of payment for the authorized services required by such person.

1000. Statutory Authority

1001. Legal Citation

The New Jersey Program of Medical Assistance for the Aged [was established] **is authorized** by Chapter 222, P.L. 1962, approved January 14, 1963, effective July 1, 1963 **as further amended by Chapter 227, P.L. 1969.** By its title, this legislation supplements Title 44 of the Revised Statutes.

NOTE: Delete the existing language under Section 1002. "Reference to R.S. Title 44, Chapter 7" and substitute the following:

The MAA statute, as amended, establishes several new sections in Chapter 7 of Title 44, i.e., 44:7-76 et seq. The major significance of these provisions are as follows:

a. Medical Assistance for the Aged shall be administered by the Department of Institutions and Agencies through the Division of Public Welfare and the County Welfare Boards in the same manner as the Categorical Assistance Programs.

b. The specific and more detailed eligibility requirements for programs of categorical assistance are not relevant to MAA.

c. All of the incidents of the agreement to reimburse, and the liens resulting therefrom, have no application to MAA.

d. The State shall provide such funds as may be necessary to meet expenditures for MAA.

1100. ADMINISTRATIVE ORGANIZATION

1101. Department of Institutions and Agencies

The Department of Institutions and Agencies is the administrative unit of State government which has [general cognizance over] **responsibility for** the administration of MAA. [In the terminology of Federal law and regulations this Department is the "single State agency".] Under the terms of the MAA law, this Department is responsible for the general policies governing administration of MAA, and for effecting the issuance of rules, regulations and administrative orders implementing the statutory provisions.

.1 Division of Public Welfare

The Division of Public Welfare is the administrative unit of the Department of Institutions and Agencies responsible for coordinating the administration of MAA with other public welfare and public assistance programs. In so doing it has supervising authority over the [Bureaus of Medical Affairs and Assistance] **Bureau of Local Operations.** This Division also provides administration liaison with the other departmental divisions.

a. [Bureau of Medical Affairs] **Bureau of Local Operations**

[The Bureau of Medical Affairs was created by the MAA statute as a unit of the Division of Welfare. It provides a professional medical and para-medical staff which is advisory to the Division in all matters of health care relevant to public welfare and public assistance programs. This Bureau is specifically responsible by law to survey and maintain a roster of facilities for health services;

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develop plans, standards and rates of payments for health services; and provide professional and technical consultation to the Bureau of Assistance and the local public welfare agencies.]

The Bureau of Local Operations, a constituent unit of the Division of Public Welfare, has direct supervision over the administration of MAA, as well as all other public assistance programs. The Bureau is responsible for assuring implementation of the statutory provisions relating to such programs and the policies established by the Department of Institutions and Agencies and the Division of Public Welfare, through issuance of regulatory material approved by an administrative officer of the Division and by providing administrative supervision, consultation and evaluation related to the activities of the county welfare boards.

[b. Bureau of Assistance

The Bureau of Assistance is the unit of the Division of Welfare which has direct supervision over the administration of MAA in addition to all other public assistance programs. The Bureau is responsible for implementing the statutory provisions, and the policies established by the Department of Institutions and Agencies and the Division of Welfare, through issuance of regulatory material and by providing administrative supervision, consultation and evaluation related to the activities of the county welfare boards.]

1102. County Welfare Board

.1 Basic Administrative Responsibilities

Each county welfare board, within its own geographical area of jurisdiction, is basically responsible for the local administration of the MAA program. [In the terminology of Federal law and regulations the county welfare board is the "single local agency".] This responsibility for administration includes receipt and processing of applications for Medical Assistance for the Aged; investigation and determination as to all factors affecting eligibility, with consequent notice to essential parties of the decision reached; authorization and processing of payments for services on behalf of eligible individuals; reinvestigation and redetermination of continuing eligibility; provision of supportive social services which will enhance cure and rehabilitation; and termination of medical assistance upon cessation of eligibility or need. The county welfare board is also responsible, within the limit of available appropriations, for providing adequate and qualified staff in various classifications necessary for effective administration of the MAA program.

[.2 Conformance to State Law and Regulations

In carrying out its administration of the MAA program each county welfare board is charged with assuring conformance with State law and official regulations and directives issued pursuant thereto. Each county welfare board is responsible for submitting prescribed reports, and for making its files and records available for review by authorized representatives of the State agency.]

NOTE: Delete Part I - Appendix I "Certificate of the Attorney General."

2211. Out-patient Hospital or Clinic Services

The statute specifically provides that "there may be included in a grant of medical assistance for any of the (primary medical) services . . . the cost of out-patient hospital or clinic diagnostic and treatment services".

This statutory provision contemplates only those medical services which can be provided without admission of the individual as a bed patient.

The term "clinic services", as used in this Manual, shall be interpreted to include preventive, diagnostic, curative and restorative services furnished to an individual on an out-patient basis by a facility operating as a clinic. Such facility may or may not be an integral part of, associated or affiliated with a licensed general hospital. The facility, if not part of a licensed general hospital (private or public) must be approved as meeting either (1) the standards established by the appropriate accrediting agency, if any, specified in statute, or (2) in the absence of any statutory accreditation agency, the standards established by the Department of Institutions and Agencies and/or the Department of Health.

[A roster of such approved facilities will be maintained by the Bureau of Medical Affairs.

(Standards and rates for out-patient hospital and clinic services will be found in section 2600.)]

2228. Sickroom Supplies and Medical Equipment

As used in this Manual, "sickroom supplies" includes only unusual or excessive amounts of medicine chest supplies (See Categorical Assistance Budget Manual) [and Pharmaceutical Services Plan)], and specified medical supplies. [(See Pharmaceutical Services Plan)]. All essential sickroom supplies may be provided if prescribed or ordered, in writing, by a practitioner and authorized by the Agency.

As used in this Manual, "medical equipment" refers to certain mechanical aid items recommended in writing by a fully licensed physician as essential for the medical management of the patient. Such items are non-expendable, do not usually require special fitting to a particular individual, and may be procured either by rental or by purchase. [If the equipment is purchased by the CWB, and is to be held as the property of the CWB, this is an administrative and not an assistance expenditure. Such items may include hospital beds, wheelchairs, walkers, oxygen equipment, commodes, suction pumps, intermittent positive pressure breathing apparatus, etc.]

NOTE: Delete Section 2229. "Other Remedical Care" and "Note" following Section 2229.

2300. PERSONAL INCIDENTAL EXPENSES

.1 Statutory Definition

The statute provides that when an individual is otherwise eligible for a grant of medical assistance there may be included therein "the cost of a reasonable allowance for personal incidental expenses; provided, however, that such costs cannot be met through other resources available to the individual [or through any other program of public assistance]."

2. Interpretation

This statutory definition is interpreted to mean personal care items as listed in the Categorical Assistance Budget Manual, Appendix page 5; clothing; life insurance premiums; insurance premiums for Blue Cross and Blue Shield, or commercial policies providing equivalent coverage; and premiums for Supplementary Medical Insurance (Title XVIII, Part B, Social Security Act) when not subject to a vendor payment.

.3 Payment from Resources

The standards of financial eligibility for MAA contemplate that individuals eligible for this program will necessarily have sufficient income to meet normal living expenses. Thus, an allowance for personal incidental expenses as authorized by the statute shall be recognized only as an adjustment of the individual's income when determining his ability to contribute toward the costs of his medical care.

The county welfare board shall make no assistance payment for personal incidental expenses for any individual receiving MAA.

NOTE: Delete Section 2301. "Payment Through Other Resources."

NOTE: Delete 2400 Appendix—I "Agreement with the Hospital Service Plan of New Jersey."

2500. STANDARDS AND RATES FOR NURSING HOME CARE

The standards and rates for nursing home care shall be [as set forth in Categorical Assistance Budget Manual 310.8, excluding 310.86.] **established by the Commissioner, Department of Institutions and Agencies.**

2600. STANDARDS AND RATES FOR OTHER MEDICAL SERVICES

The standards and rates for other medical services shall be [as follows (references being to the Manual of Administration for other categorical assistance programs):

a. Out-patient Hospital or Clinic Services—as set forth in subsection 2410.12.

b. Physician's Services — as set forth in sub-section 2410.13.

c. Visiting Nurse Services — as set forth in sub-section 2410.10.

d. Physical Restorative Services—as set forth in subsection 2410.14.

e. As to all other medical services for which no specific provision is made, and pending the establishment of state-wide standards and rates, payment shall be made in accordance with policies, procedures and rates presently established and being maintained by the several county welfare boards with respect to the other categorical assistance programs.] **established by the Commissioner, Department of Institutions and Agencies.**

NOTE: Delete the existing language under Section 2800. "Burial and Funeral Expenses" and substitute the following:

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 for burial and funeral expenses cannot be made through the MAA program.

3001. Community Responsibility for Individual Need

The community recognizes that the welfare of the individual is essential to the community as a whole. As one of the numerous services which have been created in response to this principle, public assistance is provided so that needy persons can secure a minimum but adequate standard of living. The program of MAA is specifically intended to make necessary and proper health services available to aged persons who are **not eligible to receive medical assistance under the New Jersey Medical Assistance and Health Services Act (Chapter 413, P.L. 1968 and** who might otherwise forego such services or become financially dependent in the course of obtaining them.

3003. Basic Principles of Administration

[With the exception that certain recipients of MAA may concurrently receive some other form of public assistance, the] **The** basic principles of administration set forth in Section 2004. of the Manual of Administration for other categorical assistance programs are equally applicable to MAA.

3101. Definitions

.5 Application (Terms Used to Classify) (Delete existing sub-section "a." and reletter existing subsections "b." through "f." as "a." through "e." respectively.)

.10 Medical Assistance

Medical assistance [is] **consists of** [a payment of the money amounts] **payments on behalf of individuals** authorized **as eligible** by the CWB [and] **but disbursed by the State** issued in the form of a check to the provider(s) of an authorized health service. [or, in the case of a personal incidentals allowance, to the recipient or his legal representative.]

3102. Responsibilities in the Application Process

.1 The [State Bureau] **Division of Public Welfare**

Pursuant to statutory authority, the Department of Institutions and Agencies, through the Division of Public Welfare, [and Bureau of Assistance,] establishes policy and procedure on the application process consistent with law [and Federal requirements,] **and through appropriate Bureaus of such Division,** supervises the operation of and compliance with the policy and procedure so established.

.2 The County Welfare Board

The county welfare board has responsibility in the application process to:

a. Interpret the purpose and eligibility requirements of the program and indicate the applicant's rights and responsibilities under its provisions;

b. Receive applications;

c. Make known to the applicant appropriate resources and services both within the agency and the community, and, if necessary, assist him in using them;

d. Assist the applicant in exploring his eligibility for assistance, including consideration of his available income and resources;

e. Determine and report initial eligibility promptly;

f. Assure [the prompt issuance of payments] **prompt notification to eligible and ineligible persons** [and prompt notification to ineligible persons] **regarding their status;** and

g. Account to the [Bureau of Assistance] **Division of Public Welfare** for all applications.

3103. Policy and Procedure on Prompt Disposition

.1 Normal Standards of Reasonable Promptness

The maximum period of time normally essential to process an application between the date of application and the date of effective disposition is thirty days. [In any situation where it is determined by the CWB on the basis of the information provided by the applicant at intake that there is immediate need for medical vendor payment, assistance shall be authorized immediately if medical eligibility is demonstrated. In order to obtain Federal matching, final validation of such cases must be completed within a period of three months beginning with the month in which payment was started.]

"Date of effective disposition" as used in the preceding paragraph means:

a. In the case of an approved application, the date on which first payment is issued to the applicant, or the date on which written notice of approval is sent to him, whichever is earlier;

b. In the case of a denied application, the date on which written notification, informing the applicant of his lack of eligibility and the reasons therefor, is sent to him;

c. In the case of a withdrawn application, the date which written notification, confirming to the client that the agency has taken cognizance of his voluntary withdrawal, is sent to him;

d. In the case of a dismissed application, the date on which written notification, informing the applicant of the dismissal and the reasons therefor, is sent to him; and, with respect to an applicant who died, whose whereabouts are unknown, or for whom an application was erroneously registered, the date on which the decision to dismiss the application is determined by the director of welfare or by the welfare board, **whichever is earlier.**

.2 Exceptions from Normal Standards

It is recognized that there will be exceptional cases where the proper processing of an application cannot validly be completed within the period and under the conditions specified above. Where [there is no immediate need for medical payments and where] substantially reliable evidence either of eligibility or ineligibility is still lacking at the end of the designated period, the application shall be continued in pending status in preference to an arbitrary or hasty disposition based on insufficient evidence. In each such case, however, the CWB shall be prepared to demonstrate that the delay resulted from one of the following:

a. Circumstances wholly within the applicant's control; or

b. A determination to afford to an applicant, whose proofs of eligibility have been inconclusive, further opportunity to develop additional evidence of eligibility before final action on this application; or

c. An administrative or other emergency that could not reasonably have been avoided; or

d. Circumstances wholly outside the control of both the applicant and the CWB.

3112. Application Policy and Procedure

.1 Who Has Right to Apply

There shall be recognition of the individual's right to file an application and have his eligibility formally determined if that is the wish, even though the information immediately available indicates clearly that the individual is not eligible and this has been explained to him.

a. The general principle shall be that any person 65 years of age or older who **has been found not eligible to receive medical assistance under the New Jersey Medical Assistance and Health Services Act (Chapter 413, P.L. 1968) and who** believes himself to be eligible has the right to apply for assistance for himself.

b. An authorized agent, as defined in 3101.3, has the right to apply for another person.

c. In respect to the residence requirement, persons making an initial application must be residents of New Jersey at the time of application, except that section 3221.3 does provide for certain special situations affecting New Jersey residents who are temporarily absent from the State.

.2 Applications [Directly] for MAA

When [the] a person [seeking] **seeks** medical assistance [has not previously been receiving categorical assistance,] an application for medical assistance Form PA-1 and an affidavit for public assistance Form PA-1E are made to the welfare board of the county of residence at the time of application.

With regard to persons currently receiving patient care in or planning to enter public or private medical institutions, or nonprofit or charitable homes, who wish to make application for medical assistance, the following policy and procedures shall be observed:

a. Individual Receiving Patient Care in Medical Institution or Nonprofit or Charitable Home

1) CWB to which inquiry is directed

a) The individual who wishes to apply for medical

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Institutions and Agencies—continued

assistance or the medical institution or nonprofit or charitable home acting as the referring agency should make inquiry to the CWB of the county in which the institution is located unless b) is applicable.

b) When a hospital knows the client's residence to be in a county other than that in which such hospital is located, the inquiry may be made directly to the CWB of such county if so stipulated by mutual agreement between such welfare board and the hospital.

2) Action by CWB Receiving the Inquiry

a) If it is determined that the individual is in an institution in the county of residence, the CWB shall register the application **and** complete action thereon. [and be responsible for any payments made.]

b) If it is determined, prior to registration of an application, that the individual's residence is in another county, the CWB which has initially received the inquiry about medical assistance shall conduct an application interview. If the individual decides to apply, he shall be assisted in completing an application Form PA-1. All relevant information which can be obtained, particularly including the date of the inquiry, shall be recorded on appropriate case record forms. However, the application will not be registered by the CWB initially handling the inquiry.

The CWB receiving the inquiry should notify the CWB of the county of residence as soon as such residence has been determined, and shall thereafter forward promptly the completed application and all available information. The CWB of the county of residence shall be responsible for immediate registration and further processing. The welfare boards concerned should, through mutual cooperation and agreement, develop and utilize whatever methods are deemed to be most effective in facilitating the processing of the application.

b. Applicant Planning to Enter Medical Institution or Nonprofit or Charitable Home in Another County

If at the point of application the individual is in the county of residence, but a plan is being made for him to enter a medical institution or nonprofit or charitable home in another county, the application shall be registered and processed by the CWB of residence even though the individual moves to such institution in advance of official action on the application.

A person should be afforded opportunity to complete an application at the time of the interpretive interview if he so desires. When a person is unable to visit the CWB office, or lacks transportation, arrangements should be made to conduct the application interview at the place where he may be. When information indicates that [a vendor payment must be made immediately on behalf of the individual in such institutions or that] the death of the individual may be imminent, the CWB should make immediate provisions for affording an opportunity for the execution of the PA-1 and PA-1E by the individual or his authorized agent.

All following provisions of 3100., the Application Process, shall primarily be applicable to applications directly for MAA.

NOTE: Delete Section 3112.3. "Certifications from Other Programs of Categorical Assistance."

3113. Initial Interview Concerning Applications Directly for MAA

It is recognized that the interview cannot proceed in any set fashion since individuals will present varying problems, and be variously ready to accept interpretation and direction. The interviewer will need skill in keeping focus on the over-all objectives even though the discussion may over-lap or digress. However, in no event shall execution of Application Form PA-1 **and Form PA-1E** be undertaken as the first step or objective of the interview.

More than one interview may be necessary to obtain adequate information from the client and to work out a satisfactory plan with him. Regardless of the number of interviews, or where held, the following procedures are to be observed and adapted to the situation.

.4 b. Every applicant shall be given preliminary information about payment procedures [covering:] **emphasizing that only vendor payments and such payments for medical services only, are provided by the program.**

[1) Vendor payment for all medical services; and

2) Issuance of check in single cash amount for the month covering personal incidental expenses, if allowable.]

3115. Registration Procedures and Record of Inquiries

.1 Application [or Certification in Lieu of Application (See 3112.3)]

Official registration of an application consists of the following steps:

a. Entry in application register under appropriate classification as new, reapplication, reopened application, or transfer in.

b. Assignment of case control number (registration number) to a new application, or reassignment of previous number to a reapplication or reopened application in the series designated.

c. Preparation of Form PA-9, Registration Card.

So far as possible registration shall be completed on the same day that application for medical assistance is made. If the application is made outside the CWB office, registration shall be completed within two working days.

3117. Effective Date of Application

.1 Policy

In contrast with other programs of public assistance, the statute establishing MAA contemplates retroactive payments of medical assistance, related to the date of the application, when eligibility has been affirmatively determined. In order to carry out the purposes of the statute, it is necessary to fix an effective date of the application which is not subject to delay in affording opportunity for an interpretive interview.

Consequently, [the following rules shall apply in establishing the effective date of application for medical assistance:] **the effective date of medical assistance to be entered on Form PA-1 shall be determined by the date when the earliest of the following alternatives occurs:**

[a. When the individual is certified from another categorical assistance program to the program of Medical Assistance for the Aged, the effective date of the application shall be the date of execution of Form PA-1A.

b. When the individual has not been receiving categorical assistance, the effective date of the application to be entered on Form PA-1 shall be determined by the date when the earliest of the following alternatives occurs:]

a. [1)] the individual or his authorized agent (see 3101.3) applies for medical assistance following an interpretive interview; or

b. [2)] the CWB receives an inquiry* from an individual acting on his own behalf; or

c. [3)] the CWB receives an inquiry* on behalf of a specific individual made by a legally appointed guardian or by a relative by blood or marriage.

(*A referral from a hospital shall be deemed an inquiry only when made on Form PA-1C which has been countersigned by the individual or his relative.)

3120. PROCESS OF ESTABLISHING ELIGIBILITY

.2 Simplified Process for Establishing Initial Eligibility for Hospitalization

Most persons 65 years of age and older are eligible for hospital insurance benefits under Part A and certain medical services under Part B of Title XVIII, Federal Social Security Act.

Currently, such hospital insurance beenfits provide for 90 days of hospital care in a participating hospital for each "spell of illness" subject to payment of a $44 deductible covering the first 60 days and $11 per diem coinsurance for the next 30 days. In addition, with respect to hospital care furnished after December 31, 1967, each individual will have a "life-time reserve" of 60 days of additional coverage of hospital care after the 90 days covered in a "spell of illness" bave been exhausted. Coinsurance of $22 per day will be applicable to these added days of coverage.

The lifetime reserve represents a resource which must be utilized. This means that where a client has exhausted his 90 days during a "spell of illness" the county welfare board shall not assume the full cost of any additional days of hospital care until it has established that the "lifetime reserve" of 60 days has also been exhausted.

The following procedures are designed to provide a simplified method for processing applications for payment of the deductible and coinsurance in regard to hospitalization and the deductible for covered medical services, if any, during the 90 day period only.

a. The county welfare board must verify the fact that the applicant is not eligible to receive Medical Assistance under the New Jersey Medical Assistance and Health Services Act Chapter 413, P.L. 1968).

(Reletter existing subsections "a." through "f." as "b." through "g." respectively.)

3125. Recommendation for Agency Decision

The caseworker is initially responsible for the recommendation as to whether the application should be approved or denied. If the recommendation is for approval, the recommendation includes:

a. The primary medical service for which assistance should be granted;

b. The amount of the regular monthly [payment] **exemption** for personal incidental expenses, if any;

c. The amount of excess income and/or resources available to be applied to the cost of authorized medical services; and

d. The date as of which client is eligible for payments of medical assistance.

The caseworker signs the Financial Eligibility Statement, Form PA-3 or initials a typescript signature.

3127. Disposition of Application [or Certification in Lieu of Application]

An application, subsequent to supervisory approval, shall be promptly acted upon by the following methods.

.1 Action by Executive Authority

It is the intent of State law and policy that the normal method for disposing of applications recommended for approval shall be by the authority vested in the director of welfare to make decisions on eligibility and to issue initial payments. The director has the same authority to make case decisions other than approvals.

.2 Action by Welfare Board

The only applications which should be held for the welfare board for initial action are those which require special review of the facts or of certain problems affecting eligibility, for interpretation of policy, etc.

NOTE: Delete Section 3100—Appendix II "Certification in Lieu of Application for Medical Assistance for the Aged."

3100—Appendix V. Form PA-1C(SU) (Rev. 6/65)

INQUIRY FOR MEDICAL ASSISTANCE
[FOR THE AGED]

To: From:
..... County Welfare Board .....
Hospital
.....
..... Date .....
1. Name .....
Last First Middle
2. Date of Admission .....
3. Provisional Diagnosis .....
4. Referring Physician .....
5. Birth Date .....
6. Permanent Home Address .....Phone .....
7. Address from which admitted .....Phone.....
8. Marital Status: Married ( ) Single ( ) Divorced ( ) Separated ( ) Widowed ( ) (Check one)
9. Spouse: Name .....Phone .....
Address .....
10. Next of Kin (if other than spouse)
Name .....Phone .....
Address .....
11. Names, Addresses and Phone Numbers of Other Relatives if Known
12. Monthly Income of Patient .....Source .....
13. Hospital Insurance: Blue Cross ( ) Other (specify) ..
14. Employer's Name .....Address .....
15. What inquiries have been made regarding financial responsibility for the hospital bill? What were the results?
16. Does patient or relative know that an inquiry is being made for [MAA?] **Medical Assistance?**
17. Whereabouts:
Is client still in hospital? Yes ( ) No ( )
If YES, anticipated address upon discharge .....
If NO, date of discharge .....
Present address if known .....
18. Comments: .....
19. The above patient is being cared for in the hospital since ..... on a ward service or general
date
service basis as to professional and other personal services and I believe that such patient may be eligible for [MAA.] **Medical Assistance.**
Signature .....Date .....
Title .....
20. Signature of Patient or Relative:

PLEASE READ CAREFULLY BEFORE SIGNING

I understand that I must furnish certain information to the county welfare board to establish eligibility and extent of need for public assistance; that the county welfare board will help to secure this information and verify it. I will supply complete and accurate information, within my knowledge, to representatives of the county welfare board [. I hereby authorize and direct my relatives, physicians, hospital, employers, bankers, and any other person having information concerning the persons named above to furnish complete details to the county welfare board.] **and will furnish pertinent documents and arrange for verification of such information by other persons and agencies, having knowledge thereof, when so requested.** I understand that the information obtained will be used ONLY in connection with the application for or receipt of assistance.

Signature .....Date .....
Relationship .....

IF NOT SIGNED BY PATIENT, EXPLAIN WHY: .....

3222. County Residence

County residence is not an eligibility requirement, but relates to identification of the jurisdiction responsible for receiving applications and [making payments of medical assistance.] **providing services.**

[.1 Persons Certified from Other Programs of Categorical Assistance

Persons who are recipients under other programs of categorical assistance immediately prior to receipt of MAA shall have the same county residence for MAA as was then established for such other program.

.2 Persons Applying Directly for MAA and MAA Recipients]

[As to] **For persons applying directly for MAA, and** persons who are recipients of MAA, county residence and changes in county residence shall be governed by the rules applicable to Disability Assistance which are not inconsistent with MAA. (See Manual of Administration subsection 2221.3 and MAA Manual 3112.2)

NOTE: Delete Sections 3241. "Legal Requirements," 3242. "Old Age Assistance," and 3243. "Other Public Assistance."

3400. DECISION CONCERNING ELIGIBILITY

3410. CERTIFICATION OF ELIGIBILITY

When an official determination has been made by the county welfare board that an individual is eligible for MAA, the director or his designated representative, subject to the provisions of section 3730. concerning third party responsibility, shall execute a Certification of Eligibility, Form PA-3D or PA-3E, Initial Certification of Eligibility, showing

a. identification of the individual by name and case number;

b. the date of application for medical assistance;

c. a statement that the individual (1) has been found eligible for MAA, (2) is in need of a specified primary medical service, **and** (3) is entitled to medical assistance covering the cost of authorized medical services at approved rates; [and (4) is or is not entitled to an allowance for personal incidental expenses;]

3400. Appendix VIII

CERTIFICATION OF ELIGIBILITY
FOR
MEDICAL ASSISTANCE FOR THE AGED

Name: ..... Case Number: .....
Address: .....
It is hereby certified that:
1. The individual whose name is entered above has been determined to be in need of .....
2. After due inquiry and consideration such individual has been determined to be in need of .....
(Primary Medical Service)
and eligible for Medical Assistance for the Aged.
3. [Subject to paragraph 4, payments] **Payments of medical assistance will be made for authorized health services, at approved rates, provided during the period between and including the effective date and expiration date of this certification as indicated below.**

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Institutions and Agencies—continued

4. Payments of medical assistance for approved personal incidental expenses [are/are not] are not authorized.
5. In consideration of available income, such individual must be considered obligated to pay the sum of $..... for health services provided during the effective period of his certification, and payments of medical assistance will not be authorized unless and until there is verification of an obligation or payment for costs of health services equal to such sum.
6. The effective date of this certification is ....., and no payments of assistance will be authorized for health services provided prior to such date.
The expiration date of this certification is ....., and no payments of assistance will be authorized for health services provided after such date in the absence of a further certification.

.....
Date: ..... Title: .....

INSTRUCTIONS TO CLIENT: This form should be carefully retained for your use until the date shown in paragraph 6, since it identifies you as eligible for medical assistance. If you require hospitalization, a copy has been sent to the hospital. If you require nursing home care, a copy has been sent to the nursing home.

NOTICE TO PROVIDERS OF HEALTH SERVICES: Although this form indicates that it is effective for the period shown by paragraphs 6 and 7, the person named may become ineligible during this period due to an unanticipated change in circumstances. Continuing eligibility may be verified at any time by contact with the county welfare board.

3500. PAYMENTS OF MEDICAL ASSISTANCE

3510. AUTHORIZATION OF PAYMENT

The authorization of payments is basically the responsibility of the Division of Medical Assistance and Health Services. This responsibility is exercised as follows:

a. Nursing Homes

The Division of Medical Assistance has direct responsibility for the authorization of payments to such facilities;

b. Other Medical Services

Responsibility for authorization of payments for all medical services has been delegated to the fiscal intermediaries, Hospital Service Plan of New Jersey or the Prudential Insurance Company. Such authority is exercised in accordance with the Provider Manuals of the Division of Medical Assistance and Health Services.

[3511. Federal Requirements

In accordance with Federal requirements, the authorization of payments of medical assistance must be a formal agency record signifying that the amounts to be paid for medical services are for eligible individuals, and are otherwise proper under the State Plan. Authorization must be over the signature of a responsible agency official, and must be supported by

a. bills from vendors specifying the individual receiving service, the service received, the date of service and the amount of the charges; and

b. Certifications of eligibility for MAA.]

[3512.] **3511.** Basic Rules for State Program

.1 Payments of medical assistance shall be made only for [a.] medical services duly authorized and provided to eligible recipients at approved rates.

[b. personal incidental allowances required by and specifically, approved for eligible recipients.]

[.2 Initial payments of medical assistance, i.e., the first payment(s) made following execution of a certification of eligibility for MAA, may be authorized by the county director of welfare, or his designated representative, subject to ratification by the welfare board. All other payments of medical assistance shall be authorized by the welfare board.

See Part IV, and reference therein as to procedure for authorization of payment.]

[.3 Payments of medical assistance may be made as

a. money payments, i.e., checks for personal incidental expenses drawn to the order of the recipient, his legal guardian or custodian, so as to be immediately available for his unconditional negotiation and use upon delivery, or

b. vendor payments, i.e., checks drawn to the order of a person who has provided goods or services to or for the client, and representing payment to such person for the goods and services provided.]

.2. Payments of medical assistance will be made as vendor payments, i.e., checks drawn to the order of a person who has provided goods or services to or for the client, and representing payment to such person for the goods and services provided.

(Renumber existing subsection ".4" as ".3".)

3522. Nursing Home Patient Requiring Hospitalization

Whenever a recipient of medical assistance must be removed from a nursing home to receive hospitalization, and the county welfare board [having financial responsibility] determines that continued payment of medical assistance for nursing home care is necessary to maintain availability of accommodations in the same facility to which the recipient can return, such payment shall be [made] **approved** for a period of 14 days or for the period of hospitalization, whichever is less, either

a. at the regular rate established for the particular nursing home; or

b. at a lower rate guaranteeing availability of accommodations as established by any existing agreement between the welfare board [having financial responsibility] and the nursing home.

NOTE: Delete Section 3523. "Personal Incidental Expenses."

3530. PERIOD COVERED

3531. Basic Rule as to Month of Service

Whenever the term "month" is used in respect to payments of medical assistance, it shall mean the calendar month within which a health service was received [or a money payment made for personal incidental expenses.]

3532. Hospitalization

Payments of medical assistance for hospitalization may be made for such services received subsequent to the date of application for MAA, and for such services received within 30 days prior to the date of application[, but on or after July 1, 1963].

NOTE: Delete Section 3534. "Prohibition Against Concurrent Receipt of OAA and MAA".

3542. Subsequent Payments

.1 Hospitalization

Payments of medical assistance for hospitalization [shall] will be made [upon receipt of billings from] **by the appropriate fiscal intermediary,** Hospital Service Plan of New Jersey (Blue Cross) **or the Prudential Insurance Company according to their customary time schedules for processing such hospital claims.**

[When however, the client is in the hospital under the circumstances as set forth in section 2402., the CWB shall make such payment of medical assistance directly to the hospital upon receipt of their billings.]

.2 Nursing Home Care

Subject to the timely submittal of bills for services provided, [payments of medical assistance for nursing home care shall be made on the first day of that month during which the services will be provided.] **the Division of Medical Assistance and Health Services will make payments of medical assistance for nursing home care on the first day of the month following the month in which the bill is submitted.**

.3 Other Medical Services

Subject to the timely submittal of bills, payments of medical assistance for medical services other than hospitalization or nursing home care **will be made in accordance with the provisions of the appropriate Provider Manual of the Division of Medical Assistance and Health Services.** [shall be made within the month following the month during which the services were provided.]

3550. RESPONSIBILITY FOR PAYMENT

[The CWB of the county of which the client was a resident during the month when medical services were provided shall be responsible for making payments of medical assistance for the costs of such services. The welfare board of the county of residence shall also be responsible for payments of medical assistance for personal incidental expenses.

See section 3222. as to county residence.]

The Division of Medical Assistance and Health Services shall be responsible for making payments of medical assistance for all medical services provided.

3600. DETERMINATION OF CONTINUING MEDICAL ELIGIBILITY

Maintenance of high standards of service at a reasonable cost compatible with quality requires the establishment of medical care administrative mechanisms whereby review and evaluation of the health care program shall be performed by the operating agency. The periodic determination of continuing medical need and medical eligibility is [an] essential **for the maintenance of high standards of service at a reasonable cost compatible with quality.**

3610. BASIC REQUIREMENTS

The CWB shall redetermine the client's need for primary medical service in accordance with the time periods specified in Section 3620.

NOTE: Delete Section 3701. "Federal Law."

[3702.] **3701.** State Law

The New Jersey statute establishing the program of MAA directs that there be issued rules and regulations necessary ["to secure for the State of New Jersey the maximum Federal financial participation . . . and otherwise to] ". . . To accomplish the purposes of this act, including specifically the following . . . to prescribe methods and procedures for repayment or recovery of medical assistance granted; provided, however, that no lien may be imposed against the property of any individual prior to his death on account of medical assistance granted or to be granted under this act (except pursuant to the judgment of a court on account of assistance incorrectly paid on behalf of such individual), and that there shall be no adjustment or recovery (except, after the death of such individual and his surviving spouse, if any, from such individual's estate) of any medical assistance correctly paid on behalf of such individual under this act."

3712. [Certifications] **Liens Resulting from Other Programs**

Whenever an individual [is certified to MAA from] **has been a recipient of any other assistance program,** the validity and value of any lien established as a condition of receiving assistance under such other program will neither be depreciated nor enhanced by the granting of medical assistance. Consequently, such lien may be continued in effect as to assistance paid other than through MAA.

NOTE: Delete Section 3724. "Payments Not Subject to Federal Matching."

3740. DISTRIBUTION OF FUNDS RECOVERED

Whenever any recovery is effected **by the CWB** of funds paid as medical assistance, [the funds so recovered shall be distributed to the Federal, State and county governments in the same proportion as the original payment was charged.] **complete details about such recovery shall be reported to the Division of Public Welfare by the county welfare board, in order that the Division may determine and direct appropriate distributions.**

NOTE: Delete Section 3811. "Defined Social Services."

3900. OTHER ADMINISTRATIVE RESPONSIBILITIES

3910. COMPLAINTS, APPEALS AND FAIR HEARINGS

The policies and procedures concerning complaints, appeals and fair hearings shall apply to the program of MAA in the same manner and extent as to [other] the categorical assistance [program] **programs.** (See Manual of Administration, Section 2920.)

3930. NONDISCRIMINATION

The policies and procedures concerning nondiscrimination shall apply to the program of MAA in the same manner and extent as to [other] the categorical assistance [programs] **program.**

(See Manual of Administration, Section 2990.)

4000. FINANCING ASSISTANCE PROGRAM

[4010. SOURCES OF FUNDS, STATE AND LOCAL

State of New Jersey Plan for Old Age Assistance, Disability Assistance and Assistance for Dependent Children transmitted by letter dated February 16, 1960 with an effective date of January 1, 1960 applies. Hereafter this plan will be referred to as "State Plan, 1960".

The Rulings referred to in State Plan, 1960 have been amended, where necessary, to incorporate the requirements of the Medical Assistance for the Aged program.

Note to County Welfare Boards

We are aware that State Plan, 1960 has not been distributed to the county welfare boards. The responsibility of the county welfare boards in respect to this Chapter are set forth in the Manual of Administration and Rulings, as amended with an effective date of July 1, 1963.]

4010. **SOURCE OF FUNDS**

The State MAA statute requires that:

The State shall provide such funds as may be necessary to meet expenditures for medical assistance for the aged.

The State shall also pay to each appropriate county welfare board the reasonable costs, if any, incurred by such county welfare board when acting at the direction and on behalf of the Department of Institutions and Agencies in investigating and determining whether applicants for medical assistance for the aged are eligible therefor under standards prescribed by the Department.

This means that the State will assume 100% of the administrative and assistance costs of the MAA program.

4020. [STATE AND LOCAL PARTICIPATION IN] EXPENDITURES FOR ASSISTANCE AND ADMINISTRATION

.1 [The proportion of expenditures] **Expenditures** for assistance and administration [to be paid by each level of government] **will be made as follows:**

a. Assistance

[After deducting the earned Federal share from the total assistance cost, the State share of the balance is 75%, the County share 25%.]

All assistance costs will be paid directly by the State through the Division of Medical Assistance and Health Services to the provider(s) of medical services.

b. Administration

[Administrative expenses of the State agency are paid from State funds and the State General Fund account reimbursed at the end of each calendar quarter for the earned Federal share for administration on a post-audit basis. Administrative expenses of the local agencies are paid from county funds and accounts of the respective county welfare boards reimbursed at the end of each calendar quarter for the earned Federal share for administration on a post-audit basis. The state and county shares of administrative cost for the respective agencies accordingly amount to 25 to 50 percent of the federally matchable expenditures and 100 percent of the non-federally matchable expenditures for administration.]

The county welfare boards will be reimbursed by the State through the Division of Public Welfare for all administrative costs related to the determination of eligibility of applicants for MAA and for the provision of services to recipients of MAA. This will be accomplished by the Division's utilization of apportionment formulas for allocating to the MAA program, appropriate percentages of all authorized administrative and service costs related to the categorical assistance programs.

NOTE: Delete Section 4100. "Fiscal Operations", 4200. "Authorization and Disbursement of Assistance Payments", 4300. "Collections and Recoveries", 4400. "Administrative Cost", 5000. "Statistics and Research", and 6000. "Federal Requirements".

[6100.] **5000.** MERIT SYSTEM

The provisions of Ruling 11-Personnel Plan shall apply to the program of MAA in the same manner and extent as to [other] the categorical assistance [programs] **program.**

Any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before March 28, 1970.

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(a)

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**; deletion indicated within brackets [thus]):

Chapter 1. Definitions

"Manager" means any person who does any of the following:

(a) By contract, agreement, or other arrangement with any person undertakes or has undertaken to repre-

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State—continued

sent in any way the interest of any professional boxer in procuring or with respect to the arrangement or conduct of any professional boxing contest in which such boxer is to participate as a contestant: and is entitled under that contract, agreement or other arrangement to receive monetary or other compensation for his services without regard to the sources of such compensation; except that the term "manager" shall not be construed to mean any attorney licensed to practice in this state, whose participation in such activities is restricted solely to his representing the interests of a professional boxer as his client.

(b) Directs or controls the professional boxing activities of any professional boxer.

(c) Receives or is entitled to receive 10 per cent or more of the gross purse, or gross income of any professional boxing contest.

Chapter 2. Ring Equipment

Rule 21. Additional Set of Steps Required.

In addition to the set of steps installed in each boxer's corner, a third set of steps leading to the boxing ring shall be installed in a neutral corner for use exclusively by the attending physician, referee, ring announcer, round card carriers, and those approved by the State Athletic Commissioner or his representative for introductions.

Chapter 4. Licenses

[Rule 12.

A promoter may be privileged to operate an indoor club in the winter time and an outdoor club in the summer, providing both locations are in the same vicinity. If winter and summer locations are in entirely different vicinities, the promoter shall be required to obtain separate club licenses.]

[Rule 33.

When an application to conduct professional boxing contests combined with Amateur Athletic Union boxing contests has been jointly approved by the Office of the State Athletic Commissioner and A.A.U. authorities with statutory bond requirements fulfilled, the annual license fee for licensure, valid only for this type of promotion, shall be $40.]

Chapter 6. Managers

Rule 22. Application for Boxing Manager's License.

Applications for a boxing manager's license shall contain a true and complete statement of all persons connected with the management. Subsequent to the granting of any such license such applicant shall submit for approval by the State Athletic Commissioner any change at any time in the persons connected with the management.

Chapter 16. Tickets

Rule 5.

[Each and every] Every ticket offered for sale [must] shall have printed thereon [established price, State tax, and] the total price.

Any interested person 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 March 30, 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 revised rules substantially as set forth without further notice.

Morris Mogelever
Acting State Athletic Commissioner

(a)

TREASURY

AGRICULTURAL COMMODITY DISTRIBUTION SECTION

Instruction to State Distributing Agencies

The Agricultural Commodity Distribution Section, Division of Purchase and Property, New Jersey Department of the Treasury, is the official State Distributing Agency for Federal donated commodities. This section works with the School Lunch Program of the Department of Education and with the Division of Public Welfare of the Department of Institutions and Agencies. The section requisitions, receives, handles, stores and distributes Federal donated commodities which have been made available by the United States Department of Agriculture under a program authorized by Congress, for distribution to state, county and municipal institutions; schools, charitable and welfare organizations. Inspections are made of all recipient agencies which are eligible to receive commodities under this program for compliance with the terms of the contract between the State of New Jersey and the recipient agency and the rules and regulations of the Federal Government.

The following Instruction from the United States Department of Agriculture, Food and Nutrition Services, sets forth the requirement that State Distributing Agencies achieve national uniformity of Civil Rights Assurances in agreements between their agencies and recipient agencies.

The provisions of this Instruction are to be observed in all agreements or contracts entered into or modified from the date that this release is received. However, the Instruction does not require that existing agreements or contracts be renegotiated if the assurance contained therein essentially conform to the language in Section IV of the Instruction.

UNITED STATES DEPARTMENT OF AGRICULTURE
Food and Nutrition Service
Washington, D.C. 20250

ACTION BY: Food and Nutrition Service Regional Offices
TO: State Distributing Agencies
Civil Rights Assurance With Recipient Agencies

I PURPOSE

This Instruction requires State Distributing Agencies to achieve national uniformity of Civil Rights Assurances in agreements between State Distributing Agencies and recipient agencies pursuant to which Federal financial assistance is made available by the Food and Nutrition Service, United States Department of Agriculture.

As defined in 7 CFR 15, "Federal financial assistance" or "financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. This includes food.

II EFFECTIVE DATE

This Instruction is effective upon receipt, and its provisions shall be observed in all agreements or contracts entered into or modified from and after that effective date. This Instruction does not require that any existing agreement or contract be renegotiated if the assurance statement appearing therein conforms in every essential to the language of the appropriate assurance in Section IV of this Instruction.

III BACKGROUND

An assurance of compliance with the Civil Rights Act of 1964 is required by Section 15.4 of Title 7, USDA Rules and Regulations. In general, this assurance:

A. Informs the recipient agency or sponsor of the requirements of Title VI of the Civil Rights Act in connection with receipt of assistance, and

B. Constitutes a judicially enforceable agreement on the part of the recipient agency to abide by its terms as a condition to receipt of assistance.

IV POLICY

A. All Agreements between State Distributing Agencies and recipient agencies, other than those which receive Federal financial assistance in the conduct of food programs in public schools, are required to contain the following language:

"Recipient agency assures the United States Department of Argiculture and the State Distributing Agency that it now complies with and shall in the future comply with all requirements imposed by or pursuant to the Civil Rights Act of 1964 and the USDA Regulations (7 CFR Part 15), including any subsequent amendments, issued to effectuate that Act. Compliance will be consistent with the objective that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity of recipient agency to which assistance is provided by the USDA. Admission policies are understood and agreed by recipient agency to be a part of such programs and activities. Recipient agency agrees to be obligated by this assurance as long as it receives assistance hereunder or retains possession of any assistance provided by the USDA or the State Distributing Agency. Should recipient agency fail to comply with this assurance, the United States or the State Distributing Agency shall have the right to seek its enforcement by judicial or any other means authorized by law. Federal financial assistance is extended under this agreement in reliance on the representations made herein."

B. All Agreements between State Distributing Agencies and recipient agencies which receive Federal financial assistance in the conduct of food programs in public schools are required to contain the following language:

"Recipient agency assures the United States Department of Agriculture and the State Distributing Agency that it now complies with and shall in the future comply with all requirements imposed by or pursuant to the Civil Rights Act of 1964 and the USDA Regulations (7 CFR Part 15), including any subsequent amendments, issued to effectuate that Act. Compliance will be consistent with the objective that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity of recipient agency to which assistance is provided by the USDA. Recipient agency agrees to be obligated by this assurance as long as it receives assistance hereunder or retains possession of any assistance provided by the USDA or the State Distributing Agency. Should recipient agency fail to comply with this assurance, the United States or the State Distributing Agency shall have the right to seek its enforcement by judicial or any other means authorized by law. Federal financial assistance is extended under this agreement in reliance on the representations made herein."

V ACTION REQUIRED

In order to achieve uniformity and insure that each recipient agency's assurance meets all requirements of the Act, it will be necessary for each State Distributing Agency to:

A. Review its assurance statement and take the necessary action to implement the above policy.

B. Include the following statement in the section c Agreements dealing with conditions under which th Agreement can be terminated.

"Except that any termination of this agreement for no compliance with Title VI of the Civil Rights Act of 196 shall be in accordance with applicable laws and regu lations."

This language is needed since termination because of no compliance with Title VI first requires adherence to th procedural requirements for termination of assistance s forth in Title VI and the Title VI regulations.

VI REPORTING REQUIREMENTS

Food and Nutrition Service Regional Offices shall rep within sixty days of the date of this Instruction, the [illegible] taken in each of the states in accordance with the req ments of this Instruction, transmitting such reports the FNS Civil Rights Coordinator.

Edward J. Hekman
Administrator
Food and Nutrition Service

(b)

TREASURY

STATE TREASURER

Emergency Transportation Tax Liability

NOTICE

Take Notice that pursuant to Chapter 32 of the La of New Jersey of 1961, the emergency transportation t act (also known as the "commuter benefit tax" act), t Commissioner of Transportation of the State of New Jers on January 22, 1970 certified to the State Treasurer of t State of New Jersey his finding that there was on Janua 1, 1970 one critical interstate transportation problem volving New Jersey and that this affects the States New York and New Jersey. He has therefore identifi the States of New York and New Jersey as "critical ar states" within the meaning of the act.

This finding makes the income tax imposed by t emergency transportation tax act applicable for the enti calendar year 1970. The tax is imposed upon every re dent of the State of New Jersey with respect to the enti net income derived by him from sources within the St of New York and upon every resident of the State of N York with respect to the entire net income derived by h from sources within the State of New Jersey.

New Jersey residents have been relieved from t requirements to file a 1969 return with the New Jers Division of Taxation by regulation of the Director Taxation, provided the New Jersey resident has filed 1969 income tax return with the State of New York a paid the amount of income tax liability thereon to t State.

Further information concerning the effect of the em gency transportation tax act and procedure to be follow by employers and employees may be obtained by writi to the State of New Jersey, Emergency Transportat Tax Bureau, P.O. Box 1686, Trenton, New Jersey 08625.

Joseph M. McCrane, Jr.
Treasurer of New Jersey

(c)

TREASURY

DIVISION OF TAXATION

Proposed Emergency Transportation Tax Rul

Sidney Glaser, Acting Director of the Division of Ta tion, pursuant to authority of N.J.S.A. 54:8A-19(b) based on an opinion of the Attorney General dated Jun 1962, proposes to adopt a rule of the Emergency Tra portation Tax Bureau concerning the obligation to the annual New Jersey Emergency Transportation Return:

Emergency Transportation Tax Rule

Any resident of New Jersey subject to the tax impo by the Emergency Transportation Tax Act, N.J.S 54:8A-1 et seq., who has filed a 1969 income tax ret with the State of New York and has paid the amo of income tax liability thereon to that State, shall be required to file a return with the New Jersey Divis of Taxation under the New Jersey Emergency Tra portation Tax Act, based upon his 1969 income deri from sources in New York.

Interested persons may present statements or argume in writing or orally in person by appointment relevant the proposed action to Augustus J. Costigan, State Su visor, Emergency Transportation Tax Bureau, 209 E State Street, Trenton, New Jersey, on or before Ma 26, 1970. Telephone (609) 292-4840.

The Acting Director of the Division of Taxation, u his own motion or at the instance of any interested pa may thereafter adopt the above rule substantially as forth without further notice.

Sidney Glaser
Acting Director
Division of Taxation

Norman E. Hardy
Deputy State Treasurer
Department of the Treasury

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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

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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)
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Postal Emergency .....2 N.J.R. 34(d)
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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

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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

(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 tbe 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

WHEREAS, I am satisfied that the recommendations the aforementioned are accurate and correct and th these beds can be opened to the taking of shellfish witho harmful effects on conservation, and

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

IT IS HEREBY ORDERED that the following beds the Atlantic Coast Section be opened for the taking shellfish, beginning April 13, 1970 at 7 A.M. and rema 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 opened daily from 7 A.M. until 3 P.M., Eastern Sta Time or Eastern Daylight Time, whichever prevails, e cept any time on Sunday.

Nothing in this order shall be construed to affect ar 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.

CONSERVATION ORDER DATED MARCH 19, 1970

I. CLOSING CERTAIN BEDS

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

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

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

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

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

II. OPENING CERTAIN BEDS

WHEREAS, the Maurice River Cove Section of th Shell Fisheries Council and the Oyster Research Labor tory have recommended that certain of the shellfish bed in the tidal waters of the Delaware River, Delaware Ba and tributaries can be opened to the taking of shellfis without harmful effects on conservation, and

PURSUANT to the recommendations of the aforeme tioned, which I have examined and feel to be correct an 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 takin of oysters and shall remain open until further notice:

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

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

Each working day shall open at 7 A.M. and clos 3 P.M. Eastern Standard Time or Eastern Daylight Tim 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, pursu ant to authority delegated in N.J.S.A. 18A:39-21 an 18A:58-8, proposes to amend N.J.A.C. 8:21-85 concernin the limit of apportionment of state aid for a bus pur chased by a board of education as follows (additions i dicated in bold face thus):

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

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

Any interested person may present statements or arg ments in writing, orally in person or by telephone, releva to the proposed action to Clyde E. Leib, Office of t Commissioner, New Jersey State Department of Educ tion, 225 West State Street, Trenton, New Jersey 0862 before 4 p.m. on May 5, 1970. Telephone: (609) 292-4040.

The State Board of Education, upon its own motion at the instance of any interested party, may thereafte adopt the above rule substantially as set forth witho further notice.

Carl L. Marburger
Commissioner of Education

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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 sherbets. 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 O.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 O.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, polysorbate 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.

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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 hut 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, a 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 persons representative of the independent colleges not members of the aforesaid Association.

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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

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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 polici

These rules shall apply for the duration of the emerger 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, 1 as R. 1970 d.29 (Exempt, Emergency Rule).

(e)

INSURANCE

THE COMMISSIONER

Postal Emergency

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

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

Upon finding that the emergency situation occasioned b the interrupted postal service has been substantially dir inished, I hereby order that the emergency rules prom ulgated March 20, 1970 are hereby repealed effective We nesday, April 1, 1970.

Robert L. Clifford
Commissioner of Insurance

NOTE: The above order was executed and filed on Marc 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 i the Division of Law of the Department of Law and Publi 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 o the Bureau of Securities' rules to require fingerprint card in certain cases as follows (additions indicated in bol face thus):

13:13-1. Application for Registration

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

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

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

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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).

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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 subletee or assignee of the contract where notice or approval of subleting 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 the 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 effective March 16, 1970, as R. 1970 d.27 (Exempt, Exempt Agency rules).

Leon S. Wilson
Director of Administrative Procedure
Department of State

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THE NEW JERSEY REGISTER

Vol. 2—No. 5 NEW JERSEY, THURSDAY, MAY 7, 1970 2 N.J.R. 37

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
John K. Barnes, Editor

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● NEWS DEADLINE NEXT ISSUE — MAY 21 ●

NOTICE OF RULE MAKING ACTIVITIES OF STATE AGENCIES

The following digests, notices, and texts of rules, regulations and orders 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)

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Environmental Protection Department Is Created by Executive Order

A new executive office in the State Government—the Department of Environmental Protection—was signed into law on "Earth Day," April 22, 1970 by Governor William T. Cahill.

It began operations last Monday, May 4, taking over most of the functions of the former Department of Conservation and Economic Development, which goes out of existence as such.

Richard J. Sullivan, a 43-year-old Democrat who since 1967 had headed the Division of Clean Air and Water in the State Health Department, was named Commissioner of the new department by Governor Cahill. Mr. Sullivan has served New Jersey for 20 years, principally in pollution, health and worker safety fields.

Governor Cahill termed creation of the new department a major achievement of his new administration and said the new Commissioner was named "purely on merit". Initiated by the Governor, the new department received quick legal approval by the State Legislature.

Following the recent split of Banking and Insurance into two separate departments, Environmental Protection becomes the 17th department in the executive branch.

The department begins operations with five divisions—

1) Environmental Quality.
2) Natural Resources.
3) Fish, Game and Shell Fisheries.
4) Water Policy and Supply.
5) Parks, Forestry and Recreation.

The last four divisions were former functions in Conservation and Economic Development, while Environmental Quality takes over the former Clean Air and Water activities of the Health Department. However the Division of Environmental Health remains part of the Health Department.

The two other Divisions of Conservation were switched to other departments—Veteran's Services going to Institutions and Agencies and Economic Development to the Labor and Industry Department.

No physical move of offices from their present location is now contemplated.

Commented Governor Cahill in setting up the new office: "We now have in New Jersey for the first time a department dedicated to the improvement of the environment."

As Director of the Division of Clean Air and Water the past three years, Mr. Sullivan has headed up for the State the struggle against pollution and for clean air and water.

His two decades of state service cover many facets.

In his first six years with the Health Department until 1956, Mr. Sullivan was active in air pollution control, radiation protection, water pollution and general sanitation. He was transferred to the Department of Labor and Industry as deputy director in 1956 and headed the Bureau of Engineering and Safety with a staff of 150 engineers enforcing public and employee protection measures.

He was a member of the Radiation Protection Commission from 1958 to 1967 and of the former Air Pollution Control Commission. Both of these functions are part of the new Environmental Protection Department.

(By coincidence, his father, Dennis Sullivan, served with him as an Air Pollution Control Commission member. The elder Sullivan was health officer of Jersey City for half a century until his retirement four years ago.)

Mr. Sullivan on February 26 was named as alternate to Governor Cahill on the Delaware River Basin Commission, the four-state control agency which also has the U.S. Secretary of the Interior as a member.

The new Commissioner was born February 27, 1927 in Jersey City and attended local public schools. He earned a mechanical engineering degree at Stevens Institute of Technology and thereafter a Master of Arts in English at Seton Hall, and a Master of Public Health Administration at Columbia University. He then studied law for a year and a half at Seton Hall Law School.

It was while at Columbia that he met his wife-to-be, Renee, who came from Peru to work at the United Nations. Today the family, with three boys and three girls ranging in age from five to eleven, lives in Hamilton Township.

Mr. Sullivan's $24,208 salary as Clean Air and Water Director goes to $38,000 as a Commissioner.

(b)

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Names State Tax Policy Committee

A "politically nonpartisan" State Tax Policy Committee was named by Gov. William T. Cahill April 27, 1970 to carry out an in-depth study of all levels of taxation in New Jersey.

The committee of 32 members is headed by Sen. Harry L. Sears, R-Morris, the majority leader of the State Senate. It includes two former chief executives, Republican Alfred E. Driscoll and Democrat Richard J. Hughes, Mr. Cahill's immediate predecessor in office.

William Miller, Princeton lawyer who was associated with the former state tax policy commission, will serve as chief of staff.

Created by executive order, its members are not subject to the advice and consent of the State Senate. The Governor said he would ask for a $250,000 appropriation to underwrite their work.

The committee includes three Republican and three Democratic legislators, with the balance chosen to represent leadership and expertise in various business, labor, governmental, and professional fields, from all areas of the state.

Governor Cahill asked the committee to come up with recommendations on what share of the overall costs of government should be carried by the state, counties and municipalities. He also wants it to determine existing tax inequities and to revaluate the fiscal needs and resources of the state as a whole.

(c)

AGRICULTURE

DIVISIONS OF MARKETS

Asparagus Sampling for Inspection

In the Notice published April 9, 1970 at 2 N.J.R. 29(b), the newly adopted regulation concerning asparagus sampling for inspection was incorrectly cited as N.J.A.C. 2:13-12.1. The citation should have read N.J.A.C. 2:31-12.1.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(d)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Hog Cholera Quarantine

By order of the State Board of Agriculture and pursuant to RS 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 quarantine notice issued February 24, 1970 on the Township of Deptford, Gloucester County, is hereby rescinded with the exception of that portion of Deptford Township contained by the intersection of Bark Bridge Road with Tanyard Road north on Tanyard Road and Delsea Drive for a distance of 4.4 miles to the intersection of Delsea Drive with Route 295; east on Route 295 to its intersection with the Westville-Almonesson Road; southeast on the Westville-Almonesson Road to its intersection with the New Jersey State Turnpike; southwest on the New Jersey State Turnpike to its intersection with Egg Harbor Road; south on Egg Harbor Road to its intersection with Boundry Lane Road; south on Boundry Lane Road to its intersection with Mail Avenue; west on Mail Avenue to its intersection with the Glassboro-Woodbury Road; south on the Glassboro-Woodbury Road to its intersection with Bark Bridge Road; and east on Bark Bridge Road to its intersection with Tanyard Road.

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 April 10, 1970 and until further notice.

Phillip Alampi
Secretary of Agriculture

E. L. Brower
Director
Division of Animal Health

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(a)

BANKING

THE COMMISSIONER

Increases Interest Rate

James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 31:1-1, has adopted an emergency regulation increasing the interest rate to 8 per cent, without prior notice or hearing, in accordance with Section 4(c) of the Administrative Procedure Act of 1968 (N.J.S.A. 52:14B-4(c)). The text of the regulation follows:

INTEREST RATE
REGULATION NUMBER 2

WHEREAS, Section 31:1-1 of the Revised Statutes provides that the Commissioner of Banking, (hereinafter referred to as "The Commissioner"), with the advice of a Special Advisory Board constituted pursuant to said statute, may, by regulation, provide that the value which may be taken for any loan of money, wares, merchandise, goods and chattels, shall be a value more than $6.00 but not more than $8.00 for the forebearance of $100.00 for a year, as shall be prescribed in such regulation, and after that rate for a greater or lesser sum or for a longer or shorter time; and

WHEREAS, the Commissioner has met with the Special Advisory Board and they have considered the general state of the economy, the discount rate prescribed by the Federal Reserve Bank of New York and the Federal Reserve Bank of Philadelphia, the advance rate as prescribed by the Federal Home Loan Bank of New York, the availability of funds for loans, studies and statistics published by the Federal Home Loan Bank Board and other agencies of the United States and of this State, and other factors and bases for determination which the Commissioner and the said Board deemed pertinent, and the said Board having advised the Commissioner; and

WHEREAS, it is the opinion of the Commissioner that the rate hereinafter established is necessary, in light of the prevailing market conditions, regionally and nationally;

NOW THEREFORE, in exercise of the authority conferred upon the Commissioner of Banking by Section 31:1-1 of the Revised Statutes as amended by Ch. 55, P.L. 1968, the following regulation is hereby adopted to read as follows:

Interest Rate. The maximum rate of interest to be charged, taken or received, upon a loan or forebearance of any money, wares, merchandise, goods and chattels, made on or after April 16, 1970, shall be 8% per year. Such interest shall be calculated in accord with Section 31:1-1 of the Revised Statutes as amended by Ch. 55, P.L. 1968.

This regulation has prospective effect only. See Ch. 55, P.L. 1968. With specific reference to mortgage loans, where a mortgage loan, contract, or any commitment for such a loan was entered into prior to the effective date of this regulation, the interest rate to be charged thereon shall not exceed the usury rate ceiling in effect at the time such mortgage loan, contract, or any commitment for such a loan was entered into; whether or not the mortgage loan, contract, or commitment for such a loan provides for an increase in the rate of interest during the term of such loan. See Ch. 54, P.L. 1968.

The rate established herein shall remain in force until such time as this regulation is rescinded or until said rate is increased or decreased by a subsequent regulation.

James C. Brady, Jr.
Commissioner of Banking

NOTE: A copy of the above regulation was filed April 15, 1970 as R. 1970 d.41 (Exempt, Emergency Rule).

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Proposed Retirement Community Full Disclosure Act Regulations

Schuyler Jackson, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs, pursuant to authority delegated in P.L. 1969, c. 215, §11 (N.J.S.A. 45:22A-11), proposes to adopt rules and regulations for the enforcement of the Retirement Community Full Disclosure Act, P.L. 1969, c.215 (N.J.S.A. 45:22A-1 et seq.).

The purpose of the Retirement Community Full Disclosure Act is to require full and fair disclosure of the nature of interests in real estate subdivisions which are sold as retirement subdivisions or communities within New Jersey. As such, it is intended to prevent deceptive and fraudulent advertising to a sector of the population which has become most susceptible to such practices during the last few years.

The Law provides for the disclosure of all information concerning the subdivider and the physical characteristics of the development, information concerning the legal status of the subdivided property, statements concerning the condition of title including encumbrances, and appropriate financial information, as well as, the brochures, or "public offering statements" which are to be used for promotional or advertising purposes.

This disclosure shall be submitted to the Division of Housing and Urban Renewal within the State Department of Community Affairs. After appropriate review by the division a registration will be issued permitting the subdivider to continue with his promotional activities. Both civil and criminal penalties are provided if any of the statements submitted to the division are purposely erroneous and the division has the power to revoke any senior citizens' subdivider's registration, if a violation has been found after appropriate examination and review.

The rules and regulations, to be promulgated as Chapter 17 of Title 5 of the New Jersey Administrative Code, shall include a description of state administration of the act; procedures for filing Statements of Record; public inspection of Statements of Record; form and contents of Public Offering Statements; registration of retirement subdivisions or communities by the Division, including the issuance of a Notice of Filing, Provisional Registration, Order of Registration, Notice of Corrections, Order of Rejection, and submission of Annual Reports.

In addition the regulations shall provide certain minimum standards for advertising materials prepared to promote the sale of units in a retirement subdivision or community. Such minimum standards shall include the following provisions:

1. Claims or representations contained in the advertising shall be accurate and provable.
2. Advertising shall not misrepresent the facts or create misleading impressions.
3. When a community is referred to, the advertising must include the location of the subdivided property and its distance in road miles from such community.
4. Advertising shall not use such terms as "minutes away", "short distance", "only miles" and "near" and terms of similar import to indicate distance unless the actual distance in road miles is used in conjunction with such terms.
5. Advertising which refers to oil, gas or mineral rights must make adequate disclosure of all facts pertaining to such rights in each such advertisement making reference thereto.
6. Advertising shall not make predictions of specific or immediate price or value increases of lots or parcels or units of advertised lands over which the subdivider does not have control.
7. Advertising shall not contain statements concerning future price increases by the subdivider which are not specific as to amount and as to the date of the announced increase. Any such date shall be in the reasonable future and the increased price shall be maintained for a reasonable length of time.
8. Advertising shall not contain asterisks or any other reference symbol as a means of contradicting or substantially changing any previously made statement or as a means of obscuring material facts.
9. Advertising shall not use names or trade styles which imply that they are non-profit research organizations, public bureaus, groups, etc., when such is not the case. Advertising of such an organization shall be prohibited when the true nature of the plan of sale or ownership is misrepresented or concealed.
10. Advertising of improvements on or to the property which are not completed must state in unmistakable terms that the improvements are merely proposed or under construction.
11. Advertisements shall not use artists' sketches to portray proposed improvements or non-existent scenes without an indication that such portrayal is an artist's sketch and that the improvements are proposed or the scenes do not exist. Artists' conceptions of existing improvements or scenes must be representative and state that such rendering is an artist's conception.
12. Advertising shall disclose prominently if the property, or any portion of the property, is regularly or periodically flooded or substantially covered by standing water for extended periods of time during the year, unless adequate drainage is assured by bonding or other means acceptable to the Agency.
13. The advertising of land without available legal access to the purchaser must contain full and complete disclosure of such fact and the legal effect thereof.
14. Advertising shall not use statements, photographs or sketches portraying the use to which advertised land can be put unless the land can be put to such use without unreasonable cost.
15. Advertising shall not contain statements, photographs or sketches relating to facilities for recreation, sports or other conveniences which are not presently in existence, unless it is clearly stated that such facilities are not on the land and the distance thereto in miles is given, or that such facilities are merely proposed.
16. Advertising which contains statements regarding taxes and the amounts thereof shall employ the latest available figures.
17. No statements shall be made in advertising which, though true, nevertheless lend themselves to false or misleading inferences of non-existent facts.
18. Lots shall not be advertised as "free" if the prospective purchaser is required to give any consideration whatsoever, and lots shall not be advertised for "closing costs only" when the closing costs are substantially more than normal, or when an additional lot or lots must be purchased at a higher price or to render the "free" lot usable.
19. Advertising shall not make reference to pre-development sales at a lower price because the land has not yet been developed unless there are plans of development, and a subdivision plat has been recorded, or reasonable assurance is available that such plan will be completed.
20. Advertising which makes reference to "roads" and "streets" shall make affirmative disclosure as to the nature of such roads and streets, i.e., paved, gravel, dirt, etc. To be described as improved or paved, roads and streets shall be constructed and surfaced according to county, city or other acceptable authority specifications.
21. Legal access referred to in advertising shall be accompanied by phraseology to indicate whether the access is presently usable as a passage for conventional automobiles.
22. The existence of a road easement or a road right-of way shall not be advertised unless such easement or right-of-way has been dedicated to the public or to appropriate property owners and recorded in the public records of the county in which the property is located.
23. Advertising shall not contain before and after pictures for comparative purposes without an accurate, detailed, comparative analysis of such pictures.
24. Reprints of published material will be disapproved unless the information contained in the reprint is representative, truthful, relevant and pertinent to the subdivision being offered.
25. Advertising shall not make comparison of land values unless it is clear who is making the comparison and unless the comparison is relevant and fair.
26. Advertising shall not make reference to a public facility unless money has been budgeted for actual construction of such facility and is available to the public authority having the responsibility of construction, or an actual disclosure of the existing facts concerning a public facility is made.
27. Advertising shall not refer to public facilities under study, unless it is fully disclosed that the facility is merely proposed and under study and provided that no reference is made to the location or route of the facility until such has been decided by the responsible public authority.
28. The unqualified term "development" may be used in advertising only to describe a subdivision, the plat of which has been recorded of record.
29. Advertising which refers to the purchase price of any lot, parcel or unit of land must also include any additional compulsory assessments or costs to the prospective purchaser.
30. Advertising shall not make derogatory or unfair reference to competitive developments, subdivisions or properties.
31. Advertising which makes reference to property exchange privileges, must state clearly any qualifications concerning such exchange privileges. If advertising makes reference to promised improvements, for which the prospective purchaser will be assessed, such facts will be clearly disclosed.
32. Advertising shall not describe land as a homesite or lot if potable water is not available at reasonable cost; further, there must be reasonable assurance that a septic tank will operate or a sewer system is in existence unless facts to the contrary are clearly and conspicuously included in each such advertisement pertaining to that property.
33. Advertising shall be considered misleading if it infers or implies that the subdivider will resell or repurchase the property being offered at some future time unless the subdivider has made an undertaking with the Division to resell or repurchase property for or on behalf of purchasers and has given reasonable assurances to the Division to demonstrate his ability to perform this undertaking.
34. Advertising shall be deemed misleading if it represents that the property being offered for sale may be subdivided or resubdivided unless it includes all necessary and relevant information regarding the cost and feasibility of future subdividing.
35. Where a community is referred to in advertising, the material shall state the mileage from the approximate geographical center of the subdivided lands in road miles to the approximate downtown or geographical center of the community.
36. Advertising of improvements to the subdivided lands which are not completed shall not be made unless it is stated in unmistakable terms that the improvements are merely proposed or under construction and the date of the promised completion clearly indicated.
37. Advertising which embraces the term "canal" or "canals", "lagoon" or "lagoons" shall contain a full disclosure of the width and depth of water in such "canal" or "canals", "lagoon" or "lagoons".
38. Certificates shall not be distributed indicating a discount on property that appears to effect a price reduction from the advertising price. Discounts may be given for quantity purchases, cash, larger payments or for any reasonable basis. The purpose of this standard is to eliminate the use of fictitious pricing and illusory discounts.
39. When the company offers more than one subdivision in a single advertising piece, or an offering exceeding five miles in length or width, advertising shall carry a disclaimer as follows:

    "Distances indicated are from the location mentioned to (club house, center of subdivision, or other pertinent or prominent points), each purchaser should check the exact location of the property being offered him in relation to the club house, subdivision or other prominent locations."

40. When newsletters give information concerning places or facilities that are in excess of ten miles distant from the property involved, they shall carry a disclaimer as follows:

    "Information contained in this newsletter is general to New Jersey. Property for sale by _____ (Development Co.) may not be affected by any foreseeable time by the events or predictions described."

41. Forecasts of future events or population trends contained in advertising shall be by qualified persons and pertinent to the offering.
42. The word "guarantee" or phrase "guaranteed refund" shall not be approved in advertising unless the refund is unconditional.
43. Advertising which indicates the size of the tract offered, shall include the amount of land available for use by the purchaser after all easements to which this property may be subject have been deducted. If the property is subject to easements which are unusual in size, then this fact shall also be noted. All maps, plats, representations or drawings shall show either the dimensions of

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the tract or the amount of acreage after deductions of easements.

44. Maps, plats or representations shall clearly indicate the date that development will be completed. If completion dates are over a period of years, then a series of shadings, outlines, or coding may be used to indicate dates of completion.

45. Advertising shall not refer to property as waterfront unless the property being offered actually fronts on a canal, lagoon or other body of water.

Copies of the full text of the proposed regulations may be obtained by writing the Director, Division of Housing and Urban Renewal, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

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 Conference Room, 363 West State Street, Trenton, New Jersey at 2 p.m. on May 20, 1970. Any interested person may also present statements in writing relevant to the proposed action to the Division of Housing and Urban Renewal, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625, on or before May 27, 1970.

The Director of the Division of Housing and Urban Renewal, upon his own motion, or at the instance of any interested party, may thereafter adopt the proposed regulations without further notice.

Schuyler Jackson, Director
Division of Housing and Urban Renewal
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF LOCAL FINANCE
LOCAL FINANCE BOARD

Codification of Regulations

On March 24, 1970 the Local Finance Board of the Division of Local Finance in the Department of Community Affairs, pursuant to authority delegated in N.J.S.A. 52:27BB-10 and 52:27D-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a codification of all regulations of the Local Finance Board and of its predecessors in authority, as proposed in the Notice published November 27, 1969 at 1 N.J.R. 17(d).

The purpose of this codification is to provide public and local government agencies with a single text containing all the Board's regulations concerning the following subjects: local bond law, annual budgets, capital budgets, emergency appropriations, audits, financial statements, bonds of officials and employees, accounting systems, financial administration systems, supervision by the Municipal Finance Commission, and sinking funds.

An order adopting this codification was filed April 14, 1970 as R. 1970 d.40.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

DIVISION OF STATE AND REGIONAL PLANNING

Proposed Continuing Planning Assistance Program Regulations

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority delegated in N.J.S.A. 52:27D-3, proposes to repeal the existing regulations in Chapter 41 of Title 5 of the New Jersey Administrative Code governing the Continuing Planning Assistance Program, and to adopt, therefor, new regulations as follows:

CHAPTER 41. CONTINUING PLANNING ASSISTANCE PROGRAM

SUBCHAPTER 1. Introduction and General Provisions.

5:41-1.1 Background of Program.

The Continuing Planning Assistance Program is made available through State-aid appropriations. The program provides funds for county, regional, and municipal agencies for technical planning assistance. The planning funds may be used either for staff or for consultant services. The program consists of two separate components. The 50/40 Program is designed to assist units of government to establish planning as a continuous process. The Impact Planning Program provides funds for areas which will be affected to a substantial degree by any State or Federal development or construction activities.

The program is administered by the Division of State and Regional Planning in the New Jersey Department of Community Affairs. All correspondence and inquiries should be addressed to the Director, Division of State and Regional Planning, Department of Community Affairs, P.O. Box 1978, Trenton, New Jersey 08625.

5:41-1.2. Definitions.

As used in this Chapter, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

"Commissioner" shall mean the Commissioner of Community Affairs.

"Department" shall mean the New Jersey Department of Community Affairs.

"Director" shall mean the Director of the Division of State and Regional Planning.

"Division" shall mean the Division of State and Regional Planning.

"50/40 Program" shall mean the program described in Subchapter 2 of this chapter.

"Impact Planning Program" shall mean the program described in Subchapter 3 of this chapter.

SUBCHAPTER 2. 50/40 Program.

5:41-2.1 Definitions.

As used within this subchapter, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

"local governing body" shall mean the governing body of the municipality, region or county which is conducting a local program.

"local jurisdiction" shall mean the area included within the jurisdiction of the local governing body and of the local planning agency.

"local planning agency" shall mean the municipal planning board, county planning board, or other planning body performing planning functions for the local jurisdiction. If the local governing body has contracted with a private planning consultant to perform all planning functions, such consultant shall be the local planning agency.

"local program" shall mean a program conducted by a local planning agency pursuant to this subchapter.

"planning expenditure goal" shall mean the amount agreed upon by the local governing body and the Director as the minimum annual expenditure required to maintain a local program.

5:41-2.2. Financial Assistance.

Under the 50/40 Program the State makes advances to communities on a diminishing basis. For the first year, the State will advance up to 50% of the amount set as the planning expenditure goal. In the second year, the State will advance up to 40% in the third year, the State will advance up to 40%; in the fourth year, the State will advance up to 20%; and in the fifth year, the State will advance up to 10% of the planning expenditure goal. In the sixth year, if the local governing body maintains the entire planning expenditure itself, all advances will be considered grants and need not be repaid. State financial aid to a local jurisdiction with a population of less than 50,000 will not exceed $3,000 in any one year. A county, regional unit or municipality with a population of 50,000 or more may receive up to $5,000 in any one year.

5:41-2.3. Initial Inquiry.

A local planning agency may indicate its interest in participating in the 50/40 Program by writing to the Director. The Director will arrange a meeting in Trenton for members of the local governing body and the local planning agency at which time the program procedures will be described and the elements of the local program will be outlined.

5:41-2.4. Selection of Planning Goals.

At the initial meeting, the Director will discuss the local program goals with the members of the local planning agency and the local governing body. These goals, and the progress of the local planning agency toward reaching them, shall constitute the principal basis for the approval of all applications and annual reports. Applicants are encouraged to develop their own goals from an analysis of their local problems. Planning goals should be related to problems of local importance in which progress can be achieved. Worthwhile goals which are impossible to achieve are not acceptable.

5:41-2.5. Required Goals.

The following goals must be present in every local program:

1) Preparation or revision of a housing element suitable to meet the requirements of section 2.7.

2) Preparation or annual updating of a capital improvement program.

5:41-2.6. Optional Goals.

In addition to the required goals, the local planning agency may select any of the items suggested below or propose other items which are of local importance for inclusion in the program:

1) adoption or amendment of a master plan or elements thereof,

2) preparation of specific revisions to the zoning or subdivision ordinance,

3) adoption or amendment of other development codes, such as the housing or building code,

4) development and implementation of a citizen participation program,

5) adoption or amendment of the official map,

6) coordination with county, regional and state planning activities on specific programs or projects,

7) development and implementation of a low and moderate income housing program, including the preparation of a municipal resolution of need, or of an application for State or Federal housing assistance,

8) specific locational studies for municipal or county facilities.

9) preparation of a workable program for community improvement,

10) initial elements in the preparation of an urban renewal program,

11) preparation of an analysis of the local government structure to find ways of delivering services more efficiently, or

12) other specific goals tailored to meet local problems.

5:41-2.7. Housing Element.

Each participant in the 50/40 Program shall prepare a housing element similar to the housing element required pursuant to the federal Comprehensive Planning Assistance Program, commonly known as the 701 Program. An initial housing element shall include a statement of previous and future housing planning activities to be undertaken by the local governing body. This statement should be supported by a statement of (1) housing and housing related problems, including those of low income and minority groups, (2) obstacles to the solution of housing problems, (3) annual housing objectives tailored to the needs of the planning jurisdiction, and (4) previous and future governmental actions to implement housing plans. To continue to be eligible for assistance, every local planning agency must undertake the housing planning activities identified in its initial housing element. In addition, every local planning agency must periodically refine and update its evaluation of housing problems, obstacles, objectives, planning activities, and implementing actions.

5:41-2.8. Formal Application.

Following the initial meeting, the local planning agency may submit a formal application to the Director. Two copies of the completed application shall be prepared on forms prescribed by the Director. The Director shall review the application and, if he approves it, he shall submit a summary of the application to the Commissioner with his recommendation that assistance be made available.

5:41-2.9. Contract with Local Planning Agency.

Subject to the approval of the Commissioner, the Director will contract for a six-year period with a local planning agency stipulating a five-year schedule of payments to be advanced by the State, and a planning expenditure goal to be maintained locally. Before the contract is fully executed, the local planning agency shall obtain a resolution from the local governing body authorizing the agency to participate in the 50/40 Program.

5:41-2.10. Approval of Planning Consultant Contracts.

All subcontracts between any recipient of 50/40 Program funds and any planning consultant for any portion of the local program shall be subject to the prior review and approval of the Director. The scope of such review shall include the professional qualifications of the proposed planning consultant, the consistency of the proposed contract with the purposes of the local program, and such other factors as the Director may deem relevant.

5:41-2.11. Anual Report to Division.

At the conclusion of each year of a local program, the local planning agency shall make a report to the Division. A copy of the report shall be submitted to the local governing body, and it shall be available to the public. This report shall summarize the activities undertaken by the local planning agency to achieve the previously stated goals. Achievements, setbacks, and problems should be explained. The report shall include the following items:

1) A report of local planning agency activities provided under the local program, including two copies of all technical professional reports prepared by the local planning agency, a list of the meetings attended by the local planning agency, and other appropriate descriptions of the type and extent of the services by any private planning consultants.

2) Certification of expenditures and appropriations for continuation of the local program by the local planning body.

3) Description of the proposed goals for the local program in the coming year.

The Director shall review the report and notify the local planning agency in writing of his approval, conditional approval, or disapproval. In cases of conditional approval or disapproval, conditions and reasons will be provided in detail. State aid payments will be made annually, subject to the approval by the Director of the Annual Report.

5:41-2.12. Conversion of Advances into Grants.

In the sixth year, although no State funds will be advanced, approval by the Director of the annual report will be the basis for converting all previous State advances into a grant.

5:41-2.13. Scope.

This subchapter shall apply to all local programs initiated on or after January 1, 1966. These regulations shall be optional for all local programs approved prior to that date.

SUBCHAPTER 3. Impact Planning Program.

5:41-3.1. Definitions.

As used in this subchapter, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

"Applicant" shall mean any municipality, region, county, municipal planning agency, regional planning agency, or county planning agency which submits a letter of inquiry to the Director pursuant to Section 3.2 of this subchapter.

"Application" shall mean an application for an Impact Planning Grant which has been submitted to the Director pursuant to Section 3.4 of this subchapter.

"Project" shall mean an Impact Planning Program conducted, or to be conducted, pursuant to this subchapter.

"Tentative Agreement" shall mean an agreement reached between the Director and an applicant pursuant to Section 3.3 of this subchapter.

5:41-3.2. Letter of Inquiry.

Any municipality, region, county, or any municipal, regional, or county planning agency, which has reason to believe that any present or planned State or Federal development or construction activity will have a substantial impact upon the present or future population subject

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Community Affairs — continued

to its jurisdiction, may submit a letter of inquiry to the Director to request technical and financial assistance to conduct a planning project pursuant to this subchapter.

5:41-3.3. Tentative Agreement.

Upon receipt of a letter of inquiry from an applicant, the Director shall arrange for a meeting or a series of meetings with the applicant to reach a tentative agreement upon the following subjects:

1) The total cost of the project;
2) The State share of the total cost;
3) The scope of the project;
4) The distribution of planning work required among the Division, the applicant, and any planning consultant retained by the applicant;
5) The planning consultant, if any, to be retained by the applicant;
6) The duration of the project; and
7) The local agency or individual to be responsible for the administration of the project.

5:41-3.4. Application for an Impact Planning Grant.

After a tentative agreement has been reached with the Director, a formal application for an Impact Planning Grant shall be prepared by the applicant, containing such information as the Director may require.

5:41-3.5. Priority to Certain Applications.

Subject to the availability of State-aid funds, applications shall be processed in the order in which they are received by the Division; however, the Director shall give priority to applications in which the impact of the proposed State or Federal activity will detrimentally affect either:

a) a comprehensive plan which has been adopted by the applicant, or
b) the range and variety of adequate housing available in the region in which the activity will take place.

5:41-3.6. Approval by Commissioner.

Subject to the provisions of Section 3.5, the Director shall review each application and if he approves it, he shall submit a summary of the application to the Commissioner with his recommendation that assistance be made available.

Upon approval of the application by the Commissioner, the Director shall enter into a contract with the applicant to make State financial aid available to the applicant for the project. Before the contract is fully executed, the applicant shall obtain a resolution from the appropriate governing body or agency, authorizing participation by the applicant in the Impact Planning Program.

5:41-3.7. Approval of Planning Consultant Contracts.

All subcontracts between any recipient of State Impact Planning funds and any planning consultant for any portion of the impact planning project shall be subject to the prior review and approval of the Director. The scope of such review shall include the professional qualifications of the proposed planning consultant, the consistency of the proposed contract with the purposes of the project, and such other factors as the Director may deem relevant.

Interested persons may present statements or arguments in writing relevant to the proposed action to the Division of State and Regional Planning, Post Office Box 1978, Trenton, New Jersey 08625, on or before May 29, 1970.

The Commissioner of Community Affairs, 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.

Edmund T. Hume
Commissioner
Department of Community Affairs

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Changes in High School Equivalency Instructional Programs

Carl L. Marburger, Commissioner of Education, pursuant to authority delegated him in N.J.S.A. 18A:4-15 and 4-16, proposes to amend NJAC 8:17-7 of the rules relating to State Reimbursement for High School Equivalency Instructional Programs as follows (additions in bold face thus; deletions indicated in brackets [thus]):

(a) Authorization and Application for Funds

(1) School districts may apply to the Commissioner of Education for funds equal to ⅔ of the annual costs to operate high school equivalency instructional programs for out-of-school youths and adults who meet State age and residency requirements for the high school equivalency examinations.

(2) School districts may contract with and delegate responsibility to other non-profit educational agencies with the approval of the Commissioner of Education.

(3) In order that the Commissioner may estimate by November 15 the amount necessary to be appropriated to carry out the provisions of this act for the succeeding [school] fiscal year, all plans for the succeeding [school] fiscal year shall be received by September 1. All such plans when received will be reviewed within a reasonable time. No plan will be rejected in whole or in part without prior consultation with the applying school district.

(b) Plan Requirements

(1) Staffing pattern which adheres to local school district requirements [and which includes at least one full-time high school equivalency teacher].

(2) Schedule of proposed classes together with stated instructional objectives for each class.

(3) Budget detailing the following reimbursable costs: teachers' salaries, materials, consumable supplies, and other equipment necessary to operate the program.

(4) Description of recruiting and student diagnostic testing program.

(c) Fiscal Control and Program Management

(1) Local school districts will be reimbursed for the ⅔ share of program costs at the same time and in the same manner as other State aid under section 18A:58-15 of the New Jersey Statutes.

(2) The local school district shall maintain such records and accounts, including personnel, financial, and students' information and evaluation records, as are deemed necessary by the Commissioner of Education. Such records shall be submitted to the Department of Education on prescribed forms on a monthly basis.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed before 4 P.M. on June 23, 1970 to Clyde E. Leib, Office of the Commissioner, New Jersey State Department of Education, 225 West State Street, Trenton, New Jersey 08625. Telephone (609) 292-4040.

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

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

(b)

HEALTH

PUBLIC HEALTH COUNCIL

State Sanitary Code — Refuse Disposal and Dumps

On April 13, 1970 the Public Health Council, pursuant to authority delegated in N.J.S.A. 26:1A-7, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revision of Chapter VIII of the State Sanitary Code concerning refuse disposal and dumps, substantially as set forth in the Notice published February 5, 1970 at 2 N.J.R. 13(b).

An order adopting the above revision was filed April 16, 1970 as R.1970 d.42, to become effective July 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(c)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Additional Rules for Appeals To the Chancellor

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:6-26, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has adopted certain new rules of practice governing appeals to the Chancellor, in addition to those rules of practice published December 25, 1969 at 1 N.J.R. 29(a).

The new rules read as follows:

1:2.1 Appointment of a Hearing Officer

When the Chancellor appoints a Vice Chancellor or other hearing officer to hear an appeal, he shall inform all parties of the appointment within twenty (20) days of the receipt of respondent(s) answer.

1:16.1 Transcript of Oral Proceedings

Oral proceedings or any part thereof shall be transcribed on request of any party at the expense of such party.

1:17.1 Determination of Hearing Officer

When a hearing officer is designated by the Chancellor as the presiding officer, his recommended report and decision containing recommended findings of fact and conclusions of law shall be filed with the Chancellor and delivered or mailed to the parties of record; and an opportunity shall be afforded each party of record to file exceptions and replies thereto, and to present argument to the Chancellor, either orally or in writing, as the Chancellor may order. The Chancellor shall adopt, reject or modify the recommended report and decision. The recommended report and decision shall be a part of the record in the case.

1:17.2 Written Decision

A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with the Chancellor's ruling, a party submitted proposed findings of fact, the party shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith by registered or certified mail to each party and to his attorney of record.

1:17.3 Effective Date of Decision

Except where otherwise provided by law, the administrative adjudication of the Chancellor shall be effective on the date of delivery, or on the date of mailing, of the final decision to the parties of record, whichever shall occur first, or shall be effective on any date after the date of delivery or mailing, as the agency may provide by general rule or by order in the case. The date of delivery or mailing shall be stamped on the face of the decision.

An order adopting the above new rules of practice was filed January 23, 1970 as R. 1970 d.15 (Exempt, Practice Rules).

Leon S. Wilson
Director of Administrative Procedure
Department of State

(d)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Amended Rules For Appeals to the Board

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:6-26, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has adopted certain amendments to the rules of practice governing appeals to the Board of Higher Education; which rules were published at length December 25, 1969 at 1 N.J.R. 28(e).

The amended rules read as follows (additions indicated in bold face thus):

2:4 Filing and Service of Points of Appeal

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

2:4.1 Transcript of Oral Argument

Oral proceedings or any part thereof shall be transcribed on request of any party at the expense of such party.

An order adopting the above amendments was filed January 23, 1970 as R. 1970 d.16 (Exempt, Practice Rules).

Leon S. Wilson
Director of Administrative Procedure
Department of State

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Proposed Rules for Licensing Nursing Home Administrators

The State Board of Control of the Department of Institutions and Agencies, pursuant to authority delegated in Chapter 356, P.L. 1968 (N.J.S.A. 30:11-11) proposed at its April 22, 1970 meeting to adopt rules and regulations for the licensure of nursing home administrators.

The proposed rules and regulations set forth minimum standards for the training, experience and education of individuals acting as administrators of convalescent homes and private nursing homes to be licensed pursuant to N.J.S.A. 30:11-11, et seq.

The proposed rules and regulations shall be retroactive to January 1, 1970 and shall be applicable to all existing and new facilities licensed as nursing or convalescent homes under the provisions of N.J.S.A. 30:11-1 et seq.

Copies of the complete text of the proposed rules and regulations 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 27, 1970.

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

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

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(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments to the Categorical Assistance Budget Manual as proposed in the Notice published March 5, 1970 at 2 N.J.R. 24(e).

An order adopting these amendments was filed March 30, 1970 as R. 1970 d.34, to become effective April 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Food Stamp Program Manual

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 Food Stamp Program Manual as proposed in the Notice published March 5, 1970 at 2 N.J.R. 24(f).

An order adopting these amendments was filed March 30, 1970 as R. 1970 d.32, to become effective April 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Medical Assistance for the Aged Manual

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 revision of the Medical Assistance for the Aged Manual as proposed in the Notice published March 5, 1970 at 2 N.J.R. 24(g).

An order adopting these amendments was filed March 30, 1970 as R. 1970 d.33, to become effective April 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:10-3 and 44:7-6, proposes to amend the Categorical Assistance Budget Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

NOTE: In Section 309.4, delete the existing language and substitute therefor the following:

309.4 In an active ADC case, when the family budget unit becomes enlarged by the addition of a new spouse or person in a spousal relationship, and such newly-added person has prior-incurred indebtedness, it shall be considered that eligibility of the client is being newly established within the meaning of Section 309.2-a., and therefore such prior-incurred indebtedness shall be recognized to the extent authorized within all of the conditions and limitations of Section 309.2 and 309.3.

310.2 PREMIUMS INCLUDED IN THE ASSISTANCE BUDGET

a. The actual amount of premiums on policies in existence at the time eligibility is established may be included in the budget as a special circumstance allowance only if all of the following conditions are met:

1. [for] **the policy covers only** client or family budget unit members [age eighteen] **who are 18 years of age** or over (except where children under 18 **are** included in a Family policy), **and**

2. [for] **the insurance is a whole life policy or the equivalent,** unless the insurance company's underwriting rules prevent conversion to [the cheaper such a plan; **and**

3. [for life insurance with a face value not exceeding $1000 per person unless the reduced life expectancy because of poor health results in a decision that the insurance should not be reduced. (See Section 407.5-b.-3.);] **the policy has a face value not exceeding $1000 per person (see Section 407.5-b.); and**

4. [if (except in the AB program)] **as applicable, in all programs except AB,** the policy is either assigned to the County Welfare Board; or other equivalent arrangements satisfactory to the County Welfare Board are made (i.e. — **provision for burial).**

b. A recurring allowance equal to the actual cost of premiums of authorized life insurance [(except as indicated in 310.3)] shall be included in the budget. [In certain situations an allowance] **Allowance for premiums may be** made on a nonrecurring basis [Budgeting the cost of premiums on a nonrecurring basis shall be limited to] **in situations of special cause where the client himself has requested this arrangement and where this arrangement is essential in the judgment of the County Welfare Board.**

[310.3] 1. **Premiums for existing policies shall be recognized in the budget of persons 18 and over until** [recommendations for adjustment have been received.] **determinations regarding adjustment have been made.**

314. TRANSPORTATION

314.2 **When Section 314.1 is not applicable, a** [A] client [because of] **who has a medically verified illness, infirmity, or physical handicap may himself need expenses of transportation:**

a. to clinic, hospital or doctor;
b. to public or private medical institution;
c. to school;
d. to church;
e. for shopping.

A recurring allowance equal to the estimated average monthly cost of the minimally required transportation or a non-recurring allowance equal to the actual cost shall be included in the budget.

314.6 When a member of the family budget unit is receiving institutional care in which it is a required part of the treatment plan prescribed by the professional staff of the institution that he receive periodic visits from parent or spouse, cost of the most economical means of transportation for the verified number of visits required shall be included in the budget.

NOTE: Delete Section 406. and Section 407.5.

407.5 INSURANCE AS A POTENTIAL RESOURCE

a. Life insurance with a face value not exceeding $1000 on any individual in the family budget unit, and group or term insurance shall not be considered potential resources affecting eligibility or subject to liquidation.

1. Situations in which premiums for life insurance may be considered as a special circumstance are defined in Section 310.

b. Life insurance with a face value exceeding $1000 on any individual shall be considered a potential resource except in the following situations:

1. it has been medically verified that the individual has a reduced life expectancy;

2. the insured is receiving disability income under the insurance policy, or it is anticipated that the insured may be eligible for disability benefits under the insurance policy within a reasonable length of time;

3. the client has a Family policy in the smallest amount available and a member of the family budget unit is uninsurable;

4. the client has a family policy in the smallest amount available and the number of eligible and ineligible children under 21 would make the premium cost of individual policies equal to or greater than the cost of the family policy;

5. the situation is such that the insured is likely to be a recipient of assistance for less than six months;

6. the individual is undergoing a planned program of vocational rehabilitation;

c. All life insurance policies with a face value exceeding $1000 on any individual shall be submitted to the County Welfare Board for review during the first thirty days of the receipt of assistance. In OAA and DA programs, insurance policies must be assigned to the County Welfare Board. (See Section 310.2-a.-4.)

1. Determinations regarding the policy as a potential resource and the feasibility of adjustment to whole life insurance (with faee value not exceeding $1000 on any individual) shall be made by the County Welfare Board. The following shall be considered in making such determinations:

reduced life expectancy;
current or potential disability benefits;
future insurability of insured person; (see 407.5-b.-4.)
other insurance in force.

In the event the County Welfare Board is unable to arrive at a decision, the insurance policy may be referred to the State office for final determination.

2. When additional information is necessary, a request for such information shall be submitted to the home office of the insuring company using Form INS-PM1 for all companies except John Hancock (see subsection b. below). This step should be omitted when there is sufficient information at hand to make an adjustment determination.

a. When an adjustment is found to be necessary, the agency shall notify the home office of the insuring company, using Form INS-PM2 for all companies except John Hancock (see subsection b.) and shall follow such instructions as the home office provides.

b. For John Hancock policies, either or both of the above functions can be accomplished in a single submittal of Form INS-JH.

412.1 g. [in ADC, 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, 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;]

in ADC, for an adult newly added to the family budget unit who is a spouse or who occupies a spousal relationship without proof or claim of ceremonial marriage, deduct the actual amount of payments being made toward allowable prior indebtedness as specified in Section 309.4;

606.2-9 (1) Need exists if the available income (refer to Chapter 400.) of all members of the family budget unit is less than the sum of basic and special circumstance requirements for all such members [; however, the amount of the grant shall not exceed the sum of the basic and special circumstance requirements for the eligible child(ren) and the natural or adoptive parent(s) and their spouses, or needy parent-person(s) and their spouses].

(2) Need does not exist if the available income of the family equals or exceeds the sum of the basic and special circumstance requirements for all family members.

(3) Income as referred to herein specifically means such income as is in fact available for immediate expendable use by or for the eligible adults and/or children. The existence of such income shall not be assumed or presumed, but when such existence is established the amount thereof shall be entered as income in the family unit budget and shall, for all purposes (including allowance of disregards and exemptions), be considered income available to the family unit collectively (except for modifications with respect to particular individuals required by Section 606.5) unless subsection (4) below applies.

(4) At any time that the County Welfare Board determines, based on unequivocal and conclusive evidence, that such income or any identified portion thereof is in fact not being made available for the benefit of the family, such income or portion thereof so determined to be not available shall not be entered as income in the family unit budget.

(5) If any such withholding of income from collective use constitutes a wrongful failure or refusal, on the part of the family member so withholding, to make contribution for his own maintenance and/or the maintenance of other family members for whom he is responsible, the agency shall take appropriate action within 30 days in accordance with available procedures to secure judicial determination of the issues presented.

(6) Applicants and recipients shall be informed about the identity and amount of all income which is considered in determining eligibility and the amount of the grant. They shall be afforded opportunity to assert and demonstrate any error, including particularly the opportunity to demonstrate the non-availability of withheld income as referred to in subsections (3), (4), and (5) above and the opportunity to be informed of the particular kinds of evidence that could be presented to make such a demonstration. When any such evidence is presented, indicating that income known to be existent is not in fact being made available to the family, there shall be a full exploration of the situation to assemble all possible evidence upon which a final finding may be made with respect to the issue of availability.

608.1 h. In the ADC program, the monthly assistance payment, shall be limited in accordance with the Administrative Ceiling (Section 615.).

1. When the family budget unit incindes a member who has incurred a penalty of ineligibility for money payment, the amount of the payment to the family shall be the amount determined in accordance with Section 615. reduced by the ineligible person's per capita share of such amount.

615.2 b. 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;]

if applicable, for an adult newly added to the family budget unit who is a spouse or who occupies a spousal relationship without proof or claim of ceremonial marriage, the actual amount of payments being made toward allowable 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.]

Appendix V

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

1. The capacity of the relatives as identified in a, b, c, and d below to contribute to the support of person or persons for whom he is legally responsible is determined by Schedule I and the rules relating to the use of this Schedule as set forth in Chapter 600. and Appendix V — A, B, C [and], D and E.

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

[a] b. The LRR has no dependents other than the client and is living in the same household as the client, but this LRR is [not] neither the head of the household nor spouse of the client;

c. [In DA, AB, MA and MAA, the LRR is the spouse of the client and the client is purchasing patient care in a medical institution and client and spouse had been customarily living together.]

In all categorical programs except ADC, the LRR is the client's spouse living with the client but is not a member of the family budget unit. (See Section 606.1)

d. In all categorical programs except ADC, the LRR is the spouse of a client who is purchasing patient care in a medical institution, and client and spouse had customarily been living together.

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Institutions and Agencies — continued

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 27, 1970 to:

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

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, proposes to amend the Division of Public Welfare Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

2280. FACTORS APPLICABLE IN ASSISTANCE FOR DEPENDENT CHILDREN ONLY

.3 Establishing Relationship of Child to Enumerated Relative

The specific relationship of the child to a natural parent or other enumerated relative (as defined in 2101.15) shall be established **in the validation process** by the use of documentary or non-documentary sources of evidence.

a. Documentary sources of evidence present factual information recorded at some previous date by some disinterested party and filed as part of the record. Examples: birth certificates, marriage certificate.

b. Non-documentary sources of evidence may be accepted when documentary sources are not available. However to be valid, such evidence must be identified as [a] factual [statement] **statements secured** from reliable individuals[. Examples: school authorities, other relatives, etc. Other acceptable sources are listed in 2200 Appendix I, Sources of Evidence of Age.] **or from sources such as:**

1) Church Records — baptismal, membership, first communion, confirmation, marriage, and the like;

2) Census Records — local, State or Federal;

3) School Records — first school attended or any subsequent schools attended;

4) Military Service Records — allotments, dependents, next of kin;

5) Welfare Agency Records — other in-state or out-of-state public or private agencies;

6) Medical Records — hospital, clinic, physical, midwife;

7) Other — relatives, personal records, affidavits or other acceptable sources as listed in 2200 Appendix I, Source of Evidence of Age.

Note: In the table which accompanies Section 2712. "Required Forms", a double asterisk shall precede Forms PA-6A, PA-22 and PA-22B, with the following notation below the table "**not required for validation".

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 27, 1970 to:

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

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Medical Assistance for the Aged Manual

Lloyd McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, proposes to adopt certain amendments to the Medical Assistance for the Aged Manual.

The proposed amendments include up-dating the Manual in order to conform with hospital insurance benefits under Part A and certain medical services under Part B of Title XVIII of the Federal Social Security Act, as follows (additions indicated in boldface thus; deletions indicated with brackets [thus]):

3120. PROCESS OF ESTABLISHING ELIGIBILITY

.2 Simplified Process for Establishing Initial Eligibility for Hospitalization

Most persons 65 years of age and older are eligible for hospital insurance benefits under Part A and certain medical services under Part B of Title XVIII, Federal Social Security Act.

Currently, such hospital insurance benefits provide for 90 days of hospital care in a participation hospital for each "spell of illness" subject to payment of a [$44] **$52** deductible covering the first 60 days and]$11] **$13** per diem coinsurance for the next 30 days. **In addition, with respect to hospital care furnished after December 31, 1967, each individual will have a "lifetime reserve" of 60 days of additional coverage of hospital care after the 90 days covered in a "spell of illness" have been exhausted.** Coinsurance of [$22] $26 per day will be applicable to these added days of coverage.

g. The caseworker will prepare a recommendation for agency decision (see 3125.) subject to supervisory review and approval (see 3126.).

1) If the client is otherwise eligible, the amount of medical assistance to be granted shall be the total of the following items, if applicable: [44] **$52** for the first 60 days of hospital care; [$11] **$13** per diem for the next 30 days of such care; and physician's services up to the amount of $40 (80% of the $50 deductible) if the client has Supplementary Medical Insurance Part B and if such payment is necessary to satisfy the deductible, or 80% of the reasonable charges if the client does not have such coverage.

The proposed amendments also include increasing the monthly income eligibility for nursing home care of single persons from $375 or less to $410 or less, and increasing the combined monthly income eligibility for nursing home care of married persons from $600 or less to $650 or less.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 26, 1970 to the Division of Public Welfare at the above address.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

STATE BOARD OF CONTROL

Proposed Licensing Policy For Long-Term Care Hospital Units

The State Board of Control, pursuant to authority delegated in N.J.S.A. 30:11-1 et seq., proposed at its March 25, 1970 meeting to adopt a policy of issuing licenses for the operation of long-term care units in hospital facilities. The proposed policy, which shall be applicable to all new and existing licensed hospitals in the State, is as follows:

If a hospital and long-term care facility have the same corporate body and administration and if members of the hospital's medical staff have been assigned responsibility for the medical care of patients admitted in each facility, the long-term care facility shall be considered an integral part of the hospital for licensure purposes regardless of whether it is physically established as a distinct part of the hospital, as a separate structure on the hospital premises, or as a separate structure on property distant from the hospital. Under such circumstances, only one license shall be issued to the hospital to cover each facility, with the stipulation that the allocation of bed capacities not be changed except by approval of the Hospital Licensing Board.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 29, 1970 to:

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

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

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

(d)

INSURANCE

THE COMMISSIONER

Proposed Regulation On Examination And Auditing of Insurance Policies

The public hearing in connection with the Insurance Department's proposed regulation concerning examination and auditing of insurance policies originally scheduled for April 30, 1970 has been adjourned until May 26, 1970 at 10 a.m. in room 438, State House Annex, Trenton, New Jersey.

Written comments, suggestions and recommendations concerning the proposed regulation and any other proposals respecting additions or modifications to the proposed regulation are to be filed not latter than May 22, 1970 with:

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

Robert L. Clifford
Commissioner
Department of Insurance

(e)

INSURANCE

NEW JERSEY REAL ESTATE COMMISSION

Proposed Regulation Concerning Fingerprinting of Applicants

The New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-16 and 45:15-17, proposes to adopt a regulation requiring the filing of a fingerprint card with all renewal or original applications for licenses for brokers and salesmen as follows:

REGULATION NO. 29 — FINGERPRINTING

I. The applicant, if a natural person, shall also submit in connection with his or her renewal or original application for a salesman, broker-salesman or broker's license, one (non-criminal) State Police fingerprint card with impressions taken by a recognized law enforcement agency.

II. The applicant, if a corporation or partnership (general or limited), shall also submit with application one (non-criminal) State Police fingerprint card with impressions taken by a recognized law enforcement agency for each officer, director, controlling person or partner.

III. This Regulation shall apply to all applicants who are applying as residents or non-residents and shall be effective as of July 1, 1970.

Written comments, suggestions and recommendations concerning the proposed regulation and any other proposals respecting additions or modifications to the regulation are to be filed on or before May 27, 1970 with:

Philip L. Manganaro
Secretary-Director
The New Jersey Real Estate Commission
1100 Raymond Boulevard
Newark, New Jersey 07102

A public hearing will be held on Thursday, May 28, 1970 at 10 A.M. in the New Jersey Real Estate Commission Hearing Room, Second Floor, 1100 Raymond Boulevard, Newark, 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 May 28, 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 New Jersey Real Estate Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the regulation substantially as proposed without further notice.

Philip L. Manganaro
Secretary-Director
New Jersey Real Estate Commission
Department of Insurance

(f)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Maintenance, Construction And Demolition Operations

On April 8, 1970, Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted Chapter 116, Maintenance, Construction and Demolition, of Title 12 of the New Jersey Administrative Code substantially as proposed in the Notice published October 30, 1969 at 1 N.J.R. 11 (d).

An order adopting the above chapter was filed April 10, 1970 as R. 1970 d.38, to become effective September 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(g)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Mechanical Power Transmission Guarding

On April 8, 1970, Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed Chapter 145 of Title 12 of the New Jersey Administrative Code, Safeguarding of Mechanical Power Transmission Apparatus (formerly designated as Safety Regulation No. 4) and adopted a new Chapter 145 entitled Mechanical Power Transmission Guarding, as proposed in the Notice published October 30, 1969 at 1 N.J.R. 11(c).

An order repealing the former Chapter 145 and adopting the new Chapter 145 was filed April 10, 1970 as R. 1970 d.39, to become effective September 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

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(a)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Plan Filing for Places of Employment

On April 8, 1970, Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revision of Chapter 110 Title 12 of the New Jersey Administrative Code, entitled Plan Filing, substantially as set forth in the Notice published October 30, 1969 at 1 N.J.R. 14(b).

An order adopting this revision was filed April 10, 1970 as R. 1970 d.36, to become effective September 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Registration of Industrial Establishments

On April 8, 1970, Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rules governing registration of places of employment substantially as proposed in the Notice published October 30, 1969 at 1 N.J.R. 11(b). These rules, formerly designated as Proposed Safety Regulation No. 13, are now designated as Chapter 111, Registration, of Title 12 of the New Jersey Administrative Code.

An order adopting these rules was filed April 10, 1970 as R. 1970 d.37, to become effective September 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Proposed Building Code

Charles Serraino, Commissioner of Labor and Industry, pursuant to authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Chapter 115, Building Code, of Title 12 of the New Jersey Administrative Code.

The purpose of this Chapter is to establish reasonable requirements to protect the life, health and safety of employees. More specifically, the purpose of this Chapter is to establish reasonable standards for the design, location, construction, erection, alteration, repair, maintenance, occupancy, use, removal and demolition of buildings and structures and their service equipment, which are or will be used as places of employment, to protect the life, health and safety of employees. This Chapter is necessary to implement the purposes of the Worker Health and Safety Act.

This Chapter establishes standards for or places limitations upon building use and type of construction, general area and height limitation restrictions within and outside of a fire zone, means of egress, lighting, heating, ventilation, air conditioning, refrigeration, structural design, fire safety, special use and occupancy, safeguards during demolition and construction, signs and outdoor displays, elevators, escalators, dumbwaiters, lifts, conveyor equipment, plumbing, sanitation and electric wiring and equipment.

Copies of the proposed Chapter may be obtained without charge upon written request to the Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box 709, Trenton, New Jersey 08625.

Interested persons may present statements or arguments, orally or in writing, relevant to the proposed action at a Public Hearing in Roob 1204, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10:00 a.m., Tuesday, June 2, 1970.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that he is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a record of the transcript may make arrangements with the reporter to purchase a copy.

The proposed Chapter, as proposed or as changed by the Commissioner after the Public Hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the Chapter shall provide, unless disapproved by a majority of the Board, and if so disapproved such Chapter shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed Chapter and disapproval shall be by a vote of the majority of the members of the Board.

The Commissioner proposes to adopt this Chapter to become effective January 1, 1971.

Charles Serraino
Commissioner of Labor and Industry

(d)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Proposed Occupational Noise Exposure Regulations

Charles Serraino, Commissioner of Labor and Industry, pursuant to authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Regulations governing noise in places of employment to be designated as Chapter 173, Occupational Noise Exposure, of Title 12 of the New Jersey Administrative Code.

This Chapter is the first edition of a regulation on the subject of noise in places of employment. With the revision in 1969 of regulations adopted by the Federal Government under the provisions of the Walsh-Healey Public Contracts Act to include requirements on occupational noise exposure, it is appropriate that at the State level we have similar employee safety requirements.

Accordingly, this Chapter includes the same requirements as the Federal regulations and, in addition, certain other requirements that are necessary for enforcement purposes. The purpose of this Chapter is to establish reasonable requirements to protect the health and safety of employees. This Chapter is necessary to implement the purposes of the Worker Health and Safety Act.

The proposed Chapter 173 reads as follows:

SECTION 1
GENERAL PROVISIONS

1.1 TITLE AND CITATION

1.1.1 This regulation may be cited as Chapter 173, Occupational Noise Exposure of Title 12 of the New Jersey Administrative Code.

1.2 PURPOSE.

1.2.1 The purpose of this Chapter is to provide for the practical protection of employees from the hazards arising from noise induced by machinery, equipment and operations.

1.3 SCOPE.

1.3.1 This Chapter applies to all places of employment subject to the Worker Health and Safety Act, P.L. 1965, Chapter 154; N.J.S.A. 34:6A-1 et seq.

1.4 EFFECTIVE DATE.

1.4.1 This Chapter shall take effect on January 1, 1971.

1.5 VALIDITY.

1.5.1 Nothing in this Chapter shall be construed to prevent the enforcement of other Chapters of Title 12 of the New Jersey Administrative Code which prescribe more restrictive requirements.

1.5.2 Should any section, paragraph, sentence, or word of this Chapter be declared invalid, such decision shall not affect the remaining portions of this Chapter.

SECTION 2
DEFINITIONS

BUREAU The Bureau of Engineering and Safety, Division of Labor, Department of Labor and Industry, State of New Jersey.

COMMISSIONER Commissioner of the Department of Labor and Industry or his authorized representative.

dBA Decibels measured on the A-weighted scale.

DECIBEL (dB) A dimensionless unit expressing the logarithmic ratio of two amounts of pressure, power or intensity, between a measured quantity and a referenced quantity.

DEPARTMENT Department of Labor and Industry.

EMPLOYEE Any person engaged in service to an employer for wages, salary or other compensation.

EMPLOYER Any person or corporation, partnership, individual proprietorship, joint venture, firm, company or legal entity, who engages the services of an employee and who pays his wages, salary or other compensation; and any person exercising supervision of employees on an employer's behalf.

FREQUENCY (IN CYCLES PER SECOND OR HERTZ) The time rate of repetition of a periodic phenomenon. The frequency is the reciprocal of the period.

HEARING CONSERVATION PROGRAM The prevention or minimizing of noise-induced deafness through the use of hearing protection devices and the control of noise through administrative or engineering methods.

IMPACT A single collision of one mass in motion with a second mass which may be either in motion or at rest.

N.J.A.C. New Jersey Administrative Code.

NOISE Any undesired sound. By extension, noise is any unwarranted disturbance within a useful frequency band, such as undesired electric waves in any transmission channel device. Noise is an erratic, intermittent, or statistically random oscillation.

NOISE LEVEL The level of noise, the type of which must be indicated by further modifier or context. For airborne sound, unless specified to the contrary, noise level is the weighted sound pressure level called sound level, the weighting of which must be indicated.

OCTAVE An octave is the interval between two sounds having a basic frequency ratio of two.

OCTAVE BAND ANALYSIS Measurement of sound pressure level as a function of frequency.

PLACE OF EMPLOYMENT Any building or other premises occupied by an employer in or about which an employee is suffered or permitted to work.

SHALL Indicates a mandatory requirement.

SOUND LEVEL A weighted sound pressure level obtained by the use of metering characteristics and the weighting specified in approved sound level meters.

SOUND LEVEL METER An instrument used to measure sound pressure level or weighted sound pressure level, constructed in accordance with General Purpose Sound Level Meters, ANSI S1.4-1961.

SECTION 3
NOISE CONTROL

3.1 PERMISSIBLE NOISE LEVEL.

3.1.1 Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table 3.1.1 when measured on the A scale of a standard sound level meter at slow response, except as provided in 3.1.3.

3.1.2 When noise levels are determined by octave band analysis, the equivalent A-weighted sound level may be determined as provided in 3.2.

TABLE 3.1.1
PERMISSIBLE NOISE EXPOSURES (1)

Duration Per Day Hours	Sound Level dBA at Slow Response
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

Note to Table: When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: C1/T1 + C2/T2 . . . Cn/Tn exceeds unity, then, the mixed exposure should be considered to exceed the limit value. Cn indicates the total time of exposure at a specified noise level, and Tn indicates the total time of exposure permitted at that level.

3.1.3 Audible alarms, such as those used on traveling cranes or industrial trucks, shall be exempt from the requirements of 3.1.1.

3.2 EQUIVALENT SOUND LEVEL CONTOURS.

3.2.1 Octave band sound pressure levels may be converted to the equivalent A-weighted sound level by plotting them on a graph, which shall be a part of this Section, noting the A-weighted sound level corresponding to the point of highest penetration into the sound level contours. This equivalent A-weighted sound level, which may differ from the actual A-weighted sound level of the noise, shall be used to determine exposure limits from Table 3.1.1.

3.3 CONTROL PROCEDURES.

3.3.1 When employees are subjected to sound levels exceeding those listed in Table 3.1.1, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table 3.1.1, personal protective equipment shall be provided and used to reduce sound levels within the levels of Table 3.1.1.

3.4 CONTINUOUS NOISE.

3.4.1 If the variations in noise level involve maxima at intervals of one second or less, the noise level shall be considered continuous.

3.5 HEARING CONSERVATION PROGRAM.

3.5.1 In all cases where the sound levels exceed the values shown in Table 3.1.1, a continuing, effective hearing conservation program shall be administered.

3.6 IMPACT NOISE.

3.6.1 Exposure to impulsive or impact noise shall not exceed 140 dB peak sound pressure levels.

Interested persons may present statements or arguments, orally or in writing, relevant to the proposed action at a Public Hearing in Room 1204, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10:00 A.M., Tuesday, June 2, 1970.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that he is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a record of the transcript may make arrangements with the reporter to purchase a copy.

The proposed Chapter, as proposed or as changed by the Commissioner after the Public Hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the Chapter shall provide, unless disapproved by a majority of the Board, and if so disapproved such Chapter shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed Chapter and disapproval shall be by a vote of the majority of the members of the Board.

The Commissioner proposes to adopt this Chapter to become effective January 1, 1971.

Charles Serraino
Commissioner of Labor and Industry

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(a)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Proposed Flammable and Combustible Liquids Regulations

Charles Serraino, Commissioner of Labor and Industry, pursuant to authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Regulations governing the storage, handling and use of flammable and combustible liquids to be designated as Chapter 133, Flammable and Combustible Liquids, of Title 12 of the New Jersey Administrative Code (formerly designated as Proposed Safety Regulation No. 51.)

The purpose of this Chapter is to establish reasonable requirements to protect the life, health and safety of employees. More specifically, the purpose of this Chapter is to provide reasonable standards for the storage, handling and use of flammable and combustible liquids for the protection of the life, health and safety of employees. This Chapter is necessary to implement the purposes of the Worker Health and Safety Act.

This Chapter provides reasonable safety standards concerning tank storage; piping, valves and fittings; container and portable tank storage; industrial plants; bulk plants; service stations; processing plants; dry cleaning plants; plants manufacturing organic chemicals; loading and unloading tank vessels; oil burning equipment; protection of tanks containing flammable or combustible liquids in locations that may be flooded; abandonment or removal of underground tanks; wharves, spray finishing; and dip tanks.

Copies of the proposed Chapter may be obtained without charge upon written request to the Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box 709, Trenton, New Jersey, 08625.

Interested persons may present statements or arguments orally or in writing, relevant to the proposed action at a Public Hearing in Room 1204, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10:00 a.m., Tuesday, June 2, 1970.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that he is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a record of the transcript may make arrangements with the reporter to purchase a copy.

The proposed Chapter, as proposed or as changed by the Commissioner after the Public Hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the Chapter shall provide, unless disapproved by a majority of the Board, and if so disapproved such Chapter shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed Chapter and disapproval shall be by a vote of the majority of the members of the Board.

The Commissioner proposes to adopt this Chapter to become effective January 1, 1971.

Charles Serraino
Commissioner of Labor and Industry

(b)

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Proposed Harness Racing Rule Changes

The New Jersey Racing Commission, pursuant to authority of N.J.S.A. 5:5-30, proposes to adopt the following amendments and additions to the rules and regulations governing harness racing in New Jersey as follows (additions indicated in bold face thus; deletions indicated with brackets [thus]):

Wheel Discs

"In harness" shall mean that the horses participating are attached to a sulky. Jog carts shall not be used for racing. All sulkies used in a race must be equipped with [wheel discs] **unicolored or colorless wheel discs on the inside and outside of the wheels, of a type approved by the Stewards or by the Racing Commission.**

WHIPPING RULES

USE OF GOADING DEVICES

The possession or use of a goading device, chain or mechanical device or appliance, other than the ordinary whip or [blunt spur] crop upon any horse in any race shall constitute a violation of this rule. **Taking the lines in one hand and whipping the horse is forbidden.** The brutal use of a whip or [blunt spur, kicking a horse with a foot, striking a horse on the legs with a whip under the seat of the sulky] crop or indiscriminate use of a whip or [blunt spur may] **crop shall be considered a violation and shall be punished by a fine not to exceed $100.00 or by suspension.**

ATTIRE

Every driver in a race shall be attired in white pants. A violation of this rule will subject a driver to a fine or suspension.

The New Jersey Racing Commission will conduct a public hearing to receive written and oral statements regarding the amendments under consideration.

Interested persons are invited to attend the hearing at the offices of the New Jersey Racing Commission at 28 West State Street, Trenton, New Jersey 08625 on Thursday, May 28, 1970 at 11 A.M.

Persons desiring to present statements at this hearing must request an opportunity to do so in writing, on or before Monday, May 25, 1970.

Written statements received at any time prior to June 8, 1970, as well as statements presented at the public hearing, will be considered by the Commission in connection with the above proposals.

After full consideration of all written and oral submissions respecting the proposed amendments, the State Racing Commission, upon its own motion, may thereafter adopt the amendments substantially as set forth without further notice.

John J. Reilly, Secretary
New Jersey Racing Commission
Department of Law and Public Safety

(c)

STATE

ATHLETIC COMMISSION

Changes in Rules

On April 8, 1970, Morris Mogelever, Acting State Athletic Commissioner, pursuant to authority of N.J.S.A. 5:2-5, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revisions of certain provisions of "Rules Governing Boxing, Wrestling and Sparring Exhibitions and Performances" as proposed in the Notice published March 5, 1970 at 2 N.J.R. 27(a).

An order adopting these revisions was filed and became effective April 8, 1970 as R. 1970 d.35.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF BUILDINGS AND CONSTRUCTION

Created As New Office for Department

The upgrading of the construction function in the State Department of the Treasury was announced April 17 by Joseph M. McCrane, New Jersey State Treasurer.

Supervision of the several million dollars of annual construction work handled by the Department will be shifted to a newly-formed Division of Buildings and Construction. The former Office of Architecture, Engineering and Construction will be shifted out of the Division of Purchase and Property to assume division status.

Mr. McCrane also announced that Donald A. Sullivan, for the past three years assistant vice president for construction and maintenance at Rutgers—The State University, is the director of the new division. It will handle all planning, construction, reconstruction, improvement and repair of public buildings.

Sullivan, 45, has had a life-time career in the construction field, having served in supervisory posts also with Walter Kidde Constructors, Inc., New York City, Stevens Institute of Technology, Hoboken, N. J. and the Port of New York Authority. He is a 1945 mechanical engineering graduate of Stevens, is married and the family with five children live in Bridgewater Township, N. J.

(e)

TREASURY

DIVISION OF INVESTMENT

STATE INVESTMENT COUNCIL

Commercial Paper Amendments

On December 19, 1969, the State Investment Council pursuant to authority of N.J.S.A. 52:18A-89, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments to its regulations numbered 16:3-13.100, 16:3-13.110 and 16:3-13.140 concerning commercial paper, as proposed in the Notice published November 27, 1969 at 1 N.J.R. 24(b).

An order adopting the above amendments was filed and became effective December 19, 1969 as R. 1969 d.32.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(f)

TREASURY

DIVISION OF INVESTMENT

STATE INVESTMENT COUNCIL

Temporary Reserve Group

On March 3, 1970, the State Investment Council pursuant to authority of N.J.S.A. 52:18A-89, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendment to its regulation numbered 16:3-5.140, "Temporary Reserve Group," as proposed in the Notice published February 5, 1970 at 2 N.J.R. 19(b).

An order adopting the above amendment was filed and became effective March 3, 1970 as R. 1970 d.20A.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(g)

TREASURY

DIVISION OF PENSIONS

Police and Firemen's Retirement System

On February 16, 1970, the Board of Trustees of the Police and Firemen's Retirement System, pursuant to N.J.S.A. 43:16A-1(9) and based on the recommendation of the Consulting Actuary, approved a resolution changing the rate of regular interest with reference to N.J.S.A. 43:16A-13(15) which provides:

> On the basis of such tables recommended by the actuary as the board of trustees shall adopt and regular interest, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this act.

N.J.S.A. 43:16A-13(14) defines the manner in which the Board of Trustees shall set the rate of regular interest as follows:

> The board of trustees from time to time shall set the rate of regular interest at such per centum rate compounded annually as shall be determined by the board with the advice of the actuary to be equitable both to members and to the taxpayers of the State, such rate to be limited to a minimum of 2% and a maximum of 4%, with the rate of 3% applicable until changed by the board.

Having stated that the earnings of the investments of the System have improved in recent years and are expected to continue to improve, the Board of Trustees resolved:

> That in the actuarial valuation, commencing with the valuation to be prepared as of June 30, 1969, of all liabilities of the Funds of the System and in determination of the reserve transferable from the Pension Accumulation Fund when a member retires, regular interest shall mean interest at 4 per cent per annum compounded annually, and be it further resolved, that for the purpose of computing actuarial equivalent benefits under the System, regular interest shall mean interest at 3 per cent per annum compounded annually.

An order approving the foregoing resolution was filed February 25, 1970 pursuant to N. J. Const. Art. V, Sec. IV, Para. 6 as a document not subject to codification.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(h)

TREASURY

DIVISION OF PENSIONS

TEACHERS' PENSION AND ANNUITY FUND

Participation in the Program

On March 3, 1970, the Board of Trustees of the Teachers' Pension and Annuity Fund, pursuant to authority of N.J.S.A. 18A:66-56, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted N.J.A.C. 17:3-20.1, "Participation in the Program", as proposed in the Notice published December 25, 1969 at 1 N.J.R. 32(b).

An order adopting the above rule was filed and became effective March 5, 1970 as R. 1970 d.21A.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(i)

TREASURY

DIVISION OF TAXATION

Emergency Transportation Tax Return

Emergency Transportation Tax Return

On March 26, 1970, Sidney Glaser, Acting Director of Taxation, pursuant to authority of N.J.S.A. 54:8A-19b, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule of the Division of Taxation, Emergency Transportation Tax Bureau concerning the obligation to file the Annual New Jersey Emergency Transportation Tax Return, as proposed in the Notice published March 5, 1970 at 2 N.J.R. 28(c).

An order adopting the above rule was filed and became effective March 26, 1970 as R. 1970 d.30.

Leon S. Wilson
Director of Administrative Procedure
Department of State

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THE NEW JERSEY REGISTER

Vol. 2—No. 6 NEW JERSEY, THURSDAY, JUNE 4, 1970 2 N.J.R. 45

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
John K. Barnes, Editor

The New Jersey Register is published the Thursday after the first Monday of each month by the Division of Administrative Procedure of the Department of State, 10 North Stockton Street, Trenton, New Jersey 08608. Telephone: (609) 292-6060.

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The New Jersey Register is the official publication containing notices of proposed rules and rules filed by the administrative agencies of the State pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-5.

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THURSDAY, JUNE 4, 1970

NOTICE OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

The following digests, notices, and texts of rules, regulations and orders 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)

EXECUTIVE

STATE HOUSE COMMISSION

Local Emergency Aid Act is Implemented

On May 20, 1970, the State House Commission, pursuant to authority of N.J.S.A. 40:47A-7, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted regulations implementing the Local Emergency Aid Act of 1969, N.J.S.A. 40:47A-1.1 et seq., as follows:

FOREWORD

The Local Emergency Aid Act of 1969, c. 94, P.L. 1969 (as amended by c. 23, P.L. 1970) created a Local Emergency Aid Fund and appropriated $2,000,000 to that Fund. The law designated the State House Commission as the agency for authorizing payments to any municipality from the Fund.

Any municipality within the State of New Jersey experienced an emergency as defined in the act and regulations promulgated pursuant thereto may apply for reimbursement of any sums expended by emergency appropriation in dealing with an emergency.

An "emergency" is defined in the Local Emergency Aid Act to be "an unusual conditions caused by civil disturbance whereby the safety of the public is endangered or imperiled". In addition, such emergency must have occurred on or after January 1, 1969 and prior to January 1, 1970.

The State House Commission pursuant to its authority under the Local Emergency Aid Act of 1969, as amended, has designated the Division of Local Finance, Department of Community Affairs as the State agency responsible for receiving and reviewing applications for reimbursement prior to authorization of payment by the State House Commission. All inquiries concerning the Act and filings required by the Act or regulations should be directed to the Director, Division of Local Finance, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

Requests for application forms and a copy of the regulations by any municipality which desires to apply for reimbursement from the Fund shall be filed no later than July 15, 1970. Any municipality applying for such reimbursement shall file its application no later than August 31, 1970. No extensions of time for filing shall be granted.

I. GENERAL REGULATIONS

A. Chapter 94, Laws of 1969, the Local Emergency Aid Act, creates a Local Emergency Aid Fund which shall consist of sums as the Legislature may appropriate and such additional sums as may be granted or donated to the Fund from any public or private source. The Local Emergency Aid Act contains an appropriation of $2,000,000 to the Local Emergency Aid Fund.

B. The State House Commission may authorize payment to any municipality out of the Fund for reimbursement to such municipality:

1. in an amount equal to 75% of the actual expenditures made by a municipality, pursuant to emergency appropriations adopted in dealing with an emergency within its borders, or

2. in an amount equal to 100% of the expenditures incurred by a sending municipality and provided for by an emergency appropriation, in instances where said municipality is asked to provide and render assistance to a neighboring municipality in an emergency by supplying fire or police aid, or both, and does provide such assistance.

C. In the event that the total of eligible requests for reimbursement exceeds the total amount of the fund, the State House Commission shall prorate and distribute the Fund on the basis of the total of all eligible requests received.

D. "Emergency" as used herein shall mean any unusual conditions caused by civil disturbances whereby the safety of the public is endangered or imperiled. The occurrence of such an emergency shall be determined within the sole discretion of the officer, board or official having charge of the police or fire department in any municipality. The emergency must bave occurred on or after January 1, 1969 and prior to January 1, 1970.

E. The State House Commission shall review every application and may cause further investigation or inquiry to be made to verify the accuracy of statements made therein and to establish the eligibility of the municipality to receive payment pursuant to the provisions of the Local Emergency Aid Law.

F. The State House Commission has designated the Division of Local Finance, Department of Community Affairs as the State agency responsible for receiving and reviewing applications for reimbursement from the Fund prior to authorization of payment by the State House Commission. All requests for information, application forms, and copies of the regulations, and all completed applications shall be filed with the Director, Division of Local Finance, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

G. Payments to any municipality out of the Local Emergency Aid Fund shall be made by the State Treasurer to said municipality upon certification by the State House Commission and warrant of the Director of the Division of Budget and Accounting.

II. FISCAL AND BUDGETARY REGULATIONS

A. Every municipal application for reimbursement pursuant to Cbapter 94, Laws of 1969 shall include the following information:

1. A signed statement from the officer, board or official baving charge of the police or fire department containing a narrative description of the causes or chain of events whicb led to the declaration of an emergency, the dates and duration of the emergency, and a description in summary form of the events which transpired during the course of the emergency.

2. A detailed statement enumerating the number of police and fire personnel utilized, the number of other public employees utilized and specific data setting forth the number of hours of overtime for each group of employees.

3. A copy of any emergency appropriations passed by the governing body of the municipality to finance extraordinary expenditures incurred during the time of emergency.

4. A specific description of any outside services contracted for and a copy of each contract or agreement.

5. A certified itemized listing from the chief fiscal officer of the municipality of the cost, if any, for rental or purchase of additional equipment necessary to meet the specific emergency for which reimbursement is requested.

6. The total amount of money expended by the municipality to meet each emergency, separately itemized for each emergency appropriation.

7. A statement setting forth the steps which have been taken to alleviate the causes of the emergency for which reimbursement is requested.

B. Where a municipality requests reimbursement for expenditures incurred in dealing with more than one emergency situation, the municipality shall assemble and collate the narrative and fiscal material relating to each emergency separately.

C. Pursuant to its administration of this act, the State House Commission may request such additional information from a municipal applicant as it deems necessary.

An order adopting the above regulations was filed May 20, 1970 as R. 1970 d.56 (Exempt, Exempt Agency Rules), to be effective June 4, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

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(b)

BANKING

THE COMMISSIONER

Extension of Construction Mortgage Loan Maturity (Banks)

On May 6, 1970, James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-65B, and in accordance with applicable provisions of tbe Administrative Procedure Act of 1968, adopted the revised rule concerning the extension of construction mortgage loan maturity by banks substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 29(d).

An order adopting this revised rule was filed and effective May 11, 1970 as R. 1970 d.52.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(c)

BANKING

THE COMMISSIONER

Extension of Construction Mortgage Loan Maturity (Savings Banks)

On May 6, 1970, James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-191(R), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning the extension of construction mortgage loan maturity by savings banks, substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 30(a).

An order adopting this revised rule was filed and effective May 11, 1970 as R. 1970 d.53.

Leon S. Wilson
Director of Administrative Procedure
Department of State

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(a)

BANKING

THE COMMISSIONER

Sales of Federal Funds

On May 6, 1970, James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.C.A. 17:9A-62H, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning sales of federal funds, substantially as proposed in the Notice published April 9, 1970 as 2 N.J.R. 30(b).

An order adopting this rule was filed and effective May 11, 1970 as R. 1970 d.51.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Amendments To State Plumbing Code

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-21, 52:27C-54, and 13:1B-7, proposes to amend the Plumbing Code of New Jersey, which constitutes Part E of the Standard Building Code of New Jersey. In addition to making certain technical changes in the Plumbing Code, the amendments will set minimum standards for the use of welded red brass water tube, welded red brass drainage tube, hubless cast iron soil pipe and fittings, and stainless steel tubing.

The proposed amendments have been approved by the Commissioner of Health pursuant to N.J.S.A. 26:3-69.1(2) for adoption by reference by local boards of health.

A copy of the complete text of the proposed amendments is available upon application to the Deputy Director, Division of Housing and Urban Renewal, P.O. Box 2768, Trenton, New Jersey 08625. Interested persons may present statements or arguments in writing relevant to the action proposed to the Division of Housing and Urban Renewal on or before June 26, 1970. The Commissioner of Community Affairs may thereafter adopt the above amendments substantially as proposed without further notice.

Edmund T. Hume
Commissioner
Department of Community Affairs

(c)

COMMUNITY AFFAIRS

THE COMMISSIONER

Processing Applications and Contracts For Financial Assistance Programs

On April 22, 1970, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:-27D-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted certain amendments to N.J.A.C. 5:4-1.1 et seq., the rules governing the processing of applications and contracts for State aid grants and other financial assistance programs administered by the Department, as follows (additions in bold face thus; deletions indicated in brackets [thus]):

5:4-1.10 Effect of Commission's Approval.

An approved Contract Authorization Request shall authorize the director of the agency to execute a contract with the applicant, subject to the following limitations:

a. The contract work program and line item budget shall be substantially the same as the authorized work program and the line item budget.

b. The total contract amount shall be not less than 75% nor more than 105% of the authorized amount.

c. The contract must be fully executed within [90] **60** days of the date of authorization; **however, the Director of Administration may waive this requirement in the event of unavoidable delays in the preparation of the contract.**

5:4-1.14 Approval by the Attorney General.

All contracts for an amount in excess of $500 must be reviewed and approved by the Deputy Attorney General assigned to the Department. He shall indicate his approval by signing the contract below a statement indicating that the contract has been reviewed and approved as to form, and indicating, by name, the Attorney General and the Deputy Attorney General under whose authority the approval has actually been given. Such approval by the Deputy Attorney General indicates that:

a. both the subject matter and the form of the contract do not violate any provision of the State Constitution or any State law or regulation,

b. the terms of the document will constitute a valid and binding contract when executed by both parties, and

c. the text and form of the contract accurately express the intention of the Department.

5:4-1.15 Suspension and Termination of Contracts.

A. The director of the originating agency, or the Deputy Attorney General at the request of the director, may suspend a contract for not more than 90 days upon the failure of the applicant to comply with any material provision of the contract. The applicant shall be notified of such suspension in writing, specifying the effective date of the suspension, the reasons therefor, and the conditions upon which the contract will be reinstated.

B. Acting upon the advice of the Deputy Attorney General, the Commissioner may terminate any contract upon the failure of the applicant to comply with any material provision thereof. The applicant shall be notified of such termination in writing, specifying the effective date of the termination and the reasons therefor.

An order adopting the above amendments was filed April 28, 1970 as R. 1970 d.45 (Exempt, Practice Rules), to be effective May 1, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(d)

COMMUNITY AFFAIRS

DIVISION OF STATE AND REGIONAL PLANNING

Proposed Federal-Aid Project Notification and Review System

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, proposes to repeal Chapter 42 of Title 5 of the New Jersey Administrative Code and to adopt therefor a new Chapter 42, governing the Federal-aid Project Notification and Review System as follows:

CHAPTER 42. FEDERAL-AID PROJECT NOTIFICATION AND REVIEW SYSTEM

FOREWORD:

One of the major trends in the past decade has been the increasing number of federal-aid programs for such local and state projects as highways, park and recreational facilities, and educational and institutional buildings.

Very often these facilities have a significant impact on surrounding areas: large numbers of people may have to be relocated; traffic, air and noise pollution, or other problems may seriously affect a community and its surrounding area. Therefore, selecting the proper location for these projects is vitally important.

A further complication often stems from the conflicts that may occur between such projects. For example, federally-aided sewer projects occasionally have interfered with federally-aided local streets, renewal projects or parks. As these projects have multiplied, so have the possibilities for conflicts, thus increasing the need for review and coordination of applications.

In New Jersey, the Division of State and Regional Planning, Department of Community Affairs, has been responsible for reviewing the capital projects of State agencies and the federally-aided projects of municipal and county agencies.

Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 required review of certain federally-aided projects by both a metropolitan planning agency and the State. The procedure for this review was set forth in the U.S. Bureau of the Budget Circular A-82, as revised on January 10, 1969.

In addition, the provisions of Title IV of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), have considerably broadened the scope of project review and the range of interests to be consulted. Title IV, among other things, directs the President to "establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development."

The basic objectives of this mandate center on the importance of sound and orderly development of urban and rural areas to the economic and social development of the nation. Section 401(b) of the Act requires that "all viewpoints—national, state, regional, and local—shall, to the extent possible, be taken into account in planning Federal or federally assisted development programs and projects." Moreover, Section 201(c) states that "to the maximum extent possible, consistent with national objectives, all Federal-aid for development purposes shall be consistent with and further the objectives of state, regional, and local planning."

Under the Act, the Bureau of the Budget issued Circular A-95 (superseding Circular A-82) on July 24, 1969. Circular A-95 sets forth a new review process called the Project Notification and Review System (PNRS). The procedures which follow are required to meet these federal directives in New Jersey.

The new system is designed to encourage the establishment of a network of state, metropolitan, and non-metropolitan planning and development clearinghouses. These agencies will review and help coordinate the variety of federal, state, regional and local programs dealing with social, economic, and physical development planning in an effort to promote orderly growth and development.

The system also implements the requirements of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 for metropolitan areas within that network.

5:42-1 Administration of Project Notification and Review System.

A. Under provisions of the Intergovernmental Cooperation Act of 1968, the Governor has directed that the Project Notification and Review Procedures will be administered in New Jersey through the designated State Clearinghouse, the metropolitan clearinghouses, the non-metropolitan (regional) clearinghouses, and the Central Receiving House. On March 18, 1970, Governor William T. Cahill designated the Division of State and Regional Planning as New Jersey's State Clearinghouse. The Division performs this function through its Director as State Review Coordinator.

B. The metropolitan clearinghouses are metropolitan areawide agencies designated by the federal Bureau of the Budget to implement Section 204. There are five such clearinghouses in New Jersey: **the Tri-State Transportation Commission** (TSTC) for the following counties: Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union; **the Delaware Valley Regional Planning Commission** (DVRPC) for the following counties: Burlington, Camden, Gloucester, and Mercer; the **Wilmington Metropolitan Area Planning Coordinating Council** (WILMAPCO) for Salem County; **the Atlantic County Planning Board** for Atlantic County; and the **Cumberland County Planning Board** for Cumberland County.

C. The non-metropolitan clearinghouses are non-metropolitan areawide agencies with general planning capability. The regional clearinghouse function has been designated by the Governor to the county planning boards in the following five counties: Cape May, Hunterdon, Ocean, Sussex, and Warren.

D. The Central Receiving House function for New Jersey has been assigned to the Bureau of the Budget in the Department of the Treasury. It is to this agency that all federal departments and agencies will send notification of action taken (approved or rejected) on applications for federal grants-in-aid. The State Bureau of the Budget will see that all of the forwarded information is transmitted to the appropriate agencies within the State.

E. A list of the names and addresses of the individuals representing the clearinghouses is available upon application to the Director, Division of State and Regional Planning, P.O. Box 1978, Trenton, New Jersey 08625.

5:42-2 Federal Projects Subject to Review.

Presently, 47 categories of federal programs and projects are subject to this process. The projects include a variety of functions ranging from open space aquisition to library construction. A complete list of these projects is presented in Appendix A, available from the Division of State and Regional Planning. Any changes in this list will be announced.

5:42-3 Notice to Clearinghouse.

Prior to filing an application for federal financial assistance for projects authorized under Section 204 or Title IV, an agency of local government, organization, or individual must follow the following procedure:

1. Notify (a) the appropriate metropolitan clearinghouse or non-metropolitan clearinghouse and (b) the State Clearinghouse of its intention to apply for assistance.

2. Include a summary description of the project for which assistance will be sought. The summary description should contain the following information, when appropriate:

(A) Identity of the official applicant agency or organization, plus the name and address of the individual to contact in reference to the project.

(B) The geographic location of the project to be assisted (a map showing the location of the project).

(C) The federal program(s) and agency(ies) under which assistance will be sought.

(D) The estimated date by which the applicant expects formally to file an application.

(E) A brief description of the project, its purpose, its general size or scale, estimated cost, financing, number of users, relocation requirements or other characteristics which will enable the clearinghouse to identify agencies of state, regional or local governments having plans, projects, or programs which might be affected by the project.

(F) A statement as to conformance with municipal master plans and facilities plans, if any, by the planning agency of the municipality where the project is located.

3. Submit three copies of the summary description to the metropolitan or non-metropolitan clearinghouse, and five copies to the State Clearinghouse.

5:42-4 Clearinghouse Review Procedure.

Once the State Clearinghouse and the metropolitan or non-metropolitan clearinghouse receives a written notification and a summary description of the project, the review procedures begin and the following steps are taken:

1. The metropolitan or non-metropolitan clearinghouse notifies the following agencies and requests them to report their interest, if any:

(A) The appropriate county planning board and other appropriate county agencies acting on behalf of the county board of freeholders.

(B) Other local governments (and interstate agencies when appropriate) whose interest might be affected by the proposed project.

(C) When the clearinghouse is either TSTC, WILMAPCO, or the DVRPC, these organizations may choose to either notify the local governments affected as stated in (B) or have the county planning board notify such local governments and ask them to report their interest, if any, to the clearinghouse.

2. The State Clearinghouse notifies the following agencies and asks them to report their interest, if any:

(A) The Division of Local Finance, New Jersey Department of Community Affairs, in the case of a local public agency capital project.

(B) The appropriate State agencies which may have an interest in the project.

(C) Other agencies which may have an interest in the project.

3. The interest of any or all of the above is reported to the appropriate clearinghouse.

4. If no interest is expressed, steps 5 through 8, which follow, are omitted.

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5. If interest is expressed, the clearinghouse may arrange for conferences to be held between the review agencies which have expressed interest and the applicant within 30 days of notification.

6. Conferences are held to:
(A) Explore the project in greater detail; and
(B) Identify conflicts or mutuality of interest.
7. The applicant and appropriate review agencies may cooperate in developing the application to:
(A) Resolve conflicts; and
(B) Strengthen the project.
8. In cases where issues identified are not resolved, the review agencies inform the appropriate clearinghouse which in turn notify the applicant that comments by such agencies will accompany the application.
9. The applicant submits the application, together with a certification as to its identity with or changes from the original project summary description, to the appropriate metropolitan or non-metropolitan clearinghouse in addition to the State Clearinghouse for review and comment. This review period may last for as long as 30 days; however, projects subject to "204" review may be reviewed for a period of 60 days.
10. The clearinghouses transmit any formal comments of their own in addition to those provided by other review agencies to the applicant.
11. The applicant submits the application to the federal agency along with:
(A) Any comments made by or through clearinghouses, as well as a statement that such comments have been considered prior to submission of the application; or
(B) A statement that the project notification procedures have been followed and that no comments have been received.
12. The federal agency informs the State Receiving House (New Jersey Bureau of the Budget) and the appropriate clearinghouses of action taken (approval or rejection).
13. The Receiving House informs the appropriate agencies of federal action taken.

5:42—APPENDIX A Federal Projects Subject to Review
NOTE: 5:42—APPENDIX A lists the federal aid programs subject to review under Circular A-95 of the Federal Bureau of the Budget and indicates which programs have been added pursuant to Title IV of the Intergovernmental Cooperation Act of 1968.

Copies of Appendix A are available upon written request to the Division of State and Regional Planning at the address below.

Interested persons may present statements or arguments in writing relevant to the proposed action before June 26, 1970 to:
Division of State and Regional Planning
Department of Community Affairs
Post Office Box 1978
Trenton, New Jersey 08625
The Commissioner of Community Affairs, 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.

Edmund T. Hume
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

OFFICE OF COMMUNITY SERVICES

Recruitment and Training Program Rules

On May 11, 1970, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as N.J.A.C. 5:61-1.1 et seq., rules governing the recruitment and training program in the Office of Community Services, substantially as proposed in the Office of Community Services, substantially as proposed in the Notice published March 5, 1970 at 2 N.J.R. 23(a).
An order adopting these rules was filed March 13, 1970 as R. 1970 d.55, to be effective May 15, 1970.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

HOUSING FINANCE AGENCY

Proposed Rule Governing Rentals

The New Jersey Housing Finance Agency, pursuant to authority of N.J.S.A. 55:14J-34(f), proposes to adopt the following rule governing rentals:
RENTALS
A qualified housing sponsor may, with the approval of the Executive Director, fix maximum rentals per dwelling unit to be charged tenants or cooperators. The Executive Director, upon his own motion, or upon application by the qualified housing sponsor or of a stockholder, lien holder, a creditor, or any other person or organization with an interest in the qualified housing sponsor, may vary such rentals from time to time so as to secure, together with all other income of the sponsor, sufficient income for it to meet within reasonable limits all necessary payment, to be made by the sponsor, of all expenses including fixed charges, debt service of the Housing Finance Fund requirement, reserves and dividends on equity investment as authorized by the Executive Director. Letting, subletting or assignment of leases of apartments at greater rentals than those approved by the Executive Director shall be unlawful.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 21, 1970 to:
New Jersey Housing Finance Agency
101 Oakland Street
Trenton, New Jersey 08618
The New Jersey Housing Finance Agency, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as proposed without further notice.

Thomas V. Seessel
Executive Director
New Jersey Housing Finance Agency
Department of Community Affairs

(c)

CONSERVATION AND ECONOMIC DEVELOPMENT

DIVISION OF SHELL FISHERIES

Conservation Order Amendment

Joseph T. Barber, Acting Commissioner of Conservation and Economic Development, pursuant to authority of N.J.S.A. 13:1B-45, has executed an amendment to the Conservation Order dated March 16, 1970, which was published April 9, 1970 at 2 N.J.R. 30(d).
The amendment reads as follows:
AMENDMENT TO CONSERVATION ORDER
DATED March 16, 1970
WHEREAS, the Commissioner of the Department of Conservation and Economic Development by Conservation Order dated March 16, 1970 and numbered 107 opened certain seed beds in the tidal waters of the State of New Jersey to the taking of seed oysters with the exception of certain existing sanctuaries; and
WHEREAS, further study now reveals that in the interest of conservation it is necessary to further restrict the taking of seed oysters in certain beds above what is commonly known as the Southwest Line; and
WHEREAS, the Maurice River Cove Council resolved at its regular meeting held April 7, 1970 that amendments be made to the sanctuaries listed in Conservation Order No. 107;
IT IS THEREFORE ORDERED that the Conservation Order dated March 16, 1970 and numbered 107 be, and the same is hereby, amended to restrict the taking of seed oysters from below a line drawn in a southwesterly direction from Nantuxent Point to Red Buoy No. 32 located in the Delaware Bay;
IT IS FURTHER ORDERED that the said Conservation Order be, and the same is hereby, amended to preclude the taking of seed oysters from the following existing sanctuaries:
The old Cohansey Sanctuary
The old Shell Rock Sanctuary
The old Bennies Sanctuary
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 above Amendment was filed April 13, 1970 as a document not subject to codification.

(d)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Changes in Education Of Handicapped Children

Carl L. Marburger, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:46-1 et seq., proposes to amend the rules relating to Classes and Facilities for Handicapped Children (N.J.A.C. 8:28-1 et seq.).
The purpose of N.J.A.C. 8:28-1 et seq. is to provide rules and regulations which give direction to local school districts in the carrying out of their responsibilities for the education of handicapped children as set forth in N.J.S.A. 18A:46-1 et seq.
The rules and regulations set forth in N.J.A.C. 8:28-1 et seq. specifically define the process of identification of handicapped children, the procedures for classification of these children, the definition of each category, the approval procedures for the reimbursement to local school districts of State Aid, the approval of classes and programs, the length of the school day and year, the definition and approval of individual and supplementary instruction, the approval of instructional programs provided in other than public school facilities, the promotion and school articulation of handicapped pupils and the procedure for the approval of educational programs for the handicapped provided by a school or organiation other than a public school board of education.

Major Changes
The major changes included in the proposed revision are as follows:

8:28-2 Identification
The listing of the categories of the handicapped have been removed from this section and placed under 8:28-3 Classification.

8:28-3 Procedures for Classification
The classification "Potentially Severe Learning Disabilities" has been removed. The category "Neurologically or Perceptually Impaired" has been designated as two categories instead of one.
In addition, the procedures for classification have been described once for all handicaps instead of separately for each category.
The basis for exclusion of children from a local school district educational program has been extended to include children whose behavior or multiple handicaps make learning impossible in a school setting.

8:28-4 Approval Procedure for Reimbursement Purposes
The list of possible reimbursable items was replaced by a descriptive procedure to be followed by local districts in applying to the State for reimbursement.

8:28-5 Approval of Special Classes
Emphasis has been shifted from providing classes for children with the same handicap to educational programs which are directed toward individual needs and provide for integration with so-called normal children.

8:28-6 Length of School Day and Year
The revised rules permit extending the school year when necessary for the promotion or graduation of the handicapped pupil.

8:28-7 and 8 Approval for Individual Instruction. Supplemental Instruction, Instruction in Place of Confinement
Approval for individual instruction at home has been extended to include those children who cannot attend school for reasons other than physical inability. Such approval must originate with the child study team. The school year of handicapped children receiving home instruction may be extended when necessary for promotion or graduation.

8:28-11 and 12 Sending Children to Private Schools
These two sections have been combined and the local board of education is restricted in payment to nonpublic schools. Such payment is limited to the educational costs not to exceed the maximum tuition cost figure established by the State Board of Education for the school year considered from the time the local board of education records the action in its minutes until the placement is terminated by the local board of education, the private facility, or the parents of the child. Tuition payments can only be made for the current school year and retroactive only to the time the local child study team had determined the need for such a program.
Each board of education shall establish a written contract with the eligible nonpublic school for each school year or portion of the school year the student is attending an eligible educational program at a non-public school.
Monies paid by a board of education to an eligible nonpublic school are for services already rendered. No prepayment of any kind may be made by either a parent or board of education; nor can a parent pay any money toward the educational portion of the program in the nonpublic school.

8:28-12.1 Special Education Programs in Non-Public Schools
In order to be eligible to receive pupils from a sending district pursuant to the provisions of N.J.S.A. 18A:46-1 et seq., a non-public school which provides special facilities and educational programs may not charge a tuition rate which exceeds the maximum day class cost of education per pupil in similar special education classes in New Jersey public schools as determined according to a formula prescribed by the Commissioner with the approval of the State Board of Education.

8:28-13 Procedures for a Jointure Commission
No revision or amendment proposed.

Background
The responsibility for providing suitable educational programs for handicapped children between the ages of five and twenty is placed on local boards of education. Local boards of education may assume such responsibility for children below the age of five and beyond their twentieth birthday. Approval of such educational programs is placed in the office of the Commissioner of Education.
Local school districts are required (1) to identify children who show characteristics of being handicapped and (2) to examine those children and make proper determinations as to their classification.
Local boards of education shall employ a basic child study team consisting of a school psychologist, a learning disabilities specialist, and a school social worker. The basic child study team shall act jointly and in consultation with a physician to determine the classification of handicap of the pupils so designated, and shall, with other school personnel such as a school nurse, administrator, speech correctionist, guidance counselor, and remedial reading teacher, plan a special education for the handicapped child.
The classifications of handicap which qualify a pupil for special education programs for which special State Aid is given to local school districts are as follows: mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted and multiply handicapped.
Classification shall be based on data which include the results of a comprehensive physical examination, a psychological examination, an educational assessment and a social case study.

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Education of Handicapped—continued

Children classified as "neither educable nor trainable" and those classified as "not able to profit from prescribed instructional programs" may be refused admission or excluded from the educational program of a public school district upon the review and approval of the Commissioner of Education. Re-examination shall be made annually of such classified children.

Local boards of education may, with the approval of the Commissioner of Education, employ approved clinics, or individuals in private practice to serve in lieu of a basic child study team or to complement a basic child study team in the classification of handicapped children.

The educational placement of handicapped pupils shall be the responsibility of the chief school administrator and shall be based on the recommendations of the child study team or the findings of the approved clinic whose services are purchased by the local board of education.

Special education programs available to handicapped pupils may include the following:

A. Instruction at school supplementary to the other programs in the school whenever, in the judgment of the board of education with the consent of the Commissioner, the handicapped pupil will best be served thereby. Teacher aides, under the direction of appropriately certified teachers, may provide instruction supplementary to special class or other special programs.

B. A special class or program in the district including a class or program in hospitals, convalescent homes, or other institutions.

C. A special class in the public schools of another district in this state or an adjoining state.

D. Joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts.

E. A jointure commission program.

F. A State of New Jersey-operated program.

G. Sheltered workshops in conjunction with other educational programs in the local district. Such sheltered workshops shall be approved by the New Jersey Rehabilitation Commission and the Bureau of Special Education and Pupil Personnel Services.

H. Sending children capable of benefiting from a day school instructional program to privately operated nonprofit day classes in New Jersey or a nearby state within four hundred (400) miles of Trenton, New Jersey, the services of which are nonsectarian, whenever in the judgment of the board of education with the consent of the Commissioner it is impracticable to provide services pursuant to subsections A., B., C., D., E., F., or G., otherwise.

I. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the Commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsections A., B., C., D., E., F., G., or H., otherwise.

Children classified as handicapped shall not be denied, because of such handicap, participation in extracurricular, intramural, and interscholastic activities as well as health, recreation and social services activities.

Handicapped pupils who successfully complete the prescribed secondary educational program shall receive the secondary school diploma of the local district.

Local school districts shall establish and put to use criteria to evaluate the effectiveness of their program for the education of the handicapped. Such criteria and evidence of their use shall be subject to review by the Bureau of Special Education and Pupil Personnel Services.

The size of the classes for handicapped pupils is restricted. Similarly, the age range of children in these classes is also restricted. Exceptions, for experimental purposes, may be granted by the Commissioner of Education.

The local board of education shall furnish daily transportation within the state to handicapped regardless of distance, upon the recommendation of the basic child study team or school physician subject to the approval of the chief school administrator of the district and the county superintendent of schools.

Full school day educational programs shall be provided for handicapped pupils except when so recommended by the local child study team, the local chief school administrator and the Commissioner of Education.

Children confined to home instruction may have their school year extended beyond the normal school period when such instruction is necessary for promotion or graduation.

Children under the age of six, enrolled in an approved special education program shall be in daily attendance for a minimum period of 2½ hours.

Children enrolled in the public schools shall receive instruction at home, school, or place of confinement on the advice of the school physician as a result of physical disability or illness contagious to others or on the recommendation of the basic child study team because of psychological or psychiatric considerations. The instruction shall not be less than five (5) hours per week except when so recommended by the child study team or school physician. The instruction shall be given in no less than three (3) daily visits by the teacher.

A system of records shall be maintained by each local school district and made available for review by appropriate personnel of the New Jersey Department of Education.

The New Jersey Department of Education shall review and appropriately approve the applications of evaluation centers, clinics and professionals in private practice for approval to function in lieu of, or to supplement local child study team personnel and to receive reimbursement by local boards of education for such services.

The New Jersey Department of Education shall review and appropriately approve the applications of private nonsectarian, nonprofit schools to provide special education programs for handicapped pupils and to receive reimbursement for such instructional programs by local boards of education.

The Bureau of Special Education and Pupil Personnel Services of the New Jersey Department of Education shall have the responsibility of reviewing and approving local school district special education programs. The New Jersey Department of Education shall provide each school system with suggested guides for program operation and evaluation.

Copies of the complete revision are on file in the office of the Commissioner of Education and are available on request. Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed, to Clyde E. Leib, Office of the Commissioner, New Jersey State Department of Education, 225 West State Street, Trenton, New Jersey, telephone (609) 292-4040, before 4:00 P.M. June 23, 1970.

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 above set forth without further notice.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Apportionment of State Aid

On May 8, 1970, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and 18A:58-8, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to N.J.A.C. 8:21-85 "Limit of Apportionment of State Aid (formerly Rule 1414, Rules of the Commissioner)," substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 30(e).

An order adopting this amendment was filed and effective May 13, 1970 as R. 1970 d.54.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

Proposed 1970-71 Game Code

The Fish and Game Council of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to authority delegated in N.J.S.A. 13:1B-30 et seq., proposes to adopt the Game Code for the 1970-71 hunting seasons.

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

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

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the Auditorium, 1st Floor, State Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey, on Tuesday evening, June 23, 1970 at 8:00 P.M.

Written comments regarding the proposed Code may be filed on or before June 23, 1970 with the New Jersey Fish and Game Council, Division of Fish, Game and Shell Fisheries at the above address.

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

L. G. MacNamara
Director
N.J. Div. of Fish, Game and Shell Fisheries
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

Proposed Revision of Public Shooting And Fishing Grounds Regulations

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

3. Outboard Motors

Only electric motors are permitted on any fresh water area. On Prospertown Lake, only manually operated boats and canoes are permitted.

This regulation does not affect tidal water areas.

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

It is unlawful to operate any type of snowmobile, snow cruiser, motorbike, motorcycle, trail bike or off-road motor vehicle, on any of these areas at any time.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 23, 1970 to:

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

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

L. G. MacNamara
Director
N.J. Div. of Fish, Game and Shell Fisheries
Department of Environmental Protection

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend the Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

2900 APPENDIX VI
Complaints, Appeals and Fair Hearings
Hearing Officer

All fair hearings will be conducted by direction of the Commissioner of Institutions and Agencies who may designate the Director of Public Welfare **and/or his representatives** to conduct the hearing [and to render a decision thereon, but such representative will be selected for impartiality and non-participation in the particular matter under consideration]. **The hearing officer will not have been involved, in any way, with the action being appealed.**

The term "hearing officer" refers to the [person] **person(s)** conducting the hearing.

Appellant's Right to be Represented and to Review Evidence

Note: The following paragraph originally appeared under the section of this Appendix entitled "Conduct of Fair Hearing."

Only those persons will be admitted to the hearing whose testimony and presence are necessary to a full and fair determination, but the client may exercise a right to be assisted in his presentation by a relative or friend, or to be legally represented by a lawyer of his choosing. The hearing officer will employ all reasonable and available means to secure attendance of persons who may assist the client in the presentation of his case. **However, funds will not be made available either through the county welfare board or the State Division of Public Welfare for legal fees or other expense incident to preparing for or attending the hearing.**

Accessibility of Records

The client and/or his legal representative will be given opportunity, upon request, to examine, prior to hearing and/or at the hearing, all documents and records, or parts thereof, which are used as evidence at the hearings. Such material shall be made available, upon request, prior to the hearing but not prior to notification by this Division of the date a hearing is scheduled. In addition, the Welfare Board at its discretion, may make such material available for the purpose of facilitating adjustment on an informal basis of the matters in question, following acknowledgement by this Division of request for hearing. Such review does not accord a right to examine client's entire file.

Conduct of Fair Hearing

The fair hearing shall in all respects be informal and conducted in an atmosphere conducive to the full development of facts, but shall be subject to the requirements of due process. Formal rules of evidence will not be applied and an effort will be made to conduct the hearing in such manner that all parties will feel free and able to present all relevant aspects of the situation. **All parties will be given opportunity to offer evidence and to question witnesses.**

At the beginning of the hearing the client will be given the opportunity of making a statement of the situation as he sees it. The hearing officer will then state the point at issue, subject to amendment or correction by the client or any of the other parties concerned.

The hearing will be concerned only with such facts as are relevant to the point(s) at issue, but the circumstances may be considered both as they existed at the time of request for hearing and at the time of hearing. If it develops that the real issue differs from that on which the request for hearing was based, then the hearing will not abate but the real point(s) at issue will be considered subject to adjournment as may be necessary for proper development of the new question presented.

When the hearing involves medical issues, a medical assessment other than that of the person or persons involved in making the original decision may be obtained and made a part of the record if the hearing officer or the appellant considers it necessary.

[All parties will be given the opportunity to offer evidence and to question witnesses. The client will be given opportunity to examine all documents and records, or parts thereof, which are used as evidence at the hearings.

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At any time during the proceedings the hearing officer, at his discretion, may declare an adjournment or adjournments. The total of all adjournments shall not exceed forty days, unless a greater extension of time is requested by the client and approved by the hearing officer.

Report of Hearing and Official Record

An official report will be prepared by the hearing officer summarizing who appeared and what transpired at the hearing **and his evaluation of testimony and comments on conflicting statements.** [, and a] A copy of such report will be incorporated in or attached to each copy of decision when rendered and forwarded to the parties concerned. Such report of the hearing, [together with any] **and all** papers, [and] requests, **or exhibits** filed in the proceeding, and the decision as rendered, will constitute the official and complete record of the fair hearing.

An official and complete record of each fair hearing will be maintained in the files of the State office for at least one year after the date decision is rendered. **During this one year period, an appellant or his legal representative may review, upon appointment, all or any part of the official and complete record of his fair hearing.**

Decision on Fair Hearing

[The] A decision [of the hearing officer] based on the evidence produced at the hearing will be rendered in writing [within thirty days after conclusion of the hearing, and within ninety days] **with reasonable promptness. The official standard for reasonable promptness will be within sixty days of the date of the receipt of the appeal unless** delay in the proceedings has been occasioned by (1) failure of the client to appear at a scheduled hearing, or (2) request of the client for excessive adjournment. [Such] The decision [when approved by the Director of Public Welfare] **will represent the determination of a Decisional Panel consisting of the Hearing Officer, the Director of Public Welfare or his designated alternate, and the Commissioner of Institutions and Agencies or his designated alternate. The decision** shall be mandatory and binding upon all partiees concerned, but is subject to appeal to the Superior Court, Appellate Division.

Every decision [of the hearing officer] shall be so written as to set forth in summary form the material issue or issues in question, the principal and relevant facts developed at the hearing, the pertinent provisions in law and in agency policy, and the reasons upon which the decision is based. **A decision requiring action by the local agency may apply either prospectively with regard to future action by the agency or retroactively to the date an incorrect action was taken.** If the decision results from mutual agreement of the parties at the hearing, it shall be so stated.

Copies of the decision will be forwarded simultaneously to the client, **his legal representative,** if any, and to the local office responsible for carrying out the decision. The copy to the client shall be accompanied by notice of his right to inspect the official and complete record at any reasonable time, and of his right to judicial review.

The State Division of Public Welfare will arrange publication of summary editions of all decisions, edited by deletions to insure confidentiality, which will be forwarded to each county welfare board and will be available for inspection at the welfare board, upon request by the public.

The State Division of Public Welfare will take such steps as may be necessary to assure [itself] that the decision has been carried out. **Corrective or remedial measures ordered by a hearing decision, which by their nature are capable of being so implemented, will be implemented by the welfare board within a thirty-day period after receipt of the decision. The Director of the State Division of Public Welfare will be assured by designated Divisional staff unit(s) that the decision has been implemented within the required time period.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1970 to:

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

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend the Division of Public Welfare Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

2911. Notice to Client

.3 Adjustment in Grant

[Notification to a recipient whose grant has been adjusted shall include the following:

a. A statement of the amounts of both previous and new grants;

b. An explanation of the reason for the adjustment;

c. An identification of the payment, or payments, with which the adjustment will take effect.]

a. Increases in Amount of Assistance Payment

Notification to a recipient whose grant has been or is being increased, whether for a specified or indefinite period, shall include the following:

1) A statement of the amounts of both previous and new grants;

2) An explanation of the reason for the increase;

3) An identification of the payment with which the increase will take effect;

4) An explanation of the period of time, whether specified (such as one or more months) or indefinite, during which the increased amount will apply.

b. Reductions in Amount of Regular Assistance Payment

1) Notice of Intention to Reduce Amount of Regular Assistance Payment

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

a) 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 reduce the amount of such regular payments, including the citation to any statutory provisions or official regulations pertinent thereto, and stating the proposed effective date of reduction which shall be not less than ten (10) days from the day of notice.

b) Notice that he will be afforded, if he so wishes and requests, an opportunity to be heard before the effective date of reduction, 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 reduction. 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.

c) 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.

d) 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 reduction 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.

e) A notice in writing, subsequent to any such hearing, explaining the reasons for the reduction of assistance payments if the resulting decision is to so reduce, 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.

f) The elements of notice and hearing prior to reduction thus specified are not to be construed as affording recipients a right to a pre-reduction 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 reduction of assistance has in fact occurred.

b. 2) Notice of Reduction of Assistance

Notification to a recipient, the amount of whose regular assistance payment has been reduced, shall include:

a) A statement of the reason(s) for reduction.

b) A statement of the date that the first assistance payment in the reduced amount has been or will be issued.

c) A statement of the individual's right to file a request for a Fair Hearing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1970 to:

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

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the General Assistance Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq., proposes to amend the Division of Public Welfare General Assistance Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

G.A. 2.300A

X. Variable Needs

7. Medical Care Needs

g. Patient Care (Chronically Ill)

2) Patient Care Rate and Budget Allowances

a) Licensed Nursing Home

NOTE: Delete the existing language under both Subsection (1), "Maximum Basic Rate" and Subsection (2), "Alternate Plan - Inclusive Patient Care Rate" and substitute therefor the following:

(1) The maximum allowable monthly rate for patient care in a licensed nursing home shall be established by the Commissioner, Department of Institutions and Agencies. Rate for a specific nursing home may be obtained directly from the Bureau of Local Operations, Division of Public Welfare.

b) Public Medical Institution (Chronically Ill)

The maximum allowable monthly rate for patient care in an eligible public medical institution shall be [whichever of the following is the least:

(1) one twelfth of the annual per capita cost; or

(2) $290 plus, when applicable, the monthly allowance authorized in accordance with G.A. 2.300A, Attachment #6, Increase in Monthly Allowance Related to Minimum Wage Payment. The rates for individual institutions are established by the Division through a specified procedure.

The maximum allowable monthly rate shall be understood to include all items included in the maximum basic rate for patient care in licensed nursing homes (see a), (1), above), and shall also include all prescribed drugs, physician's services, and any laboratory, diagnostic, x-ray, dental or other services which are available for all patients in the public medical institution.] **established by the Commissioner, Department of Institutions and Agencies. Rate for a specific public medical institution may be obtained directly from the Bureau of Local Operations, Division of Public Welfare.**

Budget allowances for clients who are patients in public medical institutions shall include the allowance for patient care, clothing and personal incidentals as needed, and special medical care items or service as authorized in this subsection 7, b. and c., above and g. below, other than those included in the patient care rate. [as specified in this subsection.]

Attachment #6 "Increase in Monthly Allowance for Nursing Home Care Related to Minimum Wage Payment"

NOTE: Delete all the existing language under Attachment #6.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 29, 1970 to:

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

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Categorical Assistance Budget Manual Amended

On April 29, 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 amendments to the Categorical Assistance Budget Manual substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 33(b).

An order adopting these amendments was filed and effective May 1, 1970 as R. 1970 d.49.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Medical Assistance for the Aged Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendment to the Medical Assistance for the Aged Manual substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 34(a).

An order adopting this amendment was filed and effective May 1, 1970 as R. 1970 d.48.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Termination of Assistance Procedure

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as part of the Division of Public Welfare Manual of Administration, rules governing the termination of assistance procedure substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 34(b).

An order adopting these rules was filed and effective May 1, 1970 as R. 1970 d.50.

Leon S. Wilson
Director of Administrative Procedure
Department of State

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(a)

INSTITUTIONS AND AGENCIES

STATE BOARD OF CONTROL

Minimum Bed Requirements For Hospitals Adopted

On April 22, 1970, Lloyd B. Wescott, President of the State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised regulations concerning minimum bed requirements for a hospital facility, substantially as proposed in the Notice published February 5, 1970 at 2 N.J.R. 15(a).

An order adopting these revised regulations was filed April 28, 1970 as R. 1970 d.44.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Amendment On Election Day Activity

Richard C. McDonough, Director of the Division of Alcoholic Beverage Control, pursuant to authority delegated in N.J.S.A. 33:1-39, proposes to amend N.J.A.C. 13:2-215 (Rule 2 of Division Regulation No. 20) of the rules of the Division of Alcoholic Beverage Control concerning alcoholic beverage activity during elections as follows (additions indicated in bold face thus, deletions indicated within brackets [thus]):

13:2-215 (Rule 2 of Division Regulation No. 20). Elections.

No licensee shall sell or offer for sale at retail or deliver to any consumer any alcoholic beverage, or allow, permit or suffer the consumption of any alcoholic beverage in or upon the licensed premises while the polls are open for voting in any municipality in which [any of the following elections] **an election** is being held [:(1) general election, (2) primary election, (3) any special election pursuant to the Election Law (Title 19 of the Revised Statutes), (4) any election for municipal officials, (5) any election for adoption of or change in the form of municipal government, (6) any other election during which sales] **and the sale of alcoholic beverages** [are] is prohibited **during such election by municipal ordinance** [in the particular municipality].

Interested persons may present statements or comments concerning the proposed action at a public hearing to be held on Thursday, June 25, 1970 at 10:00 A.M. at the Division of Alcoholic Beverage Control, Room 101, 1100 Raymond Boulevard, Newark, New Jersey, 07102 or may present or mail statements in writing relative to the proposed amendment on or before June 25, 1970 to the Director, Division of Alcoholic Beverage Control, 1100 Raymond Boulevard, Newark, New Jersey 07102.

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

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

(c)

LAW AND PUBLIC SAFETY

DIVISION OF LAW BUREAU OF SECURITIES

Proposed Amended Rules

The Bureau of Securities in the Department of Law and Public Safety pursuant to authority of N.J.S.A. 49:3-67 proposes to amend its rules by adding a new section (d) to rule 13:13-2, as follows, and to adopt a new rule, 13:13-73 relating to a form for Customer Acknowledgment of Unsolicited Sale of Stock, as follows:

13:13-2. Financial Reports and Statements

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

(d) The analysis of the trading and investment inventories required by subsection (c) shall have attached thereto and made a part thereof a statement under oath by the broker-dealer which statement shall set forth those securities within said trading and investment inventories which have not been registered under the Securities Act of 1933, or which are not subject to, or exempted from the registration requirements of the Securities Act of 1933 and the rules and regulations thereunder, other than by reason of section 3(a) of such act and the rules and regulations under said section 3(a).

13:13-73. Form — Customer Acknowledgment of Unsolicited Sale of Stock

The provisions of "The Uniform Securities Law (1967)" prohibit the offer or sale of any security which is not:

(1) Registered pursuant to the provisions of the Federal Securities Act of 1933, or the Uniform Securities Law (1967); or

(2) Exempted from the registration requirements of the aforesaid acts.

The offer or sale by a broker-dealer or its registered agents of any unregistered or non-exempt security as set forth above is subject to the penalties contained in N.J.S.A. 49:3-70.

Accordingly, no broker-dealer or its agents may execute any purchase order for a customer of any unregistered or non-exempted security unless said broker-dealer shall have the customer(s) execute the following form and file said form with the Bureau of Securities not later than ten (10) business days after the execution of the purchase order:

CUSTOMER ACKNOWLEDGMENT
OF
UNSOLICITED SALE OF STOCK

STATE OF NEW JERSEY:
ss.
COUNTY OF :
(Name or Names)

_____ being duly sworn according to law upon his (her, their) oath depose(s) and say(s):

1. I (we) reside at ——(Number and Street)—— in ——(Municipality)——, New Jersey.

2. On ——(Date)——, 19— I (we) purchased—(Amount)— shares of the ——(Type)—— stock of ——(Name of Security)——

3. My (our) purchase order of the aforesaid stock was executed by —— (Name of Broker-Dealer)—— by its agent ——(Name of Salesman)——

4. Neither said broker-dealer nor its said agent solicited my (our) purchase order of the aforementioned stock.

_____ (Signature)

_____ (Signature)

Sworn and Subscribed to
before me this day
of , 19 .

This form shall be filed by the broker-dealer with the Bureau of Securities of the State of New Jersey not later than ten(10) days after the execution of the purchase order.

Interested persons may present statements or arguments in writing relevant to the proposed action before 4 p.m., June 26, 1970, to:

Bureau of Securities
1100 Raymond Boulevard
Newark, New Jersey 07102

The Bureau of Securities, 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.

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

(d)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Proposed Rule on Inspection Authorities

The Board of Examiners of Electrical Contractors in the Division of Professional Boards of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:5A-6, proposes to adopt as N.J.A.C. 13:31-11, a rule relating to inspection authorities.

The following is the complete text of the proposed rule:

13:31-11. Approved Inspection Authorities

An approved inspection authority within the meaning of N.J.S.A. 45:5A-16 shall meet the following requirements:

The inspection authority must have a centrally located business office in the State of New Jersey, properly manned during business hours, with a full time working staff.

Inspection must be made by full time inspectors with a minimum of five years electrical experience and all inspection must meet the standards of the National Electrical Code then in effect and the standards, if any, of the municipality wherein such work is performed. The inspection authority must provide forms of application for inspection with all necessary data therein, including the standard fees. The inspection authority must have sufficient personnel to insure job inspection within three days of the receipt of an application for inspection. The inspection agency must have a minimum of one level of review for the appealing of inspectors' decisions. All inspectors, operating in the State of New Jersey, must have a designated time, and place, and phone number, in the State of New Jersey, where they may be reached. The inspection authority must have facilities to inspect and certify an entire electrical installation.

The inspection authority must keep records for a minimum of three years and such records must be readily available in its office and must have printed forms for all correspondence with contractors, including forms of application and violation forms.

All employees of the inspection authority must be covered by liability insurance in the amount of at least $1 million.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 26, 1970, to Board of Examiners of Electrical Contractors, 1100 Raymond Boulevard, Newark, New Jersey 07102.

The Board of Examiners of Electrical Contractors, 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.

George P. McDonough
Secretary-Treasurer
Board of Examiners of
Electrical Contractors
Department of Law & Public Safety

(e)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS

BOARD OF NURSING

Proposed Rule on Intravenous Catheters

The New Jersey Board of Nursing in the Division of Professional Boards of the Department of Law and Public Safety, pursuant to authority delegated in N.J.S.A. 45:11-24(d), proposes to adopt as N.J.A.C. 13:37-6.3, a rule relating to the insertion or removal of intravenous catheters.

The following is the complete text of the proposed rule:

13:37-6.3. Insertion or Removal of Intravenous Catheters

A professional nurse may insert or remove an intravenous catheter within the meaning of N.J.S.A. 45:9-21(k) in the absence of a regularly licensed physician provided:

(a) The procedure is performed at the specific written direction of a licensed physician.

(b) The nurse has received specific training concerning this procedure.

(c) The employing agency has adopted a policy permitting professional nurses to perform this procedure.

An intravenous cut-down may not be performed by a professional nurse.

Interested persons may present statements or arguments in writing relevant to the proposed action to the New Jersey Board of Nursing, 1100 Raymond Boulevard, Newark, New Jersey 07102 on or before June 26, 1970.

The New Jersey Board of Nursing, upon its own motion, or at the instance of any interested party, may thereafter adopt the proposed rule substantially as set forth without furher notice.

Donald L. Snover, Executive Secretary
New Jersey Board of Nursing

(f)

LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

Proposed Changes in Rules For Use of Breathalyzer

George F. Kugler, Jr., Attorney General, pursuant to authority of N.J.S.A. 39:4-50.3, proposes to adopt the following amendments to N.J.A.C. Section 13:15-21 of the Rules and Regulations of the Division of State Police governing chemical breath testing as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

13:15-21 APPROVED METHODS AND INSTRUMENTS:

(b) The Breathalyzer as invented by Professor Robert Borkenstein, Director of Indiana University Traffic Institute, Bloomington, Indiana.

[The proper method of operating a Breathalyzer is indicated by a check list issued by the manufacturer, Stephenson Corporation, Red Bank, New Jersey, which contains the following information:]

A check-off list may be used with the test and may be prepared by either the manufacturer or the organization using the instrument. The check-off list, if used, shall contain at least the following information:

Preparation:

1) Turn switch to "ON", wait until THERMOMETER shows 50 degrees centigrade, plus or minus 3 degrees.

2) Gauge REFERENCE AMPOULE and place in left hand holder.

[2] 3) Gauge TEST AMPOULE, open, insert BUBBLER and connect to OUTLET.

Purge:

[3] 4) Turn to TAKE, flush, turn to ANALYZE.

5) When RED empty signal appears, wait 1-½ minutes, turn on LIGHT, BALANCE.

Analysis:

[4] 6) Set SCALE POINTER on start line.

[5] 7) Turn to TAKE, take breath sample, turn to ANALYZE.

[6] 8) When RED appears, wait 1-½ minutes, turn on LIGHT, BALANCE.

[Note -] 9) Record answer, dispose of test ampoule, turn to "OFF".

(c) [The Alcometer Model D1 as developed and perfected by Keyes Scientific Corporation, Cambridge, Massachusetts.

The proper operating method is as follows:

Preparation:

1 Connect electricity, turn key to ON, gauge reference ampoule and insert into retainer.

2) Gauge test ampoule, break ampoule neck, insert into retainer and connect inserted ampoule bubbler.

Purge:

Although purged at completion of previous test, this phase is added as a safety factor and to allow the operator to testify that he purged prior to analysis

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3) Press start button, wait until pumping (Purge) is completed.

Analyze:

5) Set indicator dial to zero (balance).

6) Press sample, then have subject blow into attached mouth piece.

7) Release sample button, press start button.

Note—After pressing Start button pump will force trapped breath into reagent and continue to pump, then purging system for about 3.7 minutes. At end of pumping, test result is registered automatically on dial.

Record results, dispose of test ampoule, bubbler and attached mouthpiece. Use of recording device is obtional. [Turn key to record and results will be printed on chart paper automatically.]

The Dominator Albreath manufactured by the Stephenson Company which also manufactures the Borkenstein Breathalyzer. Both instruments contain similar parts, use the same principle and theory of operation and apply the same chemicals. The basic difference is the placement of the operating controls.

The steps of operation in the check-off list applicable to the Breathalyzer (subsection (b)) shall also apply to the Dominator Albreath.

(d) The Alco-Tector manufactured by Decatur Electronics, Decatur, Illinois. In basic operating principle, it is similar to the Borkenstein Breathalyzer and uses the same chemicals.

The operational check-off list issued by the manufacturer is a satisfactory outline of the method of operation. Any organization using this instrument may prepare its own check-off list, provided the list contains at least the information required by the following steps:

Preparation:

1) Turn switch to "ON", depress STANDBY button, wait for THERMOMETER to reach operating temperature of 120 to 130 degrees Fahrenheit.

2) Gauge REFERENCE ampoule and place in left holder.

3) Gauge TEST ampoule, open, insert BUBBLER, connect to OUTLET.

Purge:

4) Depress PURGE button #1 for flush, WAIT 30 to 45 seconds, depress BUBBLER button #2.

5) When RED empty signal appears, wait 1-½ minutes, depress BALANCE button #3 and balance.

Analysis:

6) Set blood alcohol POINTER on START line.

7) Depress SAMPLE button #4, take breath sample, depress BUBBLER button #5. (Record time).

8) When RED empty signal appears, WAIT 1-½ minutes, depress READ button #6 and BALANCE.

9) Record answer, dispose of test ampoule, depress #1 button for 30 to 45 seconds, depress #2 button until RED light appears, depress STANDBY button.

Interested persons may present statements or arguments in writing relevant to the proposed action at the office of the Superintendent of State Police, Post Office Box 68, West Trenton, New Jersey, 08625, before 4:00 P.M., June 26, 1970.

After full consideration of all statements and arguments presented, the Attorney General, upon his own motion or at the instance of any interested party, may thereafter adopt the revised regulations substantially as set forth without further notice.

George F. Kugler, Jr.
Attorney General
Department of Law and Public Safety

(a)

TREASURY

DIVISION OF TAXATION

MOTOR FUELS BUREAU

Proposed Amendment On Rebates, Allowances, Lotteries and Games

Sidney Glaser, Acting Director of the Division of Taxation, Department of the Treasury, pursuant to authority delegated in N.J.S.A. 56:6-6, proposes to amend N.J.A.C. 18:19-14C and D, of the Rules of the Motor Fuels Tax Bureau concerning rebates, allowances, lotteries and games of chance to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

N.J.A.C. 18:19-14. **Rebates, Allowances, Lotteries and Games of Chance:**

A. A retail dealer must not sell motor fuel at any other price than the price, including tax, so posted. Any such price when posted shall remain posted and in effect for a period of not less than twenty-four (24) hours.

B. No retail dealer shall sell motor fuel at a price which **is** below the net cost of such motor fuel to the retail dealer **plus** all selling expenses.

C. No **coupons, discounts, giveaways, bargain sales or** other rebates, allowances, concessions or benefits [may] **shall be given, directly or indirectly, so as to permit any** person to obtain motor fuels from a retail dealer below the posted price or at a net price lower than the posted price applicable at the time of the sale **or so as to have the principal purpose of effecting for the participating dealer an immediate increase in motor fuel sales, to the detriment of his competitors' business.**

D. It [is] **shall be** unlawful for any retail dealer to use lotteries, prizes, wheels of fortune, punch-boards or other games of chance, in connection with the sale of motor fuels or **to participate in any way, directly, or indirectly, in the promotion, advertisement or conduct of contests, giveaways or other programs which are not clearly incidental to and customarily found in connection with the principal use of the retail dealer's place of business and which would have the principal purpose of effecting for the participating dealer an immediate increase in motor fuel sales, to the detriment of his competitors' business.**

Cross Reference: N.J.S.A. 56:6-2.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the action proposed on or before June 24, 1970 to:

Motor Fuels Tax Bureau
Division of Taxation Building
State and Willow Streets
Trenton, New Jersey 08625
Telephone: (609) 292-5125

The Division of Taxation, upon its own motion or at the instance of any interested party, may thereafter adopt the above amendment substantially as set forth without further notice.

Sidney Glaser
Division of Taxation
Acting Director
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

SALES TAX BUREAU

Proposed Rules Governing Coin-Operated Vending Machine Sales

Sidney Glaser, Acting Director of Taxation, Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24(1), proposed to adopt as N.J.A.C. 18:24-37, rules governing the taxation of receipts from coin-operated vending machine sales under the Sales Tax Act and to repeal all prior rules affecting sales of this type, as follows:

N.J.A.C. 18:24-37. Coin-Operated Vending Machines.

The following Rule is promulgated to clarify the taxable status, pursuant to the provisions of the New Jersey Sales and Use Tax Act, of receipts from coin-operated vending machine sales, and supersedes all prior rulings affecting sales of this type.

1. In general, receipts from sales of taxable tangible personal property and receipts from sales of taxable food and drink are subject to the New Jersey Sales Tax even though the tax is not reimbursed to the vendor by the purchaser where such sales are in the amount of less than eleven (11) cents.

A. GENERAL RULES

(1) Vendors operating vending machines in the State of New Jersey must register with the New Jersey Sales Tax Bureau to engage legally in the business of selling tangible personal property at retail, including, also, food and drink of a kind the receipts from which are subject to the sales tax. One Sales Tax Registration Number is sufficient for all machines of one vendor.

In a conspicuous place, upon each vending machine, there shall be affixed a statement in substantially the following form:

This vending machine is operated by

.....
Name of Vendor

.....
Place of Business of Vendor
New Jersey Sales Tax Registration Number .....

---

(2) Vendors operating vending machines which dispense tangible personal property, including, also, food and drink, must report and pay to the State the tax upon the gross receipts from all sales of such items made through such machines, subject to the exemptions set forth in the Sales and Use Tax Act.

(3) Receipts from sales of food and drink exempted from the tax by subsection 8(b) are allowable deductions from gross receipts.

(4) There is no exemption for items subject to the tax pursuant to subsection 3(c), such as carbonated beverages, hot drinks, sandwiches, and other prepared foods.

(5) Adequate records must be kept by the vendor, showing:

(a) The location or locations of each machine operated by him,
(b) the serial number of each machine operated by him,
(c) purchases and inventories by physical units of merchandise bought for sale through all such machines,
(d) the unit prices charged by the vendor,
(e) the gross receipts derived from the operation of each machine at each location,
(f) the receipt from exempt sales,
(g) the cost of all tangible personal property, food and drink which the vendor purchased for resale, and
(h) the cost of all supplies of which the vendor is deemed to be the ultimate consumer.

(6) A vendor may purchase tangible personal property, food or drink for sale through coin-operated vending machines without payment of the sales tax provided he issued to his supplier a Resale Certificate, Form ST-3.

(7) The owner or operator of vending machines is responsible for the remittance of the Sales Tax. He must pay the tax on the total receipts, subject to statutory exemptions, without any deduction whatsoever for any expense incident to the conduct of the business, such as a commission to the proprietor of the premises in which the equipment is located.

(8) In order to comply with the provisions of subsection 14(d) of the Act, every item offered for sale must show that portion of the charge which is for the tangible personal property, for the food, and for the drink, and that portion of the charge applicable to the sales tax. For example, a vending machine dispensing soda at 20 cents per bottle must have affixed to it showing the charge for the soda to be 19 cents and the sales tax charge to be one cent, for a total of 20 cents. The tax to be remitted to the State of New Jersey by the vendor is the amount of the actual tax collected from all taxable sales, or five percent of the taxable sales, whichever amount is greater.

B. SPECIAL RULES FOR VENDORS WHO SELL TANGIBLE PERSONAL PROPERTY THROUGH VENDING MACHINES AT 10 CENTS OR LESS.

N.J.S.A. 54:32B-8(i) provides that the following receipts shall be exempt from the sales tax:

"Tangible personal property sold through coin-operated vending machines at $0.10 or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the director."

(1) The phrase "primarily engaged in making such sales", as used in N.J.S.A. 54:32B-8(i), refers to vendors engaged in making sales through coin-operated vending machines, and for this subsection to be applicable the vendor must show that more than half of the total receipts from his business are derived from sales through coin-operated vending machines.

(2) In addition to the filing of Form ST-50 (Quarterly Return) and/or Form ST-51 (monthly remittance statement), a vendor who seeks to exempt a portion of his gross receipts pursuant to N.J.S.A. 54:32B-8(i) shall report quarterly to the Sales Tax Bureau on Form ST-3229 the following information:

(a) The total receipts of his business,
(b) The total receipts from sales through coin-operated vending machines,
(c) The total receipts from exempt sales, including:
(1) Receipts from sales of cigarettes,
(2) Receipts from sales of tangible personal property through coin-operated vending machines at ten cents or less, per item. (These receipts do not include any portion of the receipts from the sale of any item in excess of ten cents.),
(3) Receipts from any other exempt sales.
(d) The total taxable receipts, calculated by subtracting the exempt sales set forth in (c) above from total receipts of the vending machine company set forth in (a) above.

(3) The amount of New Jersey Sales Tax payable is the net taxable receipts [(d) above] multiplied by .05 to effectuate application of the five percent tax rate, or the actual tax collected, whichever is the greater.

N.J.A.C. 18:24-97.6 is repealed simultaneously with the adoption of N.J.A.C. 18:24-37.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before June 24, 1970, to:

Sales Tax Bureau
Division of Taxation Building
State and Willow Streets
Trenton, New Jersey 08625
Telephone: (609) 292-6636

The Division of Taxation, Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter adopt the above rules without further notice.

Sidney Glaser
Acting Director
Division of Taxation
Department of the Treasury

(c)

TREASURY

STATE INVESTMENT COUNCIL

FHA Insured Mortgages

The State Investment Council, pursuant to authority delegated in N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has adopted the following amendment to its regulation 16:3-28.120 and 16:3-28.130 concerning Federal Housing Administration insured mortgages, and adopted a new regulation concerning Federal Housing Administration insured construction mortgages as follows (additions indicated in bold face thus):

Reg. 16:3-28.120 Limitations.

* * *

(d) Prior to the purchase of any mortgage, the Director [shall] **may** designate a qualified consultant to inspect the property and general area and render a report of the feasibility of the purchase including his opinion of value. His fee shall be paid by the borrower.

(e) No mortgage application **for a mortgage on real property located outside of the State of New Jersey** shall be considered except upon the recommendation of the Real Estate Department of a bank with capital stock, surplus and undivided profits totaling at least $40 million, engaged in the purchase of FHA insured multi-family mortgages which shall review among other things:

* * *

(f) No mortgage application for a mortgage on real property located within the State of New Jersey shall be considered except upon the recommendation of:

(1) a New Jersey corporation presently servicing mortgages worth over $30 million, or

(2) a bank chartered by the federal government and whose principal office is located in New Jersey and is presently servicing mortgages worth over $30 million.

(g) Said New Jersey corporation or bank shall take the following factors into consideration in making its recommendations:

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Treasury—continued

(1) the net worth of the borrower;

(2) the adequacy of the Federal Housing Administration escrow arrangements;

(3) the saleability of the property;

(4) the income productivity of the property at the levels designated in the Federal Housing Administration documentation;

(5) the feasibility report of the consultant designated by the Director.

* * *

Reg. 16:3-28.130 Legal Papers.

* * *

(c) a servicing agreement in such form as the Attorney General may direct, entered into with the [major bank] bank of New Jersey corporation recommending the mortgage.

ARTICLE 29. TITLE II
FEDERAL HOUSING ADMINISTRATION
INSURED CONSTRUCTION
MORTGAGES—MULTI-FAMILY

Reg. 16:3-29.100 Definition.

As used in this article, a "Federal Housing Administration Insured Multi-Family Construction Mortgage" (hereinafter referred to as a "construction mortgage") shall mean a mortgage on a multi-family dwelling insured or to be insured by the Federal Housing Administration as authorized under Title II of the National Housing Act and more specifically described under the following sections:

207
220
221D3
221D4

Reg. 16:3-29.110 In general.

Subject to the limitations contained in this article, the Director may invest and reinvest the moneys in any pension and annuity group fund in Title II Federal Housing Administration Insured Construction Mortgages — Multi-Family.

Reg. 16:3-29.120 Limitations.

(a) Any investment in any construction mortgage shall be not less than $1 million nor more than $4.5 million.

(b) The book value of construction mortgages and those purchased under Articles 15, 19, 20, 28 and 29 shall not exceed 20% of the assets of any pension and annuity fund at any one time.

(c) No construction mortgage shall be made except in conjunction with a mortgage and under the limitations contained in Article 28 of these regulations.

(d) No construction mortgage application shall be considered unless said mortgage is to be on real property located within the State of New Jersey.

(e) A New Jersey corporation or bank qualified under Article 28 must recommend the construction mortgage, but must as a condition of their recommendation arrange for a bank located in New Jersey to act as a principle in said construction mortgage for an amount not less than 10% and not more than 30% of the total amount of the construction mortgage. Said principal bank shall in all cases be approved by the Director.

(f) No construction mortgage shall be recommended for purchase to the pension funds unless approved by a majority of the members of a Mortgage Advisory Committee created within the Division of Investment to advise the Director with respect to mortgage applications. The Committee shall be composed of five members serving without compensation who reside in New Jersey and are experienced in the purchase of mortgages. The Committee will meet whenever sufficient material is available to warrant a meeting and three members of the Committee shall constitute a quorum. Whenever practical, an agenda will be mailed to each Committee member in advance of the meeting. A copy of the agenda and analysis sheets (describing the construction mortgage offerings in detail), as well as a copy of the minutes summarizing the action taken, will be mailed to all five members and will be attached to such recommendation as the Director may make to the pension funds.

Reg. 16:3-29.130 Legal Papers.

Prior to issuance of any commitment to purchase, the Director shall have obtained and approved:

(a) a current Credit Report on the borrower;

(b) a current photograph of the property, or plans and specifications of proposed construction, and a survey of the property;

(c) a copy of FHA Commitment;

(d) a copy of FHA Mortgagee's application for Insurance, completed in its entirety;

(e) all other pertinent FHA documents and approvals including, but not limited to, project analysis and breakdown of reserves for replacements;

(f) the breakdown of the estimated cost of construction;

(g) a participation agreement executed between the principal bank and the pension or annuity fund;

(h) builder's qualifications, including but not limited to, recent financial statements and past experience on similar projects;

Subsequent to the time of closing, the Director shall obtain:

(a) such documents as the Attorney General shall determine were required to effect the investment;

(b) a written approving opinion from the Attorney General to the effect that all such documents and opinions received by the Director are satisfactory as to form and substance.

An order adopting the above rule was filed May 21, 1970 as R. 1970 d.57 (Exempt, Internal Rule).

Leon S. Wilson
Director of Administrative Procedure
Department of State

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

First Stage of Master Plan Adopted and Now in Effect

On April 23, 1970, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the First Stage of the Master Plan for the comprehensive development of the Hackensack Meadowlands District, substantially as proposed in the Notice published November 27, 1969 at 1 N.J.R. 17(b).

An order adopting this First Stage of the Master Plan was filed and effective May 1, 1970 as R. 1970 d.46.

The four resolutions comprising the First Stage of the Master Plan, summarized in the Notice published January 8, 1960 at 2 N.J.R. 8(b), were the subject of public hearings on January 6, 1970 in Bergen County Court House, Hackensack, and on January 7 in Hudson County Court House, Jersey City. After full consideration of all written and oral submissions respecting the four resolutions the Commission adopted the resolutions.

The four resolutions establish:

1. The objectives, standards and principles embodied in the various interlocking portions of the First Stage of the Master Plan;
2. interim zoning regulations;
3. subdivision regulations; and
4. a building code and supplemental code for building foundations.

The Legislature authorized the Commission to adopt its Master Plan in portions, and the Commission feels that the First Stage now adopted will enable the orderly development of portions of the district while the remainder of the plan is formulated. The First Stage concentrates on the needs of the next two years, within which period the Commission expects to adopt the Second Stage of the Master Plan.

It is anticipated that the second and subsequent stages will include the following, with principal concentration on the first item:

1. Comprehensive Land-Use Plan.
2. District Zoning Regulations.
3. Final Reclamation and Drainage Plans.
4. Pollution Abatement Program.
5. Solid Waste Disposal Program.
6. Transportation Plan.
7. Housing and Redevelopment Plan.
8. Natural Resources Conservation Plan.
9. Capital Improvements and Public Facilities Program.
10. Recreation and Open Space Plan.
11. Other plans, programs and standards deemed appropriate by the Commission.

Leon S. Wilson
Director of Administrative Procedure
Department of State

(b)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Fee Schedule Implementing Stage I of Master Plan

On April 23, 1970, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a fee schedule implementing Stage I of its Master Plan which provides for the payment of certain fees for approvals by the Commission, as follows:

Fee Schedule Implementation
of Stage I Master Plan

ACTIVITY	REGULATION CITATION	FEE
I. Building Code		
All permits except: (a) demolitions (b) repairs or alterations, or (c) additions under $2,500	Building Code	$.002 per cubic ft.
Demolition	Building Code	$25
Repairs or alterations	Building Code	None
Additions under $2,500	Building Code	None
II. Subdivisions		
Sketch Plat		
(a) Major	Article 5	None
(b) Minor	Article 5	$35.
Preliminary Plat for major subdivision	Article 5	$50. + $15 per lot
Final Approval of major subdivision	Article 5	None
Improvement Inspection	Article 8	¼ of 1% of value of improvement
Waivers	Article 10	$50.
III. Zoning		
Certificate	Article 13	$50.
Signs	Article 9	None
Site Plan	Article 12	$50.
Variance	Article 13	$50.
Special Use	Article 13	$35.
Occupancy	Article 13	None

This Fee Schedule shall not be applicable to the federal government, state, county or municipality, or any instrumentality thereof. Any fee, or portion thereof, provided for herein, may be waived by the Office of Chief Engineer consistent with provisions of the Stage I Master Plan Resolutions.

This Fee Schedule shall become operative on May 1, 1970.

An order adopting the above fee schedule was filed and effective May 1, 1970 as R. 1970 d.47 (Exempt, Practice Rule).

Leon S. Wilson
Director of Administrative Procedure
Department of State

OF PUBLIC INTEREST

MANAGEMENT INFORMATION SYSTEM SET UP IN EDUCATION DEPARTMENT

State Education Commissioner Carl L. Marburger has announced the appointment of Dr. William H. Lucow as director of the Department of Education's management information system, together with the awarding of a $55,000 contract to survey and provide detailed plans for the system.

The contract was awarded to the System and Computer Technology Corporation, West Chester, Pa.

Dr. Marburger said the two actions are steps toward establishment of the Office of Management Information within the Department's Division of Research Planning and Evaluation headed by Assistant Commissioner Stanley J. Salett.

As director of the information system Dr. Lucow will be in charge of the present sections of data processing, statistics and evaluation.

For the past six years, Dr. Lucow has held a similar position with the Canadian federal government as director of research in the education division of the Dominion Bureau of Statistics. He describes this as a "miniature U.S. Office of Education".

Dr. Lucow, who holds five degrees, received his Ph.D. from the University of Minnesota.

Functions of the new Office of Management Information will include: conducting special studies to span data gaps; providing the Department with the capacity for assessing educational performance by designing and field-testing systems of evaluation; developing procedures for collecting, editing, and reporting data related to needs of new programs and new activities shortly to become part of the work of the department; and, in general, to generate statistical and other informational reports on the status of public education in New Jersey.

Dr. Lucow comes to New Jersey with long experience in education, research, and government service. He was a public school teacher (mainly chemistry and mathematics) for 20 years and has been vice-principal and principal. He was visiting professor of education at the University of Kansas for three consecutive summers, and an associate professor of education at the University of Manitoba for eight years.

He has been with the Canadian Federal Government the past six years. During the past year, he also has acted as consultant to System Development Corporation in Santa Monica and to the New Jersey State Department of Education. He has had experience with all three generations of computers and has taught graduate courses in data processing in education research.

VACATION GUIDE TO STATE COVERS VARIED INTERESTS

"What you don't know about our resorts would fill a book!"

This provocative assertion graces the color-picture cover of a guide to New Jersey's year-round vacation areas just made available by the State Division of Economic Development.

A message of welcome in the booklet from Governor William T. Cahill invites the reader to visit the magnificent beach resorts, lakes, forests, parks and various other tourists attractions throughout New Jersey.

For the benefit of sportsmen, a section of the brochure lists choice fishing spots, both inland and along the coast, together with a map of New Jersey Public Hunting and Fishing Grounds.

Special reference is made to the State's 127 miles of superb ocean beaches. A listing of Long Beach Island resorts features specific attractions awaiting visitors.

Individual sections are devoted to the lake country, summer theatres, boating, flat racing and harness racing, historic sites, the Garden State Parkway Arts Center, skiing, and state forests and parks.

Also included in the 40-page, full-color booklet are recommended places of interest in all sections of the State, highlighting their visitor attractions.

Free copies of the 1970 Vacation Guide may be obtained from New Jersey State Promotion, Division of Economic Development, P.O. Box 400, Trenton, N.J. 08625.

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THE NEW JERSEY REGISTER

THE NEW JERSEY REGISTER
A Publication of the State of New Jersey

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

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THURSDAY, JULY 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 Laws of 1968.

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Amendments To Hog Cholera Regulations

Phillip Alampi, Secretary of Agriculture, and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-106.2, proposes to amend certain regulations governing hog cholera control in Title 2 of the New Jersey Administrative Code, as follows: (additions indicated in boldface thus; deletions indicated within brackets [thus]):

2:2-8 Hog Cholera Control

Fully virulent hog cholera virus vaccine **or modified live virus vaccine** shall not be used in vaccinating swine against hog cholera except as provided in Title 9 of the Code of Federal Regulations.

Treatment of swine with hog cholera serum or antibody concentrate is permissible.

[Swine to be recognized as being officially vaccinated must have met the following requirements:

[1. Have been treated by an accredited veterinarian by simultaneous innoculation with modified live virus hog cholera vaccine and anti-hog cholera serum or antibody concentrate, or under provisions as set forth by the Department of Agriculture with killed or inactivated hog cholera vaccine prepared under license from the United States Department of Agriculture.]

An official certificate of [vaccination] **serum treatment,** on forms supplied by the Department, shall be submitted to the Department by the accredited veterinarian or official agent of the Department. Such certificate shall contain: the name and address of the owner, the location of the herd, a record of the number of the individual ear tags supplied by the Department, or other proper identification and amount of [vaccine and] serum or antibody concentrate used.

[Swine will not be considered officially vaccinated until the expiration of a twenty-one (21) day quarantine following vaccination.]

[Swine must be at least six (6) weeks of age to be vaccinated except under special permit by the Department of Agriculture.]

Dosage of anti-hog cholera serum or antibody concentrate.

Except for swine under twenty (20) pounds in weight, the dosage of serum shall not exceed one cc. per pound body weight, or ½ cc. per pound body weight if antibody concentrate is used.

(Pounds) Weight of swine	Minimum dose of serum (cubic centimeters)	Minimum dose of antibody concentrate (cubic centimeters)
Under 60	20	10
60 - 120	30	15
Over 120	40	20

[**Dosage of modified live virus vaccine.** The dosage of modified live virus vaccine should be that recommended on the product label by the licensed manufacturer for use with the amounts of anti-hog cholera serum or antibody concentrate given in the paragraph above.]

[No swine shall be treated with anti-hog cholera serum alone or antibody concentrate alone except under special permit by the Department of Agriculture.]

[Imported swine to be recognized as official vaccinates must have been shipped into New Jersey under provisions of Part 76, Title 9, Code of Federal regulations and have been released from the twenty-one (21) day quarantine period.]

Any farm or premises where swine are concentrated for public sale shall be considered a livestock market under these regulations, except where only the swine raised on the premises are offered for sale.

Premises suspected of infection with hog cholera shall be quarantined until determination is made by the cooperating agencies that the disease is or is not present. Once official confirmation of hog cholera exists, such premises shall remain under quarantine until program agents are satisfied that exposure no longer exists.

Swine owners shall promptly report to their accredited veterinarian or to an agent of the Department of Agriculture any illness in their herd suggestive of hog cholera. The accredited veterinarian shall promptly notify an agent of the Department of Agriculture or the office of the Division of Animal Health of the State Department of Agriculture or the office of the Animal Health Division of the United States Department of Agriculture.

Swine dead of hog cholera shall be removed under official supervision from a quarantined premise in trucks constructed of, or lined with, impervious material and which do not permit the escape of any liquid and are covered in such a way that the contents shall not be openly exposed to insects. Such removal shall be to a rendering plant whose processes include rendering temperatures sufficient to destroy the virus of hog cholera. Carcasses of swine dead of hog cholera may be buried or burned on the premises under official supervision of an agent of the Department in lieu of rendering.

Trucks hauling market hogs to slaughter from quarantined premises shall be cleaned and disinfected at the unloading point or at a designated return point under official supervision.

Agents of the New Jersey Department of Agriculture and the United States Department of Agriculture, Animal Health Division, shall be permitted access to any swine farm at any time for the purpose of investigating suspected hog cholera.

2:2-9 Indemnity

NOTE: Delete the existing references to "Chicago Livestock Market," and substitute therefor "Interior Illinois Market, Peoria, Illinois."

2:2-10 Swine Consigned to Livestock Markets

Swine offered for sale for other than immediate slaughter shall be treated with anti-hog cholera serum alone or antibody concentrate alone within five (5) days of such sale and movement from the market.

A record of treatment shall be furnished the buyer. The swine shall be held in quarantine on the farm of the buyer for [twenty-one (21)] **thirty (30)** days after treatment.

Following the sale of swine, the pens, runways, and the sales ring shall be cleaned and disinfected with an approved disinfectant.

No indemnity shall be paid on swine found to be infected with hog cholera while in an approved sale market in the eradication area.

2:3-4 Swine

The official interstate health certificate shall indicate that swine for breeding purposes are members of a brucellosis-free herd and are negative to a blood test for brucellosis within thirty (30) days of entry.

All breeding swine imported into New Jersey must meet the requirements of Part 76, Title 9, Code of Federal Regulations.

No swine shall be diverted enroute from the destination of the consignee as indicated on the health certificate.

All breeding swine imported must be held in quarantine on farm of destination for [twenty-one (21)] **thirty (30)** days until released by the Department of Agriculture.

2:3-7 Feeder Swine

All feeder swine imported into New Jersey must meet the requirements of Part 76, Title 9, Code of Federal Regulations [, and in addition all swine must have been vaccinated for hog cholera].

No swine shall be diverted enroute from the destination of the consignee as indicated on the health certificate.

All feeder swine imported into New Jersey must be held in quarantine on farm of destination for [twenty-one (21)] **thirty (30)** days until released by the Department of Agriculture.

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

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

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Retirement Community Full Disclosure Act Regulations

On May 29, 1970, Schuyler Jackson, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs, pursuant to authority of N.J.S.A. 45:22A-11, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted regulations for the enforcement of the Retirement Community Full Disclosure Act (N.J.S.A. 45:22A-1 et seq.), substantially as proposed in the Notice published May 7, 1970 at 2 N.J.R. 38(b).

An order adopting the above regulations was filed May 29, 1970 to be effective June 1, 1970 as R. 1970 d.61.

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

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(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendment on Approval of Schematic Plans for New School Buildings

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:33-1 and 18A:20-36, proposes to amend N.J.A.C. 8:22-75(c) concerning Approval of Schematic Plans for New School Buildings as follows (additions indicated in bold face thus):

8:22-75(c) Approval

If the schematic plans are approved, notice of such approval will be issued to the superintendent of schools, the secretary of the board of education, the county superintendent, and the architect. **Approval by the Bureau, at the schematic stage, is for the adequacy of the proposal to provide facilities suitable for implementing a sound educational program. Site selection, including location, size and dimension, has been judged an integral part of the facilities and requires Bureau approval within the limits of local availability of land and sound planning for the development of the community.**

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, before 4 p.m. on September 1, 1970 to:

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

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

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendment to High School Equivalency Age Requirements

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:50-12 and 18A:50-13, proposes to amend N.J.A.C. 8:17-3 relating to high school equivalency age requirements as follows (additions in bold face thus; deletions indicated in brackets [thus]):

8:17-3 Age Requirement

All persons applying [for the issuance of a High School Equivalency Certificate] **to take the high school equivalency examinations** must be 18 years of age[. The Commissioner may issue certificates in hardship cases and/or for early college admission to persons who are 17 years of age, and, who have been out of school for one year] **and out of school for one year. Exceptions to this rule may be made in special cases for students who are over 16 years of age.**

Requests for exceptions to the rule must be approved by a parent and one of the following: a guidance counselor, high school principal, superintendent of schools, probation of parole officer, State Rehabilitation Counselor, or a judge. The statement should state why the individual should be tested before meeting the age and out of school for a year requirements.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action before 4 p.m. on September 1, 1970 to:

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

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

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

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Proposed Regulations Concerning Control Of Smoke from Diesel-Powered Motor Vehicles

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of Section 8.1 of the Air Pollution Control Act, N.J.S.A. 26:2C-8.1, proposes to adopt as Chapter 14 of the Air Pollution Control Code regulations governing the control and prohibition of smoke from diesel-powered motor vehicles.

The complete text of the proposed Chapter 14 follows:

Section 1 DEFINITIONS:

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

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

1.3 DIESEL-POWERED MOTOR VEHICLE: A motor vehicle propelled by a compression ignition type of internal combustion engine; for purposes of this chapter passenger automobiles are excluded.

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

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

1.6 VISIBLE SMOKE: Smoke which obscures light to a degree readily discernible by visual observation.

1.7 OPACITY: The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as the percentage to which the light is obstructed.

1.8 FREE ACCELERATION TEST: A procedure for measuring the opacity of smoke emitted from a diesel-powered motor vehicle engine, which procedure includes a specified engine operating mode and the use of a smokemeter.

1.9 DIESEL ENGINE OPERATING MODE: A procedure for operating the engine of a stationary diesel-powered motor vehicle during a free acceleration test during which the following steps are taken:

STEP 1—With engine running, transmission in neutral and handbrake secured, depress acceleration pedal slowly to a fast idle (1200-1300 rpm).

STEP 2—Accelerate the engine from the fast idle to maximum governed revolutions per minute (rpm) by depressing the accelerator pedal as rapidly as possible.

STEP 3—As soon as governed rpm is attained, release the accelerator pedal and allow engine to coast down to fast idle (1200-1300 rpm).

STEP 4—Repeat Steps 2 and 3 twice in rapid succession to clear out engine then repeat in rapid succession until three consistent peak smoke opacity measurements are observed on the smokemeter. The three consistent peak smoke opacity measurements shall be the opacity measured by the free acceleration test.

1.10 SMOKEMETER: A device constructed in such manner as to measure smoke capacity by light obstruction between a light source and photoelectric cell which will indicate the percent opacity of smoke at a point approximately six (6) inches from the engine exhaust outlet. The device shall be of design meeting "Specification for Diesel-Powered Vehicle Smokemeter" on file with the State Commissioner of Environmental Protection and approved for use in New Jersey by the State Commissioner of Environmental Protection.

Section 2 PUBLIC HIGHWAY STANDARD:

2.1 No person shall operate a diesel-powered motor vehicle or permit a diesel-powered motor vehicle which he owns to be operated upon the public highways of the State if the vehicle, when in motion, emits visible smoke in the exhaust emissions within a distance of approximately twelve (12) inches from the exhaust outlet, for a period of more than five (5) seconds, or when stationary emits smoke in the exhaust emissions having an opacity greater than twenty (20) percent as measured by the free acceleration test.

Section 3 INSPECTION STANDARD:

3.1 Any diesel-powered motor vehicle which is subject to inspection by the Division of Motor Vehicles or by the Public Utilities Commission, as a condition of compliance with said inspection, shall not emit smoke in the exhaust emissions from the engine having an opacity greater than twenty (20) percent as measured by the free acceleration test. However, no test shall be performed by the Division of Motor Vehicles as a condition of compliance with inspection until sixty (60) days after notice of the condition of inspection requirement is issued by the State Department of Environmental Protection.

Interested persons may present statements or arguments orally or in writing, relevant to the proposed action at a Public Hearing to be held August 19, 1970 at 10 a.m. at the Fine Arts Center, Rider College, Route 206, Trenton, New Jersey. Such hearing will be held in accordance with provisions of the Air Polution Control Act, N.J.S.A. 26:2C-1 et seq.

Written comments relevant to the proposed action may be presented prior to August 19, 1970 to:

Department of Environmental Protection
Division of Environmental Quality
Room 604
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed Chapter 14 substantially as set forth without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(d)

HEALTH

DIVISION OF ENVIRONMENTAL HEALTH

Frozen Dessert Regulations

On May 25, 1970, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 2A:10-73.1, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised regulations establishing definitions and standards of identity for frozen desserts, substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 31.

An order adopting the above regulations was filed and effective May 25, 1970 as R. 1970 d.58.

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

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUUTIONS

Hospital Standards for Maternal, Child Health and Newborn Services

On May 27, 1970, the State Board of Control in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised standards for maternal, child health and newborn services applicable to all new and existing licensed and approved general hospitals in the State, substantially as proposed in the Notice published April 9, 1970 at N.J.R. 33(a).

An order adopting these revised standards was filed May 29, 1970 as R. 1970 d.62.

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

(f)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Categorical Assistance Budget Manual

On May 27, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted (with the exception of the proposed amendment to Section 606.2 d.) amendments to the Categorical Assistance Budget Manual, substantially as proposed in the Notice published May 7, 1970 at N.J.R. 41(d).

An order adopting these amendments was filed and effective June 1, 1970 as R. 1970 d.65.

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

(g)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes In Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend the Categorical Assistance Budget Manual as follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

306. [In situations where payments from other source or sources are made on behalf of or to a client for a recognized special circumstance requirement, the authorized allowance for this requirement shall be reduced by the amount of the other payment.]

No special circumstance allowance shall be authorized for any kind of otherwise permissible special circumstance requirement, if funds sufficient therefor have been made available, directly or indirectly, to the client or on his behalf from another source, private, voluntary or public (including any other municipal, county, State or federal program). In situations where the funds so made available from another source are identifiable as being in an amount less than the amount authorized to be allowed under the standards of this Manual, the difference between such amounts shall be the maximum that may be granted.

408.4 Loans

a. Loans and grants made to clients for scholarships or for other conditions which preclude their use for meeting current living costs and which are held and used in accordance with the conditions of the loan shall be disregarded in the determination of need for the client or any of his dependents who are applying for or receiving assistance.

b. Loans made by the Farmers Home Administration U.S. Department of Agriculture, under Title III of the Economic Opportunity Act and loans made by the Farmers

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Home Administration under provisions in Title V of the Housing Act of 1949, as amended, and educational scholarships of all kinds are examples of loans and grants referred to in this Section. (For educational scholarships, also see Section 606.4-c.)

408.5 RELOCATION ADJUSTMENT PAYMENTS

Relocation adjustment payments which are made pursuant to the Housing Act of 1964 (Public Law 88-560) Section 114, by public agencies engaged in urban renewal, area development agencies engaged in urban renewal, and by housing development projects, are interpreted to be for the purposes of aiding and promoting families and individuals to adjust to changes in circumstances and to promote and aid such persons in their adjustments to new neighborhoods. Consistent with this definition of purpose, relocation adjustment payments, or portions thereof, which do not directly or indirectly duplicate an item or a requirement for which an allowance has been included in the assistance grant, shall not be considered as income or resources which affect eligibility for categorical assistance or affect the amount of the assistance grant [, to the extent that such payments or portions thereof are made as unrestricted money payments and otherwise in a manner which does not directly or indirectly duplicate an item or a requirement for which an allowance has been included in the assistance grant].

406.4 ELIGIBLE ADC CHILD OVER 18 AND UNDER 21 REGULARLY ATTENDING SCHOOL

a. In ADC, when in accordance with Manual of Administration, Section 2280.2, an eligible child under 21 is regularly attending school, this child shall be included as a member of the family budget unit whether or not he is living in the home during the period in which he is pursuing his studies.

b. [Any unearned income of this child, such as scholarships, grants or any other forms of financial assistance for educational purposes, shall first be applied to expenses directly related to education, namely: tuition payments, payment of student fees, purchase of required textbooks, laboratory equipment, any other required equipment, transportation expenses, and, if he is living away from home, room and board expenses. All remaining unearned income shall be considered as income to the family budget unit. See Section 408.3 for regulations concerning earned income of a full or part-time student.)]

A special circumstances allowance for expenses incident to training shall be recognized, in accordance with Section 317.

c. Any scholarship, grant, or other form of financial assistance or portion thereof received by this child and applied to expenses directly related to education shall be disregarded, namely: tuition payments, payment of student fees, purchase of required textbooks, laboratory equipment, any other required equipment, transportation expenses, and, if he is living away from home, room and board expenses. Any excess shall be considered unearned income to be recognized in the family budget unit, except that grants or loans to an undergraduate student for educational purposes made or insured under the federal Higher Education Acts shall be disregarded without regard to the use of such loans or grants.

).4 CLASSIFICATION OF THE UNIQUE FAMILY MEMBER IN ADC

The following table identifies unique family members for the purpose of clarifying their status in regard to family size, family budget unit, and eligibility for medical assistance under the Health Services program.

	In FS	In FBU	Eligible For Medicaid
Adult removed from grant due to fraud	Yes	Yes	No
Adult removed from grant due to refusal of work or training	Yes	Yes	No
Child under 18 not in school removed from grant due to refusal of work or training	Yes	Yes	Yes
Step-parent not applying	Yes	No	No
Child not applied for	Yes	No	No
Child with legally designated income sufficient to meet his needs	Yes	No	No
Child between 18 and 21 not in school			
a) living as family member	Yes	No	Yes
b) living as roomer-boarder	Yes	No	Yes
Child with legally designated income insufficient to meet his needs	Yes	Yes	Yes
Eligible child with voluntary support payment	Yes	Yes	Yes

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before July 30, 1970, to:

Division of Public Welfare
129 E. Hanover Street
Trenton, N. J. 08625

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Manual of Administration

On May 27, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Division of Public Welfare Manual of Administration, substantially as proposed in the Notice published May 7, 1970 at 2 N.J.R. 42(a).

An order adopting these amendments was filed and effective June 1, 1970 as R. 1970 d.63.

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

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Medical Assistance for the Aged Manual

On May 27, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Medical Assistance for the Aged Manual, substantially as proposed in the Notice published May 7, 1970 at 2 N.J.R. 42(b).

An order adopting these amendments was filed and effective June 1, 1970 as R. 1970 d.64.

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

(c)

INSURANCE

THE COMMISSIONER

Cancellation of Personal Lines of Insurance

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

Upon finding that certain casualty insurers doing business in this State have recently terminated a substantial number of agency agreements and have cancelled or failed to renew, on a systematic and wide scale, individual policies of personalized insurance, which practices have resulted in an unprecedented restriction in the personal lines insurance market; and upon a further finding that the results of such restrictive practices constitute an imminent peril to the interest and general welfare of the people of this State, therefore, I, Robert L. Clifford, Commissioner of Insurance, pursuant to authority delegated in N.J.S.A. 17:1-8.1 and 8.2 and in accordance with Section 4(c) of the Administrative Procedure Act, (N.J.S.A. 52:14B-4[c]) do hereby adopt the following emergency rule without hearing or prior notice:

No agency contract relating to personal lines insurance, as hereinafter defined, shall be cancelled or in any way terminated or abridged by a casualty insurer doing business in this State, except on ten (10) days' prior notice to the Commissioner, for the period commencing 12:01 a.m., June 29, 1970, and ending 12:01 a.m., September 26, 1970.

No individual policy of personal lines insurance, as hereinafter defined, shall be cancelled or non-renewed during the period commencing 12:01 a.m., June 29, 1970 and ending 12:01 a.m., September 26, 1970, except for non-payment of premium, moral hazard, or as otherwise expressly provided by statute.

"Personal lines insurance," as used herein, is defined as casualty insurance, not of a commercial nature, issued to an individual or a husband and wife to provide coverage against loss or liability arising out of the use or ownership of real or personal property. Personal lines insurance includes, but is not limited to, individual and family automobile policies and homeowner's insurance.

A public hearing will be held on Thursday, July 30, 1970, at 10:00 a.m. in Room 438, State House Annex, Trenton, New Jersey, at which time and place comments, suggestions, recommendations, additions, or modifications to the emergency rule and evidence with respect thereto will be received for the record.

The time and date of any adjournment of the hearing or additional hearings, if such are determined to be necessary, will be announced at the July 30, 1970 hearing. However, no notice of any such adjourned or additional hearings will appear in the New Jersey Register.

Written comments, suggestions and recommendations concerning this rule and any other proposals respecting any additions and modifications to the rule are to be filed not later than July 29, 1970, with:

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

Dated: June 29, 1970

Robert L. Clifford
Commissioner
Department of Insurance

Note: An order adopting the above rule was filed June 26, 1970 as R.1970 d.71 (Exempt, Emergency Rule).

(d)

LAW AND PUBLIC SAFETY

DIVISION OF LAW

BUREAU OF SECURITIES

Fingerprint Card Requirements

On May 21, 1970, Joseph F. Krupsky, Chief of the Bureau of Securities in the Division of Law of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments to N.J.A.C. 13:13-1, 13:13-5 and 13:13-25 of the Bureau of Securities rules so as to require fingerprint cards in certain cases, substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 34(f).

An order adopting these amendments was filed and effective May 29, 1970 as R. 1970 d.60.

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

(e)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS

STATE BOARD OF NURSING

Professional and Practical Nursing: Schools, Licensing and Duties

On May 21, 1970, The State Board of Nursing in the Division of Professional Boards of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as N.J.A.C. 13:27-1 et seq., rules pertaining to schools, licensing and duties of professional and practical nurses, substantially as proposed in the Notice published November 27, 1969 at 1 N.J.R. 22(a).

An order adopting the above rules was filed and effective June 3, 1970 as R. 1970 d.66.

Melvin E. Mounts
Rules Analyst
Division of Administrative Procedure

(f)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS

STATE BOARD OF OPTOMETRISTS

Vision Service Plans

On May 20, 1970, the State Board of Optometrists in the Division of Professional Boards of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-4, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments to certain of its rules in Chapter 28 of Title 13 of the New Jersey Administrative Code concerning vision service plans, substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 35(b).

An order adopting these amendments was filed and effective May 29, 1970 as R. 1970 d.59.

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

(g)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Misconduct by Professional Engineers and Land Surveyors

On May 22, 1970, 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 of N.J.S.A. 45:8-27 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as N.J.A.C. 13:40-4, a rule relating to misconduct in the practice of professional engineering or land surveying, substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 35(a).

An order adopting this rule was filed and effective June 8, 1970 as R. 1970 d.67.

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

(h)

LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

Private Detective Regulations

The following rules of the Division of State Police, designated Chapter 55 of Title 13 of the New Jersey Administrative Code, were promulgated by Colonel David B. Kelly, Superintendent of State Police, to implement the Private Detective Act of 1939, N.J.S.A. 45:19-8 et seq.

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Rules For Private Detectives—continued

They are reprinted below in the public interest:

13:55-1. Definitions

"Act" shall mean the Private Detective Act of 1939, (N.J.S.A. 45:19-8 et seq.).

"Applicant" shall mean a person who has applied for a license under the Act.

"Licensee" means a person licensed under the Act.

"Person" shall include any individual, firm, association, company, partnership, corporation or organization.

"Private Detective Business" shall mean that business defined in N.J.S.A. 45:19-9.

"Qualifying member" shall mean that individual member of the firm, or officer or director of the association or corporation who is possessed of the necessary prerequisites as to age, experience, character, competency and integrity as required for a license under the Act.

"Superintendent" shall mean the Superintendent of State Police.

13:55-2. Application for License

Any person desiring to pursue the "private detective business" shall file an application with the Superintendent on a form designated S.P. 171 (Individual or Partnership) or S.P. 172 (Corporation) and accompanied by any documents required by such application. The applicant shall also submit such other documents as the Superintendent may require pursuant to N.J.S.A. 45:10-12. All requests for applications shall be in writing.

13:55-3. Approval of Application

An application for a Private Detective License shall be approved upon the Superintendent being satisfied that the following conditions have been met:

a. That the Superintendent is in receipt of a satisfactorily completed license application including any documents required to be filed with such application;

b. That the Superintendent is satisfied that the contents of said application and submissions are true and accurate;

c. That the Superintendent has completed whatever further investigation he may have deemed necessary, and has received any further information that he may have requested from the applicant;

d. That the Superintendent is satisfied of the good character, competency and integrity of the applicant, if an individual, or of all the members of the firm or all the officers of the corporation or association, if the application is for other than an individual license;

e. That the applicant is not barred under the provisions of section 13:55-13 of this chapter; and

f. That the Superintendent is satisfied that the individual, if the application is for individual license, or at least one member of the firm and one officer or director of the association or corporation, if the application is for other than an individual license, has met the age and experiential qualifications of the Act, to wit: being at least 25 years of age, and having had at least 5 years' experience as an investigator, a police officer with an organized police department of the State or County, or any municipality thereof, or investigative agency of the United States of America, or any State, County or municipality thereof.

13:55-4. Issuance of License

Once a license application has been approved, a license shall issue upon the Superintendent receiving the surety bond and license fee required by the Act and as provided in sections 13:55-5 and 13:55-6 of this chapter.

13:55-5. Fees

A. The fee for an individual license shall be $200.00.

B. The fee for a license for a firm, association or corporation shall be $300.00.

C. Licenses shall be valid for a period of 5 years.

D. No license fee, or portion thereof, shall be refunded upon the revocation, surrender or suspension of any license.

13:55-6. Bonds

A. No original or renewal license shall be issued until the bond required by N.J.S.A. 45:19-12 has been filed.

B. Every licensee shall at all times maintain on file with the Superintendent the surety bond required by this section and upon failure to do so, the license of such licensee shall be forthwith suspended and shall not be reinstated until a proper bond is filed.

C. A bond furnished pursuant to this section shall be for a period of 5 years from the date of execution. The bond may provide for cancellation by the surety at any time by giving 30 days' written notice to the Superintendent, in which event the surety's liability shall at the expiration of said 30 days terminate, except as to such liability of the principal as may have accrued prior to the expiration of said 30 days.

13:55-7. Posting and Display of License

A. The license shall be posted and displayed in conformity with N.J.S.A. 45:19-14.

B. No license certificate may be reproduced, except on written approval of the Superintendent.

13:55-8. Employees

A. Employees' statements and employees' fingerprint cards shall be numbered consecutively, commencing with Number 1.

B. A number, once assigned, shall not be used for any other employee or for a former employee subsequently re-employed.

C. The number entered on the employee's statement shall be identical with that entered on the fingerprint card.

D. Employees shall be refingerprinted upon re-employment after termination of employment; provided, however, that an employee who has been temporarily laid off or who is employed part-time need not be refingerprinted until a period of more than 90 days has elapsed since the date of his former employment.

E. Each licensee shall file with the Superintendent a current list of employees on the first day of July of each year.

13:55-9. Identification Cards

Licensees and employees of licensees who are employed as investigators shall carry and exhibit when requested, identification cards as provided in N.J.S.A. 45:19-17. Employees of licensees who are employed as watchmen, guards or private patrolmen, may carry identification cards issued by their employer on a form approved by the Superintendent.

In the event an employee fails, upon termination of his employment, or upon demand, to surrender his identification card, badge, uniform or other equipment furnished him by his employer, notification of same shall be given the Superintendent and the local police agency having jurisdiction.

13:55-10. Badges and Uniforms

No particular type or style of uniform or badge is prescribed in these rules, other than required as to badges in N.J.S.A. 45:19-19 or prohibited by Chapter 2 of Title 52 of the Revised Statutes as to the use, exhibit and display of the Great Seal of the State of New Jersey, but no licensee or employee of a licensee, shall, with intent to deceive or confuse the public, use a title, badge, uniform, or other insignia which is likely to be confused with that of any law enforcement officer of the Federal Government, a State, or any political subdivision thereof.

13:55-11. Advertising

A. No licensee shall, by the use of any letterhead, advertisement, or other printed matter, or in any manner whatever, represent that he is an instrumentality or agency of the Federal Government or of the State of New Jersey or any agency or political subdivision thereof.

B. No licensee shall advertise, solicit or contract for business in a name different from that under which he is currently licensed.

C. No licensee shall conduct a business under a trade name unless and until he has obtained the written authorization of the Superintendent to do so. The Superintendent shall not authorize the use of a trade name which, in his opinion, is so similar to that of a public officer or agency, or of that used by another licensee that the public may be confused or misled thereby. The authorization shall require, as a condition precedent to the use of such name, the filing of a certificate of doing business under such name with the county clerk of the county where the licensee's principal place of business is located and with the Secretary of State in the manner provided by law.

D. No licensee shall offer, by radio, television, newspaper advertisement or any other means of communication, to perform services at any location which is merely the location of an answering service unless full disclosure of that fact is made in the advertisement.

13:55-12. Prohibited Acts

A. No holder of a license issued under the Act may be a party to a franchise agreement nor accept money or other thing of value for the right to act as agent of the licensee. Possession of an employee's identification card shall not authorize the holder to engage in the business of private detective for his own reward or profit.

B. No holder of a license under the Act may perform any of the services of a private detective, investigator, or detective agency on a contingent or percentage basis, or to make or enter into any agreement for furnishing services of any kind or character, by the terms or conditions of which agreement the compensation to be paid for such services to the holder of a license is partially or wholly contingent or based upon a percentage of the amount of money or property recovered, or dependent in any way upon the result achieved.

13:55-13. Active Law Enforcement Officers

A. No person who is an active member of the organized police department of this or any other State or political subdivision thereof, or who is an officer or investigator with an investigative agency of the United States of America or of any State, County or municipality thereof, shall be issued a Private Detective License, nor shall he be a qualifying member, officer or director of any firm, association or corporation licensed under the Act.

B. Any person who either being licensed under the Act as an individual or being a qualifying member or officer or director of a corporation, firm or association licensed under the Act, who commences employment as a law enforcement officer in any of the categories mentioned in subsection A, shall surrender said license to the Superintendent during such employment if he be an individual licensee and resign his position as qualifying member, officer or director of a firm, association or corporation. In the case of a firm, association or corporation, if the individual who is required to resign is the qualifying member, the Superintendent, at his discretion, may reinstate the license upon receipt and approval of an application from another person who is qualified under the Act.

13:55-14. Separation of the Qualifying Member

Where the qualifying member of a licensed firm, association or corporation ceases to be connected with the licensee, and notice to the Superintendent has been given pursuant to N.J.S.A. 45:19-12, the license shall remain in effect for no more than 60 days from the date of such cessation, unless the period is extended by the Superintendent upon written request and for good cause shown.

13:55-15. Change in Type of License

Any individual licensee intending to change his business to a firm, association or corporation, or any firm or association intending to change the form of its business to a corporation, shall apply to the Superintendent in the same manner as required for an original license. Upon issuance of the new license, the previous license shall be surrendered to the Superintendent. No refund or credit shall be made in respect to the fee paid for the unexpired term of the previous license.

13:55-16. Grounds for Denial, Revocation, Suspension, or Refusal to Renew a License.

A. The Superintendent may deny, revoke, suspend or refuse to renew a license upon determining that the applicant or licensee has:

(1) Been convicted of a high misdemeanor or any of the misdemeanors or offenses prescribed by N.J.S.A. 45:19-16 and who has not subsequent to such conviction received executive pardon therefor removing any civil disabilities incurred thereby;

(2) A bad moral character, intemperate habits, or a bad reputation for truth, honesty and integrity;

(3) Knowingy made a false material statement in his application;

(4) Been convicted of a violation of the New Jersey Wiretapping and Electronic Surveillance Control Act (N.J.S. 2A:156A-1 et seq.);

(5) Practiced fraud, deceit or misrepresentation, including but not limited to:

(a) Knowingly making a false statement or written report relating to evidence or information obtained in the course of employment;

(b) Manufacture of evidence;

(c) Acceptance of employment adverse to a client or former client relating to a matter with respect to which the licensee has obtained confidential information by reason of or in the course of his employment by such client or former client.

(6) Demonstrated incompetence or untrustworthiness in his actions;

(7) Has failed to maintain a proper surety bond as required by N.J.S.A. 45:19-12 and section 13:55-6 of this chapter; and

(8) Has failed to meet or continue to meet the requirements for licensure provided by the Act and these rules.

B. The Superintendent may suspend any license for cause, prior to the hearing provided in section 13:55-17 of this chapter, provided that the public interest and welfare require such immediate action.

13:55-17. Hearings

A. In the case of the denial of a license application, or the revocation, suspension or refusal to renew a license, the Superintendent shall notify the applicant or licensee in writing of same and shall state the reasons for his action.

B. Upon such notification, the Superintendent shall afford the applicant or licensee an opportunity to be heard thereon in person or by counsel. A request for such an opportunity to be heard shall be made in writing to the Superintendent within 15 days from the receipt of the notice provided in subsection A.

C. If a request for an opportunity to be heard is timely received, the Superintendent shall set a date for hearing and notify the parties of the time and place thereof. Such a hearing shall be conducted by the Superintendent or his designee.

D. All hearings shall be held in accordance with the provisions of the "Administrative Procedure Act" (N.J.S.A. 52:14B-1 et seq.).

13:55-18. Location of Offices.

The headquarters of the Division of State Police in the Department of Law and Public Safety is located at West Trenton, New Jersey. Mail should be addressed to the Superintendent, Division of State Police, Box 68, West Trenton, New Jersey 08625.

(a)

LAW AND PUBLIC SAFETY

DIVISION OF WEIGHTS AND MEASURES

Berry Boxes, Baskets and Containers

The following memorandum was distributed by Samuel H. Christie, Jr., State Superintendent of Weights and Measures, to all Superintendents of local Weights and Measures Offices on May 29, 1970. It is reprinted below in the public interest to clarify certain existing statutory provisions and regulations:

TO ALL SUPERINTENDENTS:

Subject: Berry boxes, baskets and containers.

This will refer to berry boxes, baskets or other containers which are being used in exposing, offering for sale, or selling small fruits, berries or vegetables in individual containers.

Once these units are removed from the original crate or container, which is properly marked as to the net contents and meets with our requirements when exposed, offered for sale or sold in the original container, the individual units stand on their own and must be marked either in terms of avoirdupois net weight or in terms of dry measure by the person so exposing, offering for sale or selling them if the individual units are not already in compliance.

When marked in terms of dry measure the word "dry" must precede the standard of measure used, i.e. "1 dry pint," "1 dry quart."

The standard boxes, baskets or containers for such small fruits, berries and vegetables shall be of the following capacities: dry one-half pint, dry pint and dry quart. The dry half-pint shall contain 16.8 cubic inches, the dry pint 33.6 cubic inches and the dry quart 67.2 cubic inches.

Such boxes, baskets or containers must be uniform in size, and be uniformly and evenly filled throughout.

As a result of the court's decision in Fort v. Dilks, 99 N.J.L. 307 (1920), it is the obligation of those using such containers in the exposing, offering for sale, sale or delivery to see that the containers are legibly marked on the outside by the manufacturer thereof, the exact capacity of the container, the name and address of the manufacturer thereof, or a sign or symbol registered by the manufacturer with this office.

However, since the State of New Jersey has not rescinded its type approval or its standard container requirements, it is also incumbent upon the manufacturer to process such containers with this office.

Because these boxes, baskets or containers are a seasonal item and the sale and delivery of them takes place during the preceding season and year, this office will recog-

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nize this fact and will temporarily permit the person at the time he is exposing, or offering for sale, or selling small fruits, berries, or vegetables in such containers, to properly mark each individual unit in terms of the dry measure capacity until December 31st, 1970, after which time each individual container so used must comply with all the requirements.

Such containers which have a plastic or pliofilm cover or such other covering upon which there is already a printed statement of the net contents in terms of avoirdupois net weight or of dry measure will be considered to meet the requirements of food in package form provided the cover referred to is not removed. This type of container and cover is illustrated by those generally used by the New Jersey Blueberry Growers.

After July 1, 1970, any person exposing for sale, offering for sale, or selling small fruits, berries, or vegetables in such berry boxes, baskets or other containers which are not properly marked as set forth will be deemed to be in violation of N.J.S.A. 51:1-27 and subject to the penalty prescribed in N.J.S.A. 51:1-27.1; however, if any person is found exposing for sale, offering for sale, selling or delivering berries, small fruits or vegetables before or after July 1st, 1970, in such berry boxes, baskets or other containers on the basis of dry measure, which do not measure within the applicable tolerances as set forth in H-44, 3rd edition, National Bureau of Standards Handbook giving the specifications and Tolerances for Commercial Weighing and Measuring Devices, as adopted in N.J.A.C. 13:62-20, that person will be deemed to be in violation and subject to prosecution.

In an effort to bring about full compliance with the requirements of our statutes with a minimum of disturbance and loss during the present marketing period, we are notifying by means of a copy of this letter, all manufacturers of such containers as are on our records, the Office of Weights and Measures of our sister states, the various main offices of supermarket and chain store operations, the New Jersey State Department of Agriculture, the Agriculture Agents of the several counties and the Division of Administration Procedure of the New Jersey Department of State.

Samuel H. Christie, Jr.
Superintendent, Division of Weights and Measures
Department of Law and Public Safety

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Amendments to Uniform System of Accounts For Class A and B Gas and Electric Utilities

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-16, proposes to amend its Uniform System of Accounts for Class A and B Gas Utilities and Class A and B Electric Utilities.

These amendments are proposed in order that the Board's Uniform System of Accounts for Class A and B Gas Utilities and Class A and B Electric Utilities conform to amendments adopted by the Federal Power Commission.

Copies of the full text of the proposed amendments may be obtained by writing to:

Director
Division of Accounts
Department of Public Utilities
101 Commerce Street
Newark, New Jersey 07102

or may be examined at:

Office of the Director
Division of Accounts
Department of Public Utilities
Room 208, 101 Commerce Street
Newark, New Jersey

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 10, 1970 to the Division of Accounts at the above address.

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

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

(b)

STATE

ATHLETIC COMMISSION

Rules Governing Licenses and Seconds

On June 22, 1970, Morris Mogelever, Deputy State Athletic Commissioner, pursuant to authority of N.J.S.A. 5:2-5, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted certain new rules governing licenses and seconds, substantially as proposed in the Notice published April 9, 1970 at 2 N.J.R. 36(b).

An order adopting these new rules was filed and effective May 22, 1970 as R. 1970 d.68.

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

(c)

TREASURY

DIVISION OF BUILDING AND CONSTRUCTION

Proposed Rules on Classification And Qualification of Bidders

Joseph W. McCrane, Jr., State Treasurer, pursuant to authority of N.J.S.A. 52:34-13, proposes to adopt the following rules of the Division of Building and Construction governing classification and qualification of bidders.

The following is the complete text of the proposed rules:

1. DEFINITIONS

"Director" means the Director of the Division of Building and Construction in the Department of the Treasury.

"Person" means and includes any individual, co-partnership, association, corporation or joint stock company, their lessees, trustees, assignees or receivers appointed by any court whatsoever.

"Public work" means any public building or other public betterment, work or improvement constructed, reconstructed, repaired or improved wholly or in part at the expense of the public.

2. STATEMENT REQUIRED FROM PROSPECTIVE BIDDERS; CONTENTS

Any person proposing to submit bids on public work shall submit to the director a statement under oath on a form designated DBC-36 ("Contractor's Financial Statement and Experience Questionnaire"), which statement shall develop fully the financial ability, responsibility, adequacy of plant and equipment, organization, ownership and prior experience of the prospective bidder.

3. BIDDERS TO BE CLASSIFIED; NOTICE

Upon receipt of the completed form, the director shall classify the prospective bidder as to the character and amount of the public work on which the bidder shall be qualified to submit bids and bids shall be accepted only from persons qualified in accordance with such classification. Immediate notice of such classification shall be sent by the director to the prospective bidder.

4. HEARING BEFORE THE DIRECTOR ON CLASSIFICATION OF BIDDER; CHANGE OF CLASSIFICATION

A. Any person after being notified of his classification by the director and being dissatisfied therewith or with the classification of any other bidder, may request in writing a hearing before the director for the purpose of presenting such further evidence with respect to himself or any other bidder as might tend to justify a different classification.

B. Where request is made for the change of classification of another bidder, the director shall notify such other bidder of the nature, time and place of the hearing and afford him an opportunity to be present.

C. Following any such hearing, the director may, in his discretion, retain or change the classification of any bidder.

5. TIME FOR SUBMISSION OF FORM DBC-36

No person shall be qualified to bid on any contract who shall not have submitted form DBC-36 within a period of seven months preceding the date of opening of bids for such contract.

6. REJECTION OF BID UPON SUBSEQUENT DEVELOPMENTS AFFECTING BIDDER'S RESPONSIBILITY

The director shall have the right to reject any bidder at any time prior to the actual award of a contract, where there have been developments subsequent to the classification and qualification of such bidder, which in the opinion of the director would affect the responsibility of the bidder. Prior to taking any such action, the director shall notify the bidder and afford him an opportunity to present any additional information which might tend to substantiate the eixsting qualification.

7. REMOVAL OF BIDDER FROM APPROVED LIST

If the director shall determine that a prospective bidder is unqualified to submit bids on public work, he shall so notify the prospective bidder who may request in writing a hearing before the director on such determination.

8. FORM - CONTRACTOR'S FINANCIAL STATEMENT AND EXPERIENCE QUESTIONNAIRE

(Note: This 12-page form, (DBC-36) must be submitted under oath. It includes the following provisions):

CLASSIFICATION OF BIDDERS

Any person proposing to submit bids on public work shall submit to the Director a statement under oath on a form designated DBC-36 ("Contractor's Financial Statement and Experience Questionnaire"), which statement shall develop fully the financial ability, responsibility, adequacy of plant and equipment, organization, ownership and prior experience of the prospective bidder.

No person shall be qualified to bid on any contract who shall not have submitted Form DBC-36 within a period of seven months preceding the date of opening of bids for such contract.

AUTHORIZATION TO DO BUSINESS IN THE STATE OF NEW JERSEY

If the successful bidder is a corporation not organized under the laws of the State of New Jersey or is not authorized to do business in the State of New Jersey, the award of contract and payment of consideration thereunder shall be conditioned upon said corporation promptly filing a certificate of doing business in the State of New Jersey and complying with the provisions of the law of the State of New Jersey in that regard.

If any corporation doing business with the State of New Jersey shall be or become delinquent in the payment of taxes to the State, said taxes may be withheld from any moneys due from the State to such corporation.

NJS 2A:131-4. FALSE SWEARING; OFFENSE STATED

Any person who willfully swears falsely in any judicial proceeding or before any person authorized by any law of this state to administer an oath and acting within his authority, is guilty of false swearing and punishable as for a misdemeanor.

NOTE: This statement will not be rated unless all sections are completed.

* * * * * *

NOTE: This form requires prospective bidders to submit details relevant to assets, liabilities, prior experience and ownership information.

* * * * * *

AFFIRMATIVE ACTION PROGRAM FOR EQUAL EMPLOYMENT OPPORTUNITY

The Office of Architecture, Engineering and Construction will not be able to release bid documents to your firm unless "Affirmative Action Program" is on file in the Office of O.A.E.C. Kindly advise as follows:

(1) ..... data for "Affirmative Action Program" has been filed with O.A.E.C.

Date Filed .....

(2) ..... data required for "Affirmative Action Program" is attached.

SPECIAL NOTE: YOUR FINANCIAL STATEMENT AND EXPERIENCE QUESTIONNAIRE FORM WILL NOT BE RATED UNLESS THE DATA REQUIRED FOR THE "AFFIRMATIVE ACTION PROGRAM" IS ON FILE.

Interested persons may present statements or arguments in writing relevant to the proposed action before 4 P.M., July 30, 1970, to the Director, Division of Building and Construction, P.O. Box 1243, Trenton, New Jersey 08625.

After full consideration of all statements and arguments presented, the State Treasurer, upon his own motion or at the instance of any interested party, may thereafter adopt the proposed regulation substantially as set forth without further notice.

Joseph M. McCrane, Jr.
State Treasurer
Department of the Treasury

(d)

TREASURY

STATE INVESTMENT COUNCIL

Federal Housing Administration Loans

The State Investment Council, pursuant to authority of N.J.S.A. 52:18A-89, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has amended its regulations so that the maximum loan on any Section 203(B) Federal Housing Administration Loan permitted by Article 19 of its regulations shall be increased from $30,000 to $33,000 so as to conform with Federal Housing Administration regulations.

The text of the amended provision reads as follows (additions in bold face **thus**; deletions indicated in brackets [thus]):

Reg. 16:3-19.120 Limitations.

(a) The maximum loan on any Section 203(B) Federal Housing Administration mortgage shall not exceed [$30,000] **$33,000**.

* * * * * * *

An order adopting the above amendment was filed April 2, 1970 as R. 1970 d.34B (Exempt, Internal Rule).

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

(e)

TREASURY

STATE INVESTMENT COUNCIL

United States Government Obligations

The State Investment Council, pursuant to authority of N.J.S.A. 52:18A-89, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has amended the provision contained in Article 24 of its regulations which requires a written opinion from Moody's Investors Service, Inc. to the effect that the obligations purchased thereunder are legal investments for savings banks in this State, so that this function shall now be assumed by the Attorney General. The text of the amended provision reads as follows (additions in bold face **thus**; deletions indicated in brackets [thus]):

Reg. 16:3-24.120 Legal papers.

Prior to any commitment to purchase obligations of the type described in this article, the Director shall have obtained:

(a) a written opinion from [Moody's Investors Service, Inc.] **the Attorney General** to the effect that such obligations qualify as legal investments for savings banks in this State, and

(b) a written opinion from the Attorney General that the purchase of such obligations is authorized by the provisions of Chapter 270, P.L. 1950, as amended and supplemented.

Subsequent to the purchase, the Director shall obtain:

(c) such other documents or opinions which the Attorney General may require; and

(d) a written approving opinion from the Attorney General to the effect that all such documents and opinions received by the Director are satisfactory as to form and substance.

An order adopting the above amendment was filed April 2, 1970 as R. 1970 d.34A (Exempt, Internal Rule).

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

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(a)

TREASURY

DIVISION OF TAXATION
SALES TAX BUREAU

Coin-Operated Vending Machines

On June 25, 1970, Sidney Glaser, Acting Director of Taxation in the Department of Treasury, pursuant to authority of N.J.S.A. 54:32B-24.1, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as N.J.A.C. 18:24-37 a new regulation concerning the taxation of receipts from coin-operated vending machines sales under the Sales Tax Act to be effective on and after July 1, 1970, and repealed simultaneously with said adoption N.J.A.C. 18:24-97.6. The new regulation was adopted substantially as set forth in the Notice published June 4, 1970 at 2 N.J.R. 51(b) with the following changes:

I. 1. A.(5)(e) — after the word "location," insert "or the gross receipts derived from the sale of like products at each location,".

II. 1. A.(8) — delete the entire paragraph except for the last sentence.

III. A new subsection 3 is added as follows: "This Regulation shall take effect on July 1, 1970."

An order adopting the above regulation was filed June 26, 1970 as R.1970 d.70 to be effective July 1, 1970.

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

(b)

DELAWARE RIVER BASIN COMMISSION

Amendments to Comprehensive Plan And Basin Regulations On Water Quality

On March 26, 1970 the Delaware River Basin Commission, pursuant to provisions of the Delaware River Basin Compact, N.J.S.A. 32:11D-1 et seq., adopted a resolution amending its Comprehensive Plan and the Basin Regulations—Water Quality.

The complete text of the resolution follows:

A RESOLUTION to amend the Comprehensive Plan and the Basin Regulations—Water Quality with respect to certain water quality matters.

WHEREAS, public hearings on proposed amendments to the Comprehensive Plan and to the Basin Regulations—Water Quality were held in accordance with the Administrative Manual and after due notice, in Pocono Manor, Pa., on October 22, 1968 (with respect to nondegradation of interstate waters); on January 28, 1970 in Philadelphia (with respect to the definition of secondary treatment and bacterial criteria); and on December 11, 1969 in Philadelphia (with respect to winter overload criteria); and

Whereas, the Commission has considered relevant views and evidence and has consulted with water users and interested public bodies, and has proceeded otherwise in accordance with the Compact; now therefore

BE IT RESOLVED by the Delaware River Basin Commission:

1. Section X of the Comprehensive Plan and Section 2-1.2 of the Basin Regulations—Water Quality are amended by inserting a new subsection to read as follows:

"(2) **Nondegration of Inter-State Waters.** It is the policy of the Commission to maintain the quality of interstate waters, where existing quality is better than the established stream quality objectives, unless it can be affirmatively demonstrated to the Commission that such change is justifiable as a result of necessary economic or social development or to improve significantly another body of water. In implementing this policy, the Commission will require the highest degree of waste treatment determined to be practicable. No change will be considered which would be injurious to any designated present or future use. In the implementation of this policy, the Secretary of the Interior will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act."

2. Section X of the Comprehensive Plan and Section 2-1.5(4) of the Basin Regulations—Water Quality are amended to read as follows:

"(4) **Secondary treatment.** The removal of practically all suspended solids at all times and the reduction of the biochemical oxygen demand by at least 85 percent, and may include the in-plant control of industrial wastes as prescribed by the Commission."

3. Section 3-3.6 of the Basin Regulations—Water Quality is amended to read as follows:

"**Section 3-3.6. BOD Reduction.** The 85 percent minimum BOD reduction for secondary treatment will be determined by an average of samples taken over each period of 30 consecutive days of the year. It is recognized that optimum efficiency may not be achieved with certain secondary treatment facilities during the colder months. A slight deviation may be permitted by the Commission when it results from reduced plant efficiency caused by temperatures below 59° F (15° C)."

4. Section 3-3.11(2)a(iii) of the Basin Regulations—Water Quality is amended to read as follows:

"**Section 3-3.11(2)a(iii). Allowable Variations.** The number of pounds in the discharge permitted by the allocation will be determined by an average of samples taken over each period of 30 consecutive days of the year. It is recognized that optimum efficiency may not be achieved with certain secondary treatment facilities during the colder months. A discharge exceeding the allocation may be permitted by the Commission when it results from reduced plant efficiency caused by temperatures below 59° F (150° C), provided that the pounds discharged by any individual discharger shall not exceed its allocation by more than an average of two-thirds over any consecutive ten days."

5. Section X of the Comprehensive Plan and the Basin Regulations—Water Quality are amended to read as follows:

A. Section 2-2.4 is amended by the addition of a new subsection:

"K. Fecal coliform - not to exceed 200 per 100 milliliters as a geometric mean; samples shall be taken at such frequency and location as to permit valid interpretation."

B. Table II-1 is amended by adding a new stream quality objective "K" in column (3) for all zones.

C. (1) Section 2-3.2(3) is amended by the addition of a new subsection:

"1. **Fecal coliform.** Maximum geometric mean of 200 per 100 milliliters above R.M. 117.81 and 770 per 100 milliliters below R.M. 117.81; samples shall be taken at such frequency and location as to permit valid interpretation."

(2) Section 2-3.3(3) is amended by the addition of a new subsection:

"1. **Fecal coliform.** Maximum geometric mean of 770 per 100 milliliters; samples shall be taken at such frequency and location as to permit valid interpretation."

(3) Section 2-3.4(3) is amended by the addition of a new subsection:

"k. **Fecal coliform.** Maximum geometric mean of 770 per 100 milliliters; samples shall be taken at such frequency and location as to permit valid interpretation."

(4) Section 2-3.5(3) is amended by the addition of a new subsection:

"j. **Fecal coliform.** Maximum geometric mean of 770 per 100 milliliters; samples shall be taken at such frequency and location as to permit valid interpretation."

(5) Section 2-3.6(3) is amended by the addition of a new subsection:

"k. **Fecal coliform.** Maximum geometric mean of 200 per 100 milliliters; samples shall be taken at such frequency and location as to permit valid interpretation."

6. This resolution and the amendments effected thereby shall constitute a revision and amendment of the Water Quality Standards heretofore filed by the Commission and approved by the Secretary of the Interior. The Executive Director is authorized and directed to forward to the Secretary, through the Federal Water Pollution Control Administration, one or more true copies of this resolution for such review and approval as is required under federal law and regulations.

7. The Secretary to the Commission is authorized and directed to file copies of this resolution with the signatory parties, in accordance with their respective laws and practices relating to administrative rules and regulations.

A copy of the above resolution was filed June 22, 1970 as R. 1970 d. 69 (Exempt, Exempt Agency Rule).

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

(c)

PORT OF NEW YORK AUTHORITY

Teterboro Airport Rules And Regulations Revised

On January 8, 1970, the Committee on Operations of the Port of New York Authority adopted a resolution promulgating rules and regulations for the operation of Teterboro Airport and a resolution amending the rules and regulations governing the operation of the Port Authority air terminals.

Copies of these resolutions were filed January 23, 1970 as R.1970 d.14 (Exempt, Exempt Agency Rule).

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

(d)

PORT OF NEW YORK AUTHORITY

Public Vehicular Parking Rates Revised

On April 2, 1970, the Committee on Operations of the Port of New York Authority, adopted a revised schedule of rates for the public vehicular parking area at the Port Authority Bus Terminal as follows:

0 - 1 hour	$1.25
1 - 2 hours	2.00
2 - 3 hours	2.25
3 - 4 hours	2.50
4 - 10 hours	2.75
10 - 11 hours	3.00
11 - 13 hours	3.50
13 - 24 hours	4.00
Over 24 hours	0.50 for each hour or part to a maximum of $4.00 for each 24 hour period.

A copy of the revised schedule of rates was filed April 28, 1970 as R.1970 d.43 (Exempt, Exempt Agency Rule).

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Department of State

STATE NEWS OF PUBLIC INTEREST

A change in the method of enforcing the inspection program to maintain proper housing standards for apartments and hotels is being adopted by the State.

Basically, it will cite violations against a housing unit as a whole, rather than against various specific and often unrelated individual conditions within the unit.

NEW APPROACH TO HOUSING INSPECTIONS

Author of the new approach is Schuyler Jackson, Director of the Division of Housing and Urban Renewal in the Department of Community Affairs. He has discussed the change with State Supreme Court Judge William Kingfield, who hears the Division's housing cases in Mercer County.

Jackson, himself an attorney, notes that enforcement activity by the Division is on the increase and, as a result, more clients—and their attorneys—can expect to become involved.

He admits that the new procedure may substantially reduce the amount of a claim the state will make against any owner for a poorly-maintained building. But he adds that the approach "should be easier to use, fairer to the owner of buildings cited, and more readily accepted by the courts than the present enforcement procedure."

In the past, a building owner named as a defendant was liable for penalties for each individual violation for which he was cited. Under the new approach, he would be liable for only one penalty for each housing unit found in violation. This could include penalties for permitting common areas such as hallways and lobbies, exteriors, building structure, or support systems such as electricity and heating, to fall below minimum standards, Jackson points out.

The legal basis for the enforcement practices of the state are in the Hotel and Multiple Dwelling Health and Safety Law (N.J.S.A. 55:13A-1 et seq.). This 1967 law made New Jersey the only state with mandatory standards for multiple dwellings and hotels and a state-supported inspection enforcement program, Jackson points out—a jurisdiction that covers an estimated 115,000 buildings.

The law requires that all such buildings be inspected regularly—hotels once a year and multiple dwellings once every five years. The effectiveness of the program has come through cooperative agreement with localities under grant-in-aid assistance, Jackson says. To date this has included almost 70 municipalities, including all major cities but Atlantic City.

(A detailed description of the program was in the January, 1970 issue of the "Journal of Housing," copies of which may be obtained from the Division. An expanded explanation of the new approach written by Jackson, along with legal citations, is in the just-issued June edition of "Community," a publication of the Department of Community Affairs. Copies of either or both publications are available on request to the Division of Housing and Urban Renewal, Post Office Box 2768, Trenton, New Jersey 08625.)

Jackson outlined the new approach in an 11-page letter sent May 22 to Judge Kingfield. In it, he asserted that the purpose of housing was to provide a "safe and healthy living environment" for its occupants, and that the importance of a violation was its effect upon the "functional ability of housing to serve its purpose."

"With this approach," Jackson said, "it is totality of violating conditions upon which a judgment is made whether the owner of property is failing to maintain a proper living environment for occupants."

Present enforcement proceedings, he said, involve "long lists of items, any one of which could, if isolated, be considered trivial or petty." He said that judges, as well as administrators, inspectors and property owners, were hard to persuade of the fairness of "substantial penalties" for such itemized violations.

Under the new approach, "inspections will be conducted to ascertain whether conditions exist which cause common areas, dwelling units and exteriors to fall below minimum standards and thereby create a housing environment which is detrimental to residents and the public."

"Inspection reports and orders will therefore cite specific conditions as evidence that a particular unit is itself in violation, and the penalty assessed will be based upon the finding that the unit is in violation and not the cumulative value of individual citations supporting that finding.

"For this reason the overall objective of the program, that is, to obtain compliance, will be more consistently achieved and will fully offset any reduction in penalty revenue that may result," he concluded.

Jackson adds that the Division will continue to encourage compliance short of court action and will grant owners liberal extensions of time to correct conditions that present no immediate hazard.

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MAJOR BIDS DUE ON ROUTE 78 WORK AT NEWARK AIRPORT INTERCHANGE

Transportation Commissioner John C. Kohl has called for bids on three multi-million dollar contracts to build about two more miles of Interstate Route 78 in the vicinity of the Newark Airport interchange.

The first project has a bid opening date of July 16 in the department's Trenton headquarters building and will cover 1.59 miles from the vicinity of McClellan Avenue along the westerly border of the airport to Route U.S. 22.

The work will involve grading, paving and incidental structural alterations. The project will continue the huge program, upon which $41.5 million has already been spent, in moving toward completion the airport interchange of 78 with Route U.S. 1 & 9, Route 21, Route 22 and the Turnpike, Kohl said.

This contract is scheduled for completion by September 15, 1972. The state and federal governments and the Port of New York Authority will participate in the cost.

The Port Authority, involved because connections will be needed for the future main airport terminal facilities now being built, will pay about 26 percent of the project. The federal and state governments will share the remaining 74 percent of the cost: 50-50 for the Route 1 & 9 work, and 90 federal—10 state for the Route 78 portion of the job.

Limits of the second Route 78 project with a bid date of July 25, extend from Elizabeth Avenue easterly to within 320 feet of Frelinghuysen Avenue, a distance of less than 1,100 feet.

Work on the project consists of grading, and the construction of six bridges to carry the future mainline of Route 78 and ramps over the Lehigh Valley Railroad tracks. To be financed with 90 percent federal and 10 percent state funds, it is scheduled for completion by June 9, 1972.

Yet a third contract on which bids will be opened July 16 will fill a construction gap on the interstate freeway from west of Frelinghuysen Avenue to the year-old viaduct over the Penn Central Railroad's Waverly Yeards, a distance of 1286 feet.

Work to be performed under this contract includes site clearing, demolition of buildings, roadway excavation, drainage, temporary and permanent chain link fencing and construction of a viaduct.

The Frelinghuysen viaduct will be 787 feet long and more than 200 feet wide with seven spans varying in length from 110 to 126 feet.

The structure will require almost six million pounds of structural steel, more than one and three-quarters million pounds of reinforcing steel and 9,400 cubic yards of concrete. Almost three and one-half miles of cast-in-place concrete piles and 13 miles of treated timber pilings will provide the foundation support for the entire viaduct.

There will be no traffic restriction on Frelinguysen Avenue during construction. The contractor will be required to keep the full width of the roadway open to traffice at all times.

The viaduct is expected to carry more than 125,000 vehicles daily.

With these three contracts there will be 16.3 miles of Route 78 under construction, 35.9 miles open to traffic (with the possibility of an additional 7.2 miles in Somerset County opening this summer), 11.6 miles in various design stages and 2.4 miles on the extreme western end of the route in preliminary study.

Interstate 78, 66.2 miles long in New Jersey, will provide an express highway for transcontinental traffic crossing the state from Phillipsburg to the Newark metropolitan area and the Holland Tunnel. Projected total cost is currently pegged at more than $322 million.

JULY 29 DEADLINE FOR FARMERS TO FILE NON-PAYMENT CLAIMS

New Jersey farmers who have not been paid for agricultural commodities purchased from them during the past year by licensed dealers in farm products have until July 29 to report this to the State Department of Agriculture.

Claims filed after that date cannot be accepted under provisions of the state law which governs licensing of agricultural dealers, according to Paul W. Schmetzer, chief, Bureau of Licensing and Bonding.

Farm products covered by the law are eggs, live poultry, fruit, vegetables, hay, grain and straw. The July 29 deadline applies to purchases from May 1, 1969 to April 30, 1970.

Growers who have inquiries may write or telephone Schmetzer at N. J. Department of Agriculture, P.O. Box 1888, Trenton, N. J. 08625; telephone (609) 292-5510.

SEVEN-MILE SECTION OF CANAL TOWPATH OPENS NEAR PRINCETON

Ceremonies were held in Kingston last month opening a portion of the Delaware and Raritan Canal towpath between Griggstown and Princeton for expanded recreation.

Richard J. Sullivan, Commissioner of the New Jersey Department of Environmental Protection, noted that "this marks completion of the first phase in a program initiated last summer by the Department's Division of Parks, Forestry and Recreation to enhance the canal's recreational potential." Joseph J. Truncer is Director of the Division.

The project included grading a seven-mile stretch of the towpath and construction of a canoe landing and ten-car parking lot at Kingston. Similar improvements are scheduled for the entire length of the towpath from Princeton to New Brunswick.

The area is now open for the enjoyment of hikers, bikers and canoeists.

STATE NEWS OF PUBLIC INTEREST

PUC MAY TIE RATE CHANGES TO UTILITIES' SERVICE RECORDS

Public utilities in New Jersey may be rewarded for superior service records and penalized for inferior or mediocre service, according to William E. Ozzard, President of the New Jersey Board of Public Utility Commissioners. He revealed the new approach in a talk last month before a New Jersy Utilities Association meeting.

Mr. Ozzard said: "The Board has, in several cases, denied rate hikes to companies until such time as materially improved service could be demonstrated. This is a trend which we expect to continue. You may find that utilities with superior service records will be rewarded and compensated with approval for higher rates of return.

"Conversely, companies with inferior or mediocre service standards might be penalized through lower than normal rates of return, rate hikes conditioned on changes or loss of a portion of their franchise."

The PUC head also told the utility company executives that the Board remains opposed to the granting of interim rate relief under bond. This system, used mainly by federal commissions, grants rate hikes to utilities before formal hearings begin, and utilities post a bond intended to repay their customers should the final rate grant be lower than the interim grant.

Critics of the system point out that interim hikes under bond are rarely reduced later because of the technical problems, and customers are rarely totally reimbursed for extra costs under this system, Mr. Ozzard said.

He indicated that only in cases where the company's financial condition is so precarious as to threaten public convenience and necessity, would interim rate relief be granted before hearings begin and proofs are entered into the record.

"However," he cautioned, "such interim rate relief will be based solely on facts and figures already in the record of the proceeding and will not include items that are in controversy between the company and rate counsel."

Mr. Ozzard said that plans are being made to speed up rate cases and that the utilities could cooperate by bringing their problems to the Board's attention earlier than they are now doing.

PUC GRANTS INTERIM RATE RELIEF TO TWO PUBLIC UTILITY FIRMS

The New Jersey Board of Public Utility Commissioners late last month granted interim rate relief to Jersey Central Power and Light Company and New Jersey Power and Light Company, the New Jersey subsidiaries of General Public Utilities.

Jersey Central Power & Light was granted 49.6 per cent of their original request, which will produce $6,300,000 additional annual revenue. New Jersey Power and Light was granted 4 per cent of their original request, or $2,700,000 additional revenue.

The new rates go into effect ten days after the two companies file a new schedule of rates with the board. In the meantime, the board will continue to hear the original rate application in which the two companies requested approximately $18,000,000 additional annual revenue.

Should the continuing hearings result in a decision that the companies are entitled to less than the amount authorized in this interim decision, the excess amount will have to be refunded to the customers.

The decision of the board stated: "We grant interim relief with the full expectation that the petitioners will, on their part, promptly meet their full obligation and commitment to their customers who comprise a significant segment of the population of the State of New Jersey."

The board based its interim decision on evidence that the electric utilities' earning power was insufficient for them to continue to borrow the money that they needed to continue expansion of essential services in the 12 New Jersey counties in which they operate.

The board noted that lack of debt coverage had resulted in a planned construction cutback and that the two companies were, at present, incapable of meeting peak demands for service.

Determining that continued expansion of generating capability was absolutely essential to the public convenience and necessity, the board found that a need for interim relief therefore existed.

The financial condition of the companies was described in some length in the decision and the board noted its concern that customers of these utilities would experience forced outages, load shedding, brownouts and perhaps blackouts if increased generating capacity were not made possible through increased financing and construction.

The board further noted that while the two companies are part of the Pennsylvania-New Jersey-Maryland power pool, it could not be expected that this pool would continue to make up for power deficiencies in their service area for an indefinite period of time. This would place the customers of the GPU affiliates in the position of having less service than customers of other power utilities in the state.

The two companies serve municipalities in Sussex, Warren, Hunterdon, Somerset, Morris, Passaic, Mercer, Middlesex, Monmouth, Ocean, Union and Burlington Counties.

370,000 "DISADVANTAGED YOUTHS" OFFERED RECREATION, CULTURAL TRIPS

Commissioner Richard J. Sullivan of the State Department of Environmental Protection has announced $485,000 in direct grants to 52 youth-serving agencies to provide many "disadvantaged youth" an opportunity to participate in recreational and cultural trips throughout the summer.

As a result, over 370,000 disadvantaged youth from all areas of the state will enjoy one-day trips to recreational and cultural facilities in New Jersey and metropolitan New York and Philadelphia, he said.

Commissioner Sullivan noted an overwhelming response to the program as evidenced by grant requests in excess of $700,000. "It is the goal of this program not to deny any youngster in our state an opportunity to expand his horizons through a visit to a recreational area that he could not otherwise afford," he explained.

As in the past two years, all New Jersey's State Parks and Forests will welcome disadvantaged children by waiving all parking and admission fees as more than 3,000 buses visit them. Opportunities will range from ocean bathing at Island Beach State Park, to historic and educational tours at Batsto in the Wharton Tract, to swimming and nature hikes among the forests and mountain lakes at High Point State Park.

Additional recreation facilities are being made available at Palisades Interstate Park, federal, county and municipal parks and private recreation centers.

Cultural enrichment opportunities will be provided by visits to the Garden State Arts Center, the Newark Museum, the Cultural Center at the State Capitol in Trenton, New York and Philadelphia Metropolitan Museums of Art and Natural History, Turtle Back Zoo, Bronx Zoo and other centers.

Arrangements have been made for sports visits, including New York Yankees, New York Mets and Philadelphia Phillies baseball games and to the New York Giants and New York Jets football training camps.

Participation in the "Youth Conservation Program" is available to all disadvantaged youth upon application by a local sponsoring agency. Sponsoring organizations are responsible for adequate supervisors and counselors to accompany all groups and for incidental costs.

DRUG EDUCATIONAL PROGRAM FOR SECONDARY SCHOOLS UNDER WAY

The first part of a three-phase drug education program for New Jersey secondary school teachers and students begins this week.

Dr. Carl L. Marburger, state education commissioner, says that the program, established and funded by an act of the State Legislature, will make drug education part of health education curriculums by early next year.

A group of teacher-instructors will be trained this summer, and they, in turn, will train other teachers in the local school districts this fall. Each school district with secondary school grades will have incorporated drug education in its health curriculum on, or shortly after, January 15, he explained.

The program began Monday with the start of an intensive three-week teacher training program at three sites, the New Jersey College of Medicine and Dentistry in Newark, Rutgers University in New Brunswick and Rutgers of South Jersey in Camden.

Some 80 teachers are being trained in daily 9:30 a.m. to 3 p.m. sessions. The teachers will receive stipends of $150 a week.

In the second phase of the program, the summer-trained teachers will conduct workshops in the local school districts, primarily for teachers in grades 7 through 12. The workshops will consist of eight 90-minute sessions and must be completed by December 15.

The third phase will consist of actual presentation of the program to students in the classroom, for the most part in grades 7 through 12. In some cases, students in grades 5 and 6 may participate.

SOME 300 EDUCATORS TO SERVE ON SCHOOL IMPROVEMENT TEAMS

have been chosen by the State Department of Education to serve on teams of field consultants in a new state undertaking to help local school systems improve their educational programs.

Robert H. Seitzer, assistant state education commissioner in charge of the Division of Curriculum and Instruction, says the department plans to begin the new activity this fall and to work with a limited number of school districts during the next school year. Several districts already have indicated they want to participate.

The effort is to provide a team approach in helping a district assess needs and problems in its educational program and then helping strengthen the program. A district initially will conduct a self-study, after which a visiting team will review the study and provide expert help in the determination of needs. A follow-up team will then work with the district to help bring about improvement.

The 12 areas to be covered are: science, mathematics, foreign languages, pupil personnel services, urban education, art, humanities, social studies, elementary education, language arts, physical education and instructional material media.

Each team will be headed by a staff member of the Division of Curriculum and Instruction and will include a number of the field consultants. These are educators with expertise in separate subjects or program areas. For each area there are approximately 25 educators, including teachers, supervisors, administrators, and college personnel.

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ADDED RESEARCH AID TO BUSINESS IS AIM OF EXPANDED OFFICE

An expansion of research and statistical services provided to state business and industry is the function of a new office in the State Department of Labor and Industry, according to Commissioner Charles Serraino.

The Office of Business Economics in the Division of Planning and Research of the Department has been set up to coordinate and expand such services, the Commissioner says.

"It will provide new information to aid business and industry in both their day-to-day operations and in planning for future growth," he promises.

The new office replaces the former Bureau of Research and Statistics in the Division of Economic Development, which was recently transferred to Labor and Industry from the now-defunct Department of Conservation and Economic Development.

(Most of the other functions of the conservation department were made part of the new Department of Environmental Protection at the same time. See 2 N.J.R. 37 (a).)

Arthur J. O'Neal Jr., Director of the Division of Planning and Research, notes that the new office will work closely with the Division of Economic Development, likewise now in the department, as well as with the Economic Development Council and the Governor's Economic Policy Council.

Henry A. Watson, 47, chief of the former research unit since last September, continues as head of the office. Prior to joining the state, he was regional economist for the Federal Reserve Bank of Philadelphia. A graduate of the University of the Americas in Mexico, Watson has B.A. and M.A. degrees, and experience in international, industrial and business economics. He is a Haddonfield resident.

Among functions of the office are publication of "New Jersey Economic Indicators," special economic studies, plant location information, regional economic analyses, studies of construction trends, and evaluation of legislation affecting business and industry.

It will conduct monthly building permit surveys, prepare current population estimates, projections and studies, serve as the State's liaison with the U.S. Bureau of the Census and establish closer cooperation with the U.S. Department of Commerce.

TEN MORE AIR CONDITIONED CARS GO ONTO THE CENTRAL'S MAIN LINE

Ten additional air conditioned cars were assigned last month by the State to the Main Line of the Central Railroad of New Jersey to provide improved service on six trains.

The completely refurbished coaches are among 48 used passenger cars obtained from railroads throughout the nation as part of the State's program of interim improvements until all new equipment can be acquired, according to Transportation Commissioner John C. Kohl.

They bring to 20 the total number of air conditioned cars for the Main Line, with 17 others operating on the railroad's New York & Long Branch service.

The first ten of these coaches went into Main Line service on two trains last July to provide summer comfort for more than 1,800 passengers. With the added equipment, over 4,100 of the Main Line's approximately 10,400 daily passengers have air conditioned cars.

The improved service is made possible by conversion of the coaches to push-pull operation, thereby eliminating the need to shift the engine from one end of the train to the other for the return trip.

Satisfactory operation of the air conditioning equipment and dependability are assured with the completion of battery charging facilities at the railroad's train storage yards in Harrison.

This installation is intended to furnish the power required to cool the trains before they begin their runs and to provide more dependable service by preventing the batteries in the cars from running down.

Both the conversion to push-pull and the battery charging facilities were financed under the State's interim improvement program.

ROUTE 80 CONNECTIONS WITH TWO OTHER INTERSTATES IS PART OF NEW CONTRACT

The Department of Transportation announced an apparent low bid of $15,978,641 from The Conduit & Foundation Corp., Philadelphia, Pa., and The Mal-Bros. Contracting Co., West Caldwell, in a joint venture, on a key contract to complete construction of a 3.3 mile stretch of Interstate Route 80 and link the superhighway with Interstate Routes 287 and 280 in Morris County.

Limits of the latest Route 80 project extend from a Parsippany Road relocation easterly to a point beyond Edwards Road, Parsippany-Troy Hills. Work on the freeway includes grading, mainline paving and the building of bridges.

At the western terminus of this project, the Routes 80-287-46 interchange is partially complete and Route 287 is open to traffic through the interchange. Under this contract, the mainline of Route 80 and all its permanent connections with the other routes and local roads will be built. To accomplish this, six bridges will be constructed as part of the Route 80 work in the interchange area.

This newest contract, to be financed with 90 percent federal and ten percent state funds, is scheduled for completion by the close of 1972.

When it gets underway there will be 27.2 miles of Interstate Route 80 under construction, 32.2 miles open to traffic and 8.7 miles in various design stages.

Interstate Route 80, 68.1 miles long in New Jersey, is a 2,899-mile-long transcontinental freeway that will link New York City and San Francisco with the safest type of highway yet designed, entirely free of cross traffic and traffic signals.

STATE NEWS OF PUBLIC INTEREST

JAHOS RETURNS TO HEAD NEW CRIME-FIGHTING UNIT

A former assistant attorney general with broad experience in criminal prosecution has returned to Trenton to head the new Division of Criminal Justice, New Jersey's principal crime-fighting arm.

He is Evan W. Jahos, who twice in the last decade left state government for private practice, but who last month accepted appointment as Director of the new, more powerful agency under Attorney General George F. Kugler, Jr. The post pays $34,670 a year.

The recently-enacted anti-crime legislation gave the Attorney General's office far broader powers to oversee operations of county prosecutors. This, plus rising public interest in and support of anti-crime measures were major factors in his decision, says the 41-year-old lawyer.

Taking office June 15, Jahos is now "looking for top people" to be part of the new division. And once it is functioning, "I hope to apply some fresh thinking to old problems," he says.

"You can never have effective law enforcement unless public opinion is behind you, and the public is interested in it now," he feels. "Law enforcement today in New Jersey is a new ball game."

Jahos has been a municipal judge in Fair Haven Borough and Millstone Township. He was acting prosecutor of Atlantic County in 1966 and 1967 and for two short periods while with the state served as acting prosecutor in Ocean and then Somerset Counties.

His state career began as summer law clerk for former Attorney General David D. Furman and continued full-time in 1959 when he received his law degree from Rutgers University. He was a deputy state attorney general assigned to the criminal section for three years.

Returning to Trenton in 1964 after two years in private practice, he served another two years as assistant attorney general and director of the Criminal Investigation Section, which has been incorporated into the new criminal justice division he now heads.

A resident of Fair Haven, married and with two children, Jahos was graduated with a B.A. from Princeton University in 1951. He is active in community affairs and is commanding officer of his Sandy Hook Coast Guard reserve unit with the rank of commander.

DR. SHINE TO SUCCEED GROEZINGER AS ASSISTANT EDUCATION COMMISSIONER

After 11 years directing the Division of Controversies and Disputes, Eric Groezinger, Assistant Commissioner of Education, will retire Sept. 1.

The State Board of Education approved the retirement last month, along with the appointment by Education Commissioner Carl L. Marburger of Dr. William A. Shine to succeed Groezinger at a $21,559 annual salary. Dr. Shine, 42, has been Burlington County superintendent of schools the past three years.

Edward O. Glaspey, assistant director in the division, who, like Groezinger, is 61 years of age, will likewise retire as of Sept. 1.

Other changes in the Education Department approved at the same time were the retirement of Dr. Clyde Weinhold, director of adult and continuing education, and the resignations of Dr. Donald R. Geddis, executive assistant in the Division of Business and Finance, and Mrs. Florence Foster, coordinator of early childhood education. All three will continue active in the educational field.

Groezinger has directed the activities of the division charged with matters of school law and served as its chief hearing officer since May, 1959. Prior to that he had been the Department's director of school building services and Hunterdon County superintendent of schools. He will continue part-time as secretary of the Flemington-Raritan Board of Education in Hunterdon County.

Glaspey, with the state for ten years, will join the faculty at Glassboro State College as a part-time teacher of school law.

Dr. Shine, incoming assistant commissioner, served part-time in the Division during the past school year when illnesses required additional help.

A graduate of Iona College, New Rochelle, N.Y., he earned his master's and doctor's degrees in education at Rutgers University. He had been a teacher, principal and high school superintendent before becoming county superintendent in 1967. Married and with two children, he lives in Medford Lakes.

HERBERT SCHMIDT NEW CHIEF, BUREAU OF POULTRY SERVICE

Herbert L. Schmidt of Flagtown (Somerset County) has been appointed chief of the Bureau of Poultry Service in the New Jersey Department of Agriculture, by the State Board of Agriculture.

The appointment fills a vacancy created by the retirement in December, 1968, of J. Clifton Lambert, Jr., of Trenton.

Schmidt joined the department staff in July 1968 as a farm products marketing representative. Prior to that time he had been a poultry feed sales representative for a commercial company. He is a graduate of Rutgers College of Agriculture, where his major subject was poultry science.

The board also appointed several members of the five farm products promotion councils of the department.

ALLOWAY NAMED PRESIDENT OF CIVIL SERVICE COMMISSION

Completion of the Cabinet of Governor William T. Cahill came early last month with confirmation by the State Senate of James A. Alloway as President of the New Jersey Civil Service Commission.

He was sworn in as a member and as president of the Commission on June 12 at a family ceremony presided over by Governor Cahill in his executive offices in the State House. The post pays $38,000.

Mr. Alloway, 40, had been director of the Division of Local Finance in the State Department of Community Affairs since coming with the government in 1967.

In naming him, the Governor remarked on the importance of the position. Said he:

"Jim Alloway is an outstanding example of that old saying, 'Hard work and honest effort pay off.' He has been given one of the most difficult assignments in State Government today, and that is to bring about efficient, economic and meaningful government.

"He was picked for his personal ability and not his political persuasion. I picked Jim Alloway, a State employee, because I felt that State employees would have more confidence in a fellow State employee.

"I want you to know that the Chief Executive of New Jersey is desirous of improving the lot of State employees and that we have a real interest in improving their way of life. We hope that in the future we will be able to give more tangible signs of this interest."

Responding, Commissioner Alloway termed his appointment "an honor and a challenge."

"I look forward to working with Departmental personnel in carrying out the Department's constitutional mandate and in furthering the professionalization of the public service in State Government and those local governments operating under the New Jersey Civil Service act.

"I hope to work closely with appointing authorities, employees, and employee groups in carrying out the duties of my office . . . and in bettering the Civil Service image with all operating departments."

Attending the swearing-in ceremony were his wife and three children, his mother-in-law Mrs. George Young, Civil Service and Community Affairs Department personnel, members of the Cabinet and friends.

Born in Erie, Pa., the new Commissioner received a B.A. degree from Grove City College, Pa., and a Masters of Government Administration from Wharton Graduate School at the University of Pennsylvania. He served for two years until 1953 in the U.S. Marine Corps, rising from private to captain.

As Director of the Division of Local Finance, Mr. Alloway had the responsibility for the fiscal management of 567 municipalities and the 21 counties of the State. The Division had the responsibility for enforcing State laws on budget format, preparation, control, and audit of over two billion dollars annually.

He completely reorganized the Division, upgrading the fiscal management procedures of the local governments of the State from the practices of the 1930's to the systems, procedures, and equipment of the 1960's.

Earlier he had served as Business Administrator of Woodbridge, Elizabeth, and Edison, and as chief fiscal officer in Fair Lawn.

Commissioner Alloway resides with his wife Ruth and three children at 176 Stafford Road, Colonia. He is active in numerous civic, social, and professional organizations and has traveled extensively throughout the United States and the world.

SLATER TAKES OVER TOP POST FOR PUBLIC TRANSPORTATION

Transportation Commissioner John C. Kohl has announced the appointment of Nelson Slater of Far Hills as Assistant Commissioner for Public Transportation. He took office June 15 at a $28,700 annual salary.

Slater, 46, has had 19 years of varied experience in highway, rapid transit and railroad projects with Coverdale & Colpitts, New York consulting engineers, most recently as Senior Staff Engineer.

While with Coverdale & Colpitts, he participated in the study which led to formation of the New York City Transit Authority, and assisted in the former Metropolitan Rapid Transit Commission's study for development of New Jersey and New York commuting facilities.

He participated in the financial evaluation of the Hudson and Manhattan Railroad prior to its acquisition by the Port Authority Trans-Hudson Corp., extension of New York's Second Avenue subway into downtown Manhattan, Baltimore & Ohio and Western Maryland Railroad merger and the merger of Atlantic Coast Line with Seaboard Airline Railroad.

He worked closely with the New Jersey Highway Authority, New Jersey Turnpike Authority and Delaware River Port Authority in preparation of financial analyses for the sale of bonds.

Slater was graduated from the Massachusetts Institute of Technology in 1950 with a B.S. degree in business and engineering administration.

Slater has been secretary of the Bedminster Township Board of Adjustment and on the Township Planning Board for ten years. He is a member of the American Society of Mechanical Engineers.

He lives in Far Hills in Somerset County with his wife Joy, son Samuel, 19, a junior at the University of Pennsylvania, and daughter Joy, 16, attending Foxcroft School, Middleburg, Va.

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THE NEW JERSEY REGISTER

Vol. 2—No. 8 NEW JERSEY, THURSDAY, AUGUST 6, 1970 2 N.J.R. 61

THE NEW JERSEY REGISTER
A Publication of the State of New Jersey

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

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THURSDAY, AUGUST 6, 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 AGRICULTURAL CHEMISTRY

Proposed Commercial Fertilizer And Soil Conditioner Regulations

The State Board of Agriculture at its meeting on July 30, 1970, proposed to repeal the existing regulations governing commercial fertilizers, and to adopt in place thereof new regulations to be designated N.J.A.C. 2:69-1 through 2:69-12 in order to implement the New Jersey Commercial Fertilizer and Soil Conditioner Act of 1970, P.L. 1970, c. 66 (N.J.S.A. 4:9-15.1 et seq.).

Copies of the proposed regulations may be obtained from:
Delmar K. Myers, Director
Division of Agricultural Chemistry
Department of Agriculture
Post Office Box 1888
Trenton, New Jersey 08625
Telephone (609) 292-5733

Interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the proposed action, on or before August 27, 1970, to Director Delmar K. Myers at the above address.

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

State Plumbing Code Amended

On June 30, 1970, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-21, 52:27C-54 and 13:1B-7, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Plumbing Code of New Jersey (Part E of the Standard Building Code of New Jersey), substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 46(b).

An order adopting these amendments was filed and effective July 1, 1970 as R. 1970 d.79.

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

(c)

COMMUNITY AFFAIRS

DIVISION OF LOCAL FINANCE
LOCAL FINANCE BOARD

Proposed Capital Budget Manual

The Local Finance Board of the Division of Local Finance in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10, proposes to adopt a Capital Budget Manual in order to provide detailed rules and regulations pertaining to the adoption of municipal capital budgets.

The proposed Capital Budget Manual contains explanations of the Capital Fund, Capital Improvement Fund, Capital Surplus, Reserve for Downpayments, and other similar terms and procedures, together with sample forms and instructions.

Copies of the proposed manual may be obtained from:
Mrs. Helen Mathews
Secretary, Local Finance Board
Division of Local Finance
28 West State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action to the Division of Local Finance at the above address on or before September 1, 1970.

The Local Finance Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed regulations without further notice.

Joseph N. Ehret
Chairman, Local Finance Board
Division of Local Finance
Department of Community Affairs

(d)

COMMUNITY AFFAIRS

DIVISION OF STATE AND REGIONAL PLANNING

Continuing Planning Assistance Program Regulations

On June 30, 1970, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed the existing regulations in Chapter 41 of Title 5 of the New Jersey Administrative Code governing the Continuing Planning Assistance Program and adopted therefor new regulations substantially as proposed in the Notice published May 7, 1970 at 2 N.J.R. 39(b).

An order repealing the existing regulations and adopting the new regulations was filed and effective July 6, 1970 as R.1970 d.81.

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

(e)

COMMUNITY AFFAIRS

DIVISION OF STATE AND REGIONAL PLANNING

Federal-Aid Project Notification And Review System Regulations

On July 6, 1970, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed the existing regulations of Chapter 42 of Title 5 of the New Jersey Administrative Code governing the Federal-Aid Project Notification and Review System and adopted therefor new regulations, substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 46(d).

An order repealing the existing regulations and adopting the new regulations was filed July 9, 1970 as R. 1970 d.83, to be effective July 15, 1970.

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

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(f)

COMMUNITY AFFAIRS

DIVISION OF STATE AND REGIONAL PLANNING

Proposed Regulations On Planned Unit Developments

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, proposes to adopt as Chapter 44 of Title 5 of the New Jersey Administrative Code rules governing the filing with the Division of State and Regional Planning of copies ofthe plan and application for tentative approval of a planned unit development pursuant to Section 5(b) of the Municipal Planned Unit Development Act of 1967, N.J.S.A. 40:55-59(b).

The proposed Chapter 44 reads as follows:

CHAPTER 44. PLANNED UNIT DEVELOPMENTS

FOREWORD:

The Municipal Planned Unit Development Act of 1967 (N.J.S.A. 40:55-54 et seq.) authorizes municipalities to provide for a more sophisticated method of control of land development and land use, the "planned unit development" (P.U.D.). Planned unit development allows more variety in use, lot and building dimensions, and density of population between lots in the same district than conventional zoning. Zoning objectives are safeguarded through control of development on an area-wide rather than on a lot-by-lot basis, according to an approved plan based on certain standards promulgated in the planned unit development ordinance.

Because planned unit development requires more sophisticated design and control than is presently in force in many municipalities, there is need for referral to both public agencies and consultants with experience in this field. In addition, especially in large developments which may unintentionally be located so as to adversely affect State plans or facilities, referral to the State agency charged with comprehensive planning is advisable.

5:44-1. Planned Unit Developments Subject to Filing Procedures.

A "planned unit development" which is the subject of these regulations is a development authorized by a municipal ordinance enacted pursuant to the Municipal Planned Unit Development Act of 1967, and is defined by law as "an area of land controlled by a landowner, to be developed as a single entity, for a number of dwelling units, including commercial and industrial uses, if any, the plan for which does not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage, and open space to the regulations established in any one or more districts created, from time to time, under the provisions of a municipal zoning ordinance enacted pursuant to Revised Statutes 40:55-30 et seq."

5:44-2. Filing Planned Unit Development Applications for Tentative Approval with Division of State and Regional Planning.

Section 5 of the Municipal Planned Unit Development Act (1967) requires that an application for tentative approval of the plan of a planned unit development shall be filed

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Planned Unit Developments—continued

by the landowner with the local official designated to receive such applications in the planned unit development ordinance. A copy of the plan and said application shall also be filed with the Division of State and Regional Planning.

The copy of the plan and application should be filed with the Division immediately after filing the same with the municipal official designated in the ordinance.

5:44-3. The following information or statements should be included in the copy of the plan and application sent to the Division:

1. The date of filing or proposed filing of the plan with the appropriate municipal officials, and the proposed date of the hearing thereon if known.

2. The plan and application should include maps and text indicating:

a. the location and size of the site, with a vicinity map.

b. the nature of the land owners interest in the site.

c. the density of land use to be allocated to the parts of the site to be developed.

d. the location, dimensions and size of any common open space and the form of organization proposed to own and maintain it.

e. the use and approximate height, bulk and location of buildings and other structures.

f. a summary of proposals for disposal of sanitary waste and storm water, with information as to their feasibility.

g. the substance of covenants, easements or other proposed restrictions on use of land or buildings, including public utility easements.

h. provisions for vehicle parking and loading and location and width of proposed streets and public ways.

i. required modifications in municipal land use regulations otherwise applicable to the site.

j. where the proposed development covers a period of years, a schedule showing estimated dates of applications for final approval of all sections of the development.

k. an economic analysis indicating the marketability of the residential and other buildings in the proposed development.

l. any other information which may be required under the applicable planned unit development ordinance.

3. A written statement by the applicant setting forth the reasons why, in his opinion, a planned unit development would be in the public interest and would be consistent with the municipal statement of objectives on planned unit development in the planned unit development ordinance.

A copy of the planned unit development ordinance should accompany the plan and application.

5:44-4. The Division shall review all plans, applications for tentative approval and any other information filed with the Division pursuant to these regulations for the purpose of determining whether—(1) they are in compliance with the Municipal Planned Unit Development Act of 1967, (2) the proposed planned unit development is not inconsistent with state development policies or plans, and (3) the proposed planned unit development otherwise is in the public interest and consistent with the objectives of the planned unit development act.

5:44-5. The Director of the Division, after review of any such application, plan or information, may make comments and recommendations thereon, orally or in writing, at hearing or otherwise, to the municipal governing body or planning board with informational copies to the landowner or developer, or any other person or body, as the Director in his discretion deems advisable.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1970 to:

Division of State and Regional Planning
Department of Community Affairs
Post Office Box 1978
Trenton, New Jersey 08625

The Commissioner of Community Affairs, 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.

Edmund T. Hume
Commissioner
Department of Community Affairs

(a)

EDUCATION

STATE BOARD OF EDUCATION

High School Equivalency Instructional Program Rule

On June 26, 1970, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of 18A:4-15 and 18A:4-16, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 8:17-7 of the rules relating to State reimbursement for high school equivalency instructional programs, substantially as proposed in the Notice published May 7, 1970 at 2 N.J.R. 40(a).

An order adopting these amendments was filed and effective June 29, 1970 as R.1970 d.72.

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

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

1970-'71 Game Code

Following a public hearing held at the State Agriculture Building on June 23, 1970, the Fish and Game Council in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted regulations governing the 1970-71 hunting seasons substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 48(b).

These regulations, which comprise the 1970-71 Game Code, effective September 1, 1970, read as follows:

1970-71 GAME CODE

The hours listed are eastern standard time or eastern daylight saving time, at Trenton, whichever is in effect on the given date.

Male English or Ringneck Pheasant

23:4-1 Duration:

November 7 - December 5, inclusive.

December 14 - January 2, except on December 19 in the following counties: Bergen, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex and Warren.

23:4-2 Daily bag limit:

2 male pheasants, except as herein outlined (30 in a season).

23:4-1 Hunting hours:

On November 7, 9:00 A.M. to ½ hour after sunset.

Other days, sunrise to ½ hour after sunset.

23:4-8 Hen pheasants:

In the area described as Warren County north of Route 46, Morris County north of Route 46, and in Sussex, Passaic, Bergen, Hudson, Ocean, Camden, Atlantic, and Cape May, and on all State Fish and Wildlife Management Areas, the daily bag limit shall be 2 pheasants of either sex.

Unlawful to take or attempt to take female pheasants elsewhere or to have female pheasants in possession afield other than in area above described.

23:3-32 The opening of the season on semi-wild preserves shall coincide with the above listed state-wide openings.

Cottontail, Rabbit, Jack Rabbit and Hare, Ruffed Grouse, Squirrel, Chukar Partridge, and Quail

23:4-1 Duration:

November 7 - December 5, inclusive.

December 14 - February 6, except December 19 in the following counties: Bergen, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex and Warren.

23:4-2 Daily bag limit:

1 jack rabbit or hare, 4 rabbits, 3 grouse, 5 squirrel, 7 quail, 3 chukar partridge. No season limits.

23:4-1 Hunting hours:

November 7, 9:00 A.M. to ½ hour after sunset.

Other days, sunrise to ½ hour after sunset.

Wild Turkey and Otter

23:4-1 It shall be illegal to possess, take, kill or attempt to take or kill a wild turkey or otter at any time.

Mink, Muskrat (trapping only)

23:4-39 Duration:

North and west of U.S. Route 1: 6:00 A.M. on November 15 - March 15, inclusive, except on State Fish and Wildlife Management Areas.

South and east of U.S. Route 1: 6:00 A.M. on December 1 - March 15, inclusive, except on State Fish and Wildlife Management Areas.

On State Fish and Wildlife Management Areas: 6:00 A.M. on January 1 - March 15, inclusive, (except raccoon).

No stakes or traps shall be set before that time.

Beaver Trapping

23:4-55 Duration:

February 1 - February 28 - 100 permits.

23:4-55 Season Limit:

5 Beaver - Special $5.00 permit required; limit 100 permits. All beaver trapped must be tagged by Conservation Officer by March 15, 1971.

23:4-55 For the purpose of conservation the Division shall designate and suitably post certain beaver colonies and prohibit all trapping within their dams or within 200 feet thereof during the open season for beaver.

Raccoon and Fox Trapping

23:4-12 and 23:3-1 Method:

The trapping of raccoon and fox shall be permitted as fur-bearing animals under a regular firearm hunting license.

23:4-1 Duration:

North and west of U.S. Route 1: 6:00 A.M. on November 15 - March 15, inclusive, except on State Fish and Wildlife Management Areas.

South and east of U.S. Route 1: 6:00 A.M. on December 1 - March 15, inclusive, except on State Fish and Wildlife Management Areas.

Trapping of raccoon will be permitted on tidal meadows and tidal impoundments on State Fish and Wildlife Management Areas after 6:00 A.M. on January 1 - March 15, inclusive.

Raccoon may be trapped at any time of year under special permit when causing damage.

23:4-2 Bag Limit:

No daily bag limit. No season limit.

23:4-24 Farmers may trap fox destroying poultry, crops or property at any time of year.

Trapping

23:4-39 No trap of any kind shall be set anywhere unless it bears a metal tag inscribed with the name and address of the owner of the trap, except for traps set on posted private property by the owner or lessee thereof. No trap of any kind shall be permitted to remain set on any property at the close of the trapping season. No body gripping trap with jaw spread larger than 5 inches shall be used anywhere, except for beaver below the surface of the water by the special permit holders herein provided for February 1 to February 28, 1971.

No cage trap, metal box trap or diving trap shall be permitted on any of the State Fish and Wildlife Management Areas.

23:3-1 and 23:3-4 Regular firearm hunting license is required to trap furbearing animals.

23:4-39 All traps must be tended at least once in every 24 hours.

Raccoon Hunting

23:4-1 Duration:

1 hour after sunset on September 19 to 1 hour before sunrise on March 7, 1971, except state-wide on the nights of firearm deer season and the nights of December 18 and 19, 1970 in the following counties: Bergen, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex and Warren.

23:4-1 and 23:4-12 Hunting hours:

1 hour after sunset to 1 hour before sunrise.

23:4-25 Dog training:

There will be no raccoon dog training season prior to the opening of the raccoon hunting season.

23:4-2 Bag limit:

No daily bag limit. No season limit.

Woodchuck Hunting

23:4-1 Duration:

April 3 - September 25, 1971, inclusive. (Properly licensed hunters may also take woodchuck during upland season with shotgun or bow and arrow.)

23:4-1 Hunting hours:

Sunrise to ½ hour after sunset.

23:4-1 Bag limit:

No limit.

23:7-9 No rifle hunting on State Fish and Wildlife Management Areas.

Fox Hunting

23:4-58.1 Duration:

North and west of U.S. Route 1: November 7 - April 30 inclusive.

South and east of U.S. Route 1: November 7 - March 31 inclusive.

No fox hunting permitted during the regular statewide deer season from December 7-12 inclusive, or in the counties of Bergen, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex and Warren on December 19. A person hunting deer during the firearm deer season may kill fox if encountered before killing a deer or a bear. However, after a person has killed a deer or bear he must cease all hunting immediately.

23:4-58.1 Hunting hours:

November 7, 9:00 A.M. to ½ hour after sunset.

Other days: sunrise to ½ hour after sunset.

Dogs

23:4-25 and 23:7-9 No exercising or training of dogs on State Fish and Wildlife Management Areas May 1 - August 31, inclusive, and on the following Sundays: November 8, 15, 22, 29, December 6, 13, 20, 27, and on November [illegible]

Squirrel and Raccoon Damage

23:4-1 and 23:4-9 Property owners, or their designated agents, and occupants of dwellings that are suffering damage from squirrel or raccoon, may control these animals by humane procedures and at any time, subject to local ordinances in the following counties: Bergen, Essex, Hudson and Union; also in cities and towns with a population of 2,000 and over; and elsewhere by permit from the Division.

Firearms and Missiles, etc.

23:4-44 and 23:4-13 Illegal for any hunter to have in his possession in woods, fields, marshlands or on the waters any shell or cartridge with missiles of any kind larger than No. 4 fine shot except during the firearm deer season and except that waterfowl hunters in tidewaters and tidewater marshes may possess and use shells loaded with No. 2 or smaller fine shot.

23:4-44 and 23:4-13 At all times it shall be illegal to have in possession any shotgun shell which has been cut or the loaded pellets therein strung, held together with wax or joined in any manner with any substance or material.

23:4-13 Illegal to use in hunting fowl or animals of any kind, any shotgun capable of holding more than three shells at any time, or that may be fired more than three without reloading.

From December 7-12, inclusive statewide; and in the counties of Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex and Warren on December 19, it shall be illegal to use any rifle or firearm of any kind of a smaller caliber than 12 gauge or to have in possession any firearm missile except buckshot, or to hunt between 5:00 P.M. and 7:00 A.M., or to hunt deer with a dog. (This does not preclude a person legally engaged in hunting on semi-wild or commercial preserves for the species under license, nor a person engaged in hunting waterfowl only, from being possessed solely of shotguns and nothing larger than No. 4 fine shot, or No. 2 fine shot in tidewaters and tidewater marshes.)

23:4-26 This section is amended to include liberated game animals, as well as game birds, and native species under field trial provisions; dogs shall include hound and bird dogs and retrievers.

23:4-1 Illegal to hunt, hunt for, or attempt to capture, kill, injure or destroy game birds or animals except at the time and in the manner provided by fish and game regulations.

23:4-18 and 23:4-19 The prohibition against shooting waterfowl or placing a boat or other structure at a greater distance than one hundred feet from shore shall not apply in Raritan and Sandy Hook Bays, or in the Atlantic Ocean. (Sinkbox prohibited by U.S. Regulations.)

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23:4-1 Wild waterfowl, migratory game birds, rabbits, ares, jack rabbits, squirrels, grouse, chukar partridge, heasants, and quail shall not be hunted for or taken on unday. However, pheasants, quail, chuker, partridge and urkey may be hunted for or taken on Sunday on semi-wild nd commercial shooting preserve lands that are properly censed for the taking thereof.

23:4-42 Deer shall not be hunted for or taken on Sunday xcept on wholly enclosed preserves that are properly censed for the propagation thereof.

23:4-12 It shall be unlawful for any person to have in his ossession or under his control any gun or firearm at any e while hunting any wild bird or animal with a long and arrow.

23:4-24.1 No person shall, for the purpose of hunting for, ursuing, taking, or killing, or attempting to hunt, pursue, ike or kill any bird or animal, have, in an automobile r vehicle of any kind, any firearm loaded with missiles of ny kind, under a penalty of $20.00 for each offense.

23:4-16 and 23:4-24.1 The Division may issue special permits, without fee, to shoot or hunt from a standing vehicle, to licensed hunters who, after investigation, are ound to be paraplegics, or otherwise physically unable to alk, with or without crutches, braces, or other mechanical upport, in the fields or woods. Permittees are subject to ll Fish and Game Laws and regulations.

23:4-29 It shall not be necessary for a nonresident, who is emoving small game or game birds from the State, to ave them exposed to open view. Any deer, however, shall e exposed to open view and properly tagged.

low and Arrow

23:4-12 Bow and arrow means long bow only. All crossows or variations thereof are prohibited.

23:4-45 and 23:4-1 and 23:4-12 It shall be illegal to use long bow and arrow for hunting on December 19, or etween ½ hour after sunset and ½ hour before sunrise luring the Long Bow and Arrow Deer Season, or between :00 P.M. and 7:00 A.M. during the Firearm Deer Season, between ½ hour after sunset and sunrise during other ons.

23:4-44 During the Long Bow and Arrow Seasons for takng deer and bear, October 3 to November 5 and December to December 12, all arrows carried in the woods and ields must be fitted with an edged head of the following pecifications:

Minimum width shall be ¾"—maximum, 1½".

Minimum length shall be 1½" on main cutting edge.

Cutting edges shall be a well-sharpened metal only.

The bow must have a minimum draw pull weight of 35 ounds and cast a legal hunting arrow 125 yards to a point f similar elevation.

23:4-16 It is illegal at all times to discharge an arrow rom or across a state or county, or municipal highway r roadway, or within 300 feet of any occupied dwelling, xcept with permission of the owner or lessee, or within 00 feet of a school playground. It is illegal to use a bow nd arrow from any vehicle, moving or stationary.

eer (either sex) and Bear—
ong Bow and Arrow Exclusively

3:4-42 Duration:

October 3 to November 5, inclusive.

Bag Limit: One deer of either sex or one bear. Only one ear a year permitted whether taken during firearm or ow season. Kill must be reported to Division within 24 ours.

Hunting hours:

hour before sunrise to ½ hour after sunset.

ear—Firearm or Long Bow and Arrow

3:4-1 Duration:

December 7 - December 12, inclusive.

3:4-2 Bag Limit:

One bear a year whether taken during bow or firearm eason. Kill must be reported to Division within 24 hours.

3:4-45 Hunting hours:

7:00 A.M. to 5:00 P.M.

eer—Firearm or Long Bow and Arrow

(Antlered only, except in area designated as Hunter's hoice, described below.)

3:4-42 Duration:

December 7 - December 12, inclusive.

3:4-42 and 23:4-48 Bag limit:

One deer for the season, with antler at least three inches n length, or one bear, whether taken by gun or long bow.

Hunter's Choice area is described as follows: East of oute 202 from New York line to Pompton Lakes, east f the Pompton River to its junction with the Passaic iver, east of the Passaic River to Somerset County line, orth and east of that line to Middlesex-Union County line, ast of that line to the Raritan River, and north and east f the Raritan River to Raritan Bay. In this area consisting f portions of Bergen, Union, Passaic, Essex and Middlesex ounties, a properly licensed person will be permitted to deer of either sex and any age.

A person who has legally taken a deer during the special ong bow and arrow season can legally take an antlered eer with a shotgun during the interval of December 7-12, f he possesses his valid firearm license, but he may not ake another deer with a bow. Only one deer may be taken uring this season, whether by gun or bow.

3:4-45 Hunting hours:

December 7 - December 12, inclusive, 7:00 A.M. to 5:00 P.M. with gun or long bow.

Deer - Special Permit, firearms only (either sex)

3:4-42 Duration:

Saturday, December 19.

3:4-42 Bag limit:

One deer of either sex, any age.

3:4-45 Hunting hours:

7:00 A.M. to 5:00 P.M.

Method: The taking of one deer of either sex with a firearm under a Special Deer Permit or a Farmer Deer Permit, in addition to the legal antlered deer allowed under State-wide buck season and buck-doe allowed under the State-wide long bow and arrow season, will be permitted in designated counties by holders of a Special Deer Permit and on their own property by holders of a Farmer Deer Permit. Special Deer Permits will be issued on an individual basis to holders of valid 1970 firearm licenses.

Farmer Deer Permits will be issued on an individual basis to occupants of farms who reside thereon, or the immediate members of their families over 14 years of age who also reside thereon, upon receipt of a notarized application form. Permits consist of a back tag and a transportation tag. The back tag portion of the permit will be conspicuously displayed on the outer clothing in addition to the valid firearm license in the case of the Special Deer Permit, and without the firearm license in the case of the Farmer Deer Permit. Any deer killed must be tagged immediately with the transportation tag. This transportation tag allows legal transportation of the deer of either sex to a State deer checking station only. State personnel at the checking station will issue a possession tag. Any permit holder killing a deer of either sex on December 19, 1970 must transport this deer to a State operated checking station by 7:00 P.M. on December 19 to secure the legal possession tag. The possession of a deer of either sex after 7:00 P.M. on December 19 without a legal possession tag shall be deemed illegal possession.

Applying for a Special Deer Permit

The procedure for permit application and issue shall be as follows:

1. Only holders of valid 1970 Firearm Hunting Licenses may apply by detaching from their Hunting License the stub marked "Special Deer Season 1970," signing as provided on the back, and sending the stub together with a properly completed computer card application form which may be obtained from:

a. Division of Fish, Game and Shell Fisheries, PO Box 1809, Trenton, N.J. 08625

b. License issuing agents

c. Conservation Officers

2. No archery or juvenile license holders are eligible.

3. Only one application, accompanied by the hunting license stub, may be submitted by any individual.

4. Fill in the application form to include: Name, address, 1970 firearm hunting license number, county applied for, name of license issuing agent where 1970 hunting license was purchased, and any other information requested. Application forms will be accepted in the Trenton Office only during the period of September 9 to September 18, 1970, inclusive. DO NOT SEND FEE WITH THE APPLICATION. Selection of permittees will be made on the basis of a random selection of computer cards.

5. Unsuccessful applicants will not be notified. Any permit obtained by fraud will be void.

6. Successful applicants will be notified by mail. The computer card and the permit fee of $2.00 in the form of a money order made payable to the "Division of Fish, Game and Shell Fisheries" must then be returned by mail before October 16, 1970. The Special Deer Permit will then be issued. Permits not claimed by October 16 will be immediately reallocated in the same random manner as the original selection and be returnable within two weeks thereafter.

Applying for the Special Farmer Deer Permit

1. Only the occupant of a farm, who resides thereon, or the immediate members of his family over 14 years of age who also reside thereon, may apply on forms provided for a Special Farmer Deer Permit. N.J.S. Chapter 48, Laws of 1964, section 54:4-23, defines a farm as an area of five acres or more and producing a gross income in excess of $500. Special Farmer Permits will be issued only in those counties where a Special Deer Season is prescribed.

2. Application forms may be obtained from the Division of Fish, Game and Shell Fisheries, PO Box 1809, Trenton, N.J. 08625, or the Conservation Officer.

3. Fill in the application form to include: Name, age, size of farm, address, and any other information requested thereon. THIS APPLICATION MUST BE NOTARIZED. Application forms will be accepted in the Trenton Office only during the period of September 21 to 30, 1970. There is no fee required, and all qualified applicants will receive a Special Farmer Deer Permit, delivered by mail.

Use of Special Deer Permit and Special Farmer Deer Permit

The Special Deer Permit is valid only in the county designated and is not transferable. The Special Farmer Deer Permit is valid only on the farm occupied and designated in the application and is not transferable.

Special Deer Permit Areas and Number of Permits to be Issued:

County	Quota
Hunterdon	2,181
Mercer	408
Middlesex	195
Monmouth	360
Morris	882
Passaic	245
Somerset	776
Sussex	1,213
Warren	1,730
Total	7,990

Special Deer Permits in accordance with the above regulations may be granted at state or federal installations in all counties as may be determined necessary by the Director.

An order adopting the above regulations was filed July 9, 1970 as R.1970 d.82, to be effective September 1, 1970.

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

Public Shooting and Fishing Grounds Regulations

On June 26, 1970, L. G. MacNamara, Director of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of two subsections of Division Regulation No. 4 pertaining to the use of public shooting and fishing grounds, substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 48(c).

An order adopting these revisions was filed and effective July 1, 1970 as R. 1970 d.78.

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

(b)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Revision of Certified Health Services Personnel and Program Standards

The Public Health Council of the State Department of Health, pursuant to authority of N.J.S.A. 26:2F-3, proposes to revise certain sections of the Certified Health Services Personnel and Program Standards to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

I. ADMINISTRATION AND SUPPORTING SERVICES

MIGRANT HEALTH SERVICES

G. Conduct a program of health services for seasonal agricultural workers.

Program Standards

NOTE: Add new item as follows:

8. Provide emergency dental treatment.

Personnel Standards

Physician, Public Health Nurse and Sanitary Inspector, First Grade **and, as needed, Dentist.**

PUBLIC HEALTH NURSING

I. Provide public health nursing administration.

Personnel Standards

[Public Health Nurse Director;] **Director of Public Health Nursing Service;** Public Health Nurse Supervisor(s).

DRUG ABUSE CONTROL

Certified Health Service

L. Administer a planned drug abuse control program.

Program Standards

1. Identify the drug abuse problem in the community, establish objectives, utilize appropriate educational methods and evaluate efforts.

2. Identify and involve local leadership in community action to develop and maintain interest in the drug abuse problem and its control.

a. Maintain liaison with local law enforcement personnel, clergy, treatment centers, etc.

b. Coordinate activities with county and state drug abuse control agencies, official and voluntary.

3. Determine, secure or develop educational materials and utilize appropriate media to:

a. Assist drug abuse control agencies and other educational agencies in their activities.

b. Provide specific drug abuse information.

c. Inform citizens of the objectives, programs and activities, and accomplishments of drug abuse control programs.

4. Organize a library of current technical and professional textbooks, periodicals and other publications for use by the agency staff.

Personnel Standards

Health Officer and as needed ancillary personnel.

II. ENVIRONMENTAL SANITATION

NOTE: Delete section entitled AIR SANITATION and substitute therefor the following revised section:

AIR POLLUTION

Certified Health Service

B. Conduct an Air Pollution Control Program.

Program Standards

1. Enact and enforce a local air pollution control ordinance which has been approved by the State Department of Environmental Protection which is consistent with the current "Guidelines for Local Ordinances" and "The Plan to Implement the Guidelines."

2. Assist the State Department of Environmental Protection in the administration of the New Jersey Air Pollution Control Code by reporting the sources of air pollution which require the attention of the State program, gathering evidence as required and providing witnesses when needed.

3. Assist in the enforcement of the Air Pollution Emergency Control Act (1967) as recommended by the State Department of Environmental Protection.

Personnel Standards

Health Officer and/or Director of Air Pollution Control; Air Pollution Inspector and/or Sanitary Inspector, First Grade, who is certified by the State Department of Health as qualified to perform smoke control activities.

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Certified Health Services—continued

FOOD ESTABLISHMENTS

NOTE: Delete the existing language and substitute therefor the following:

Certified Health Service

E. Maintain surveillance of food establishments.

Program Standards

1. Conduct a food establishment program based upon State law and local ordinance providing standards at least equivalent to the current edition of the "Retail Food Establishment Code of New Jersey."

2. Conduct a vending machine program based upon State law and local ordinance providing standards at least equivalent to the current edition of the "Food and Beverage Vending Machine Code of New Jersey."

3. Inspect food establishments and food and beverage vending machines on a periodic basis; make follow-up inspections when deficiencies are found; complete a standard report for each inspection made.

4. Initiate appropriate enforcement action to secure compliance with State law and local ordinance; collect and prepare evidence for legal action.

5. Maintain a food establishment and vending machine file at the local health agency office containing inspection reports and reports of enforcement actions taken.

6. Provide or conduct training courses for supervisors of food handlers.

7. Collect samples and provide for laboratory analyses of foods suspected of being adulterated, misbranded or unwholesome.

8. Embargo all food known or suspected to be adulterated, misbranded or unwholesome within the meaning of local ordinance or State law.

9. Condemn and destroy, or otherwise dispose of food which is adulterated, misbranded or unwholesome within the provisions of local ordinance or State law.

Personnel Standards

Sanitary Inspector, First Grade, who is also certified by the State Department of Health to accomplish the above activities.

PLUMBING

Certified Health Service

O. Conduct a program regulating the installation and alteration of plumbing.

Program Standards

NOTE: Delete item 3.

IV. MATERNAL AND CHILD HEALTH

DENTAL HEALTH (CHILDREN)

Certified Health Service

B. Prevent and correct dental disease in children.

Program Standards

NOTE: Add new item as follows:

4. Provide dental health education.

Personnel Standards

Dentist; Dental Assistant; Dental Hygienist, if needed.

SCHOOL AGE CHILDREN

NOTE: Delete the existing language and substitute therefor the following:

Certified Health Service

F. Provide health services for school age children attending nonpublic schools.

Program Standards

1. Determine and define public health problems of nonpublic schools, and the health needs of children attending them; provide leadership in planning activities to meet these needs.

2. Maintain liaison with the Special Consultant for School Health of the New Jersey State Department of Education, and with the Maternal and Child Health and Dental Health Programs of the New Jersey State Department of Health.

3. Provide adequate physical facilities and materials for the school health program, and equipment for the school health examination room.

4. Provide school health services to nonpublic schools based upon written medical policies, including the following activities:

a. Provision of written medical policies covering first aid treatment and emergency orders.

b. Maintenance of a cumulative health record for each pupil, utilizing form MCH-7 or its equivalent.

c. Performance of a medical examination at least every 3 years (in the presence of a parent when possible) and recording the findings on the pupil's cumulative health record (Form MCH-7 or its equivalent) for pupils who have not had such examinations done by their family physicians.

d. Review by the school physician of all reports of examinations performed by private physicians and recording of the pertinent findings on the pupil's cumulative health record (form MCH-7 or its equivalent).

e. Vision screening performed annually on all pupils, using a method approved by the State Department of Health.

f. Hearing screening performed annually on all pupils in the first four grades and biennially thereafter, using a method approved by the State Department of Health.

g. Follow-up of deficiencies found in the health appraisal and screening procedures and effective communication by personal contact with the parents. Public health nursing conferences shall be held with parents either at school or at home, facilitating diagnosis and care; nurses shall confer with teachers concerning health problems affecting the individual child in the classroom.

h. Tuberculin testing and follow-up as recommended by the current school tuberculin testing guide prepared by the "School Tuberculin Testing Committee of the Tuberculosis Council of New Jersey."

5. Provide dental health services in accordance with current recommendations of the Dental Health Program of the State Department of Health.

6. Establish a requirement of primary and booster immunizations for protection against pertussis, tetanus, diphtheria, small pox, poliomyelitis, measles, and rubella, in accordance with current recommendations of the New Jersey State Department of Health.

7. Establish a system of control of communicable disease in accordance with the State Department of Health's current "Regulations Concerning Isolation of Persons Ill or Infected with a Communicable Disease and Restriction of Contacts of Such Communicable Diseases."

8. Provide sanitary inspection of the school's toilets, washrooms, cafeterias, food vending machines, water supply and sewage disposal systems in accordance with local and State regulations.

9. Provide inspections in accordance with the current recommendations of the State and local departments of health, making accident prevention a major goal.

Personnel Standards

Physician, Public Health Nurse or School Nurse with a permanent School Nurse's Certificate, Sanitary Inspector, First Grade, and if needed Dentist and/or Dental Hygienist.

LEAD POISONING

Certified Health Service

G. Control lead poisoning in children.

Program Standards

1. Inspect and collect samples of paint from the interior of dwellings or other areas of high risk.

2. Conduct a casefinding program to include:

a. routine inquiry about pica in children under 7 years,

b. blood lead level determination in children with a history of pica, and in siblings of children with either positive lead poisoning or pica,

c. reevaluation at regular intervals of children with pica who at initial screening had negative blood tests for lead;

d. other screening methods approved by the State Department of Health.

3. Conduct a followup program which will include:

a. parental instruction regarding the seriousness of repeated exposure to lead,

b. removal of lead from the environment or the removal of the child from the environment until the lead is removed.

4. Provide a lead poisoning education program directed to physicians, h;ealth workers and the public.

5. Promote legislation which will:

a. prohibit the use of paints containing lead for indoor purposes and on toys and furniture,

b;. provide for warning labels on all paints containing more than 1 percent lead.

6. Refer positive cases to medical supervision.

Personnel Standards

Public Health Nurse; Sanitary Inspector, First Grade.

V. CHRONIC ILLNESS

DENTAL HEALTH (ADULTS)

Certified Health Service

D. Prevent and correct dental disease in adults.

Personnel Standards

Dentist; Dental Assistant; Dental Hygienist, as needed.

NOTE: Delete the section entitled HEART SERVICES and substitute therefor the following:

HEART AND CIRCULATORY DISEASE SERVICES

Certified Health Service

I. Provide heart and circulatory disease control services.

Program Standards

1. Provide screening programs to detect heart and circulatory diseases, including stroke, in high risk groups using methods approved by the New Jersey State Department of Health.

2. Identify high risk individuals through the correlation of the history of one or more of the following: excessive cigarette smoking, hyperlipemia, hypertension, obesity, history of ancestral vascular disease and other related factors.

3. Provide nutritional consultation to high risk groups.

4. Provide or support as needed a program of therapy and service to obtain maximum rehabilitation and self-sufficiency which may include public health nursing, homemaker-home health aide, speech evaluation and therapy, physical therapy, braces and other specialized equipment as needed.

5. Provide a program of prophylactic medication for persons with rheumatic heart disease.

6. Provide educational opportunities for professional groups and the general public in cooperation with voluntary health agencies.

Personnel Standards

Physician; Public Health Nurse; Diet Counselor; and if needed, Physical Therapist, and Speech Therapist.

NUTRITION

NOTE. Delete the existing language under this section and substitute therefore the following:

Certified Health Service

M. Provide diet counseling services.

Program Standards

1. Provide diet counseling on physician's or dentist's prescription or orders to:

a. Individuals requiring assistance with interpretation of a therapeutic diet.

b. Individuals requiring diet modification to meet special needs for growth and development, e.g. children and pregnant women.

c. Groups or classes with similar diet requirements, e.g. weight control, diabetic or prenatal.

2. Conduct classes for persons with needs for similar nutritional information, e.g. low income families or parents of infants and/or young children.

3. Provide inservice training to members of the healt team regarding the dietary problems of patients and co sultation to the supervisory staff of dietary departme personnel regarding menu planning, food service and the apeutic diets.

Personnel Standards

Diet Counselor

Certified Health Service

N. Provide a program to meet nutrition education need

Program Standards

1. Integrate nutrition services with related health pr grams, e.g. maternal and child health, communicable ease, chronic illness, therapeutic drug communitie others with a nutrition component.

2. Assist other members of the health agency in surve and inspections of food services, e.g. camps, schools, ho pitals, extended care facilities, sheltered care facilitie industry or day care centers.

3. Through individual or group conferences, instru public health nurses and other case workers in the dieta aspects of prenatal care, child health, adult health, chroni disease and aging. Such instruction should include specif information on available food, current food costs, foo habits of specific cultural groups and interpretation special diets.

4. Assist in joint planning among voluntary and offici health agencies to develop nutrition education program and to promote effective use of nutrition and diet counse ing staff.

Personnel Standards

Public Health Nutritionist.

Interested persons may present statements or argument relevant to the proposed action at a public hearing to b held on September 14, 1970 at 10 a.m. in the auditoriu of the Health - Agriculture Building, John Fitch Plaz Trenton, New Jersey.

Written comments may be presented prior to Septemb 14 and for a period of two weeks thereafter to:

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

The Public Health Council, upon its own motion or at th instance of any interested party, may thereafter adopt th revisions substantially as proposed without further notice

Mrs. J. Duncan Pitney
Chairman, Public Health Counci
Department of Health

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Nursing Home Administrator Licensing Rules

On June 24, 1970, the State Board of Control of th Department of Institutions and Agencies, pursuant to au thority of N.J.S.A. 30:11-11 et seq., and in accordance applicable provisions of the Administrative Proc Act of 1968, adopted rules for the Licensing of Nu Home Administrators, substantially as proposed in th Notice published May 7, 1970 at 2 N.J.R. 40(e).

An order adopting these rules was filed June 30, 1970 a R.1970 d.74 to be effective July 1, 1970.

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

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Proposed Criteria for Satellite Hospitals

The State Board of Control of the Department of Institu tions and Agencies, pursuant to authority of N.J.S.A. 30:11 1 et seq, proposed at its July 22, 1970 meeting to adop criteria for satellite hospital facilities to supplement th standards on minimum bed requirements for hospital contained in the Manual of Standards for private hospital (dated July, 1968).

The proposed criteria read as follows:

FOREWORD

Intelligent regional health planning seeks to promot the orderly organization and growth of an efficient systen for the delivery of quality health care. Implicit in such system is accessibility to such care commensurate wit need, as well as the avoidance of wasteful duplication o specialized medical services in order to insure maximun utilization of expensive physical facilities, services an skilled personnel.

It is apparent that to achieve these objectives there must be greater coordination and cooperation among exist ing hospitals to encourage the creation of new facilitie where adequate facilities do not now exist.

Circumstances may arise in an area of reasonable in accessibility to an existing hospital that necessitates th establishment of a new facility. State regulations relatin to licensure of medical care facilities require that a new independent hospital be at least 100 beds in size. If th

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demonstrated need in the community will not support the range of services and disciplines required in a 100-bed hospital, then alternative arrangements must be provided. Under such circumstances, a hospital of sufficient size (200 beds or larger), providing basic specialty services normally provided in a 200-bed hospital, may sponsor a "satellite" facility. Such a Sponsoring Institution should be located within a reasonable time and distance from the "satellite" facility.

It is necessary to define the type of institution and to provide certain safeguards to insure that the patient in a "satellite" receives care comparable to that which would be provided at the Sponsoring Institution.

SPONSORSHIP BY AN EXISTING HOSPITAL

A "satellite" is defined as an organized unit of an existing hospital (200 beds or larger) operated under the direction and control of one board of trustees, one medical staff, the same by-laws and license, and providing facilities and services in those geographical areas where it is either inconvenient or uneconomical for the community to provide the broad range of services normally found in an acute general hospital.

Title to the land and buildings may be held by a local group, but the facility must be leased or rented to the Sponsoring Institution.

It is also important to look beyond the physical aspects to insure that patients who use these facilities are assured quality service.

In order to make the fullest use of available physical facilities and skilled personnel, and to insure the widest distribution of quality health services, the following guidelines are proposed:

MEDICAL STAFF

1. There shall be but one medical staff for both facilities. The physicians serving the "satellite" shall be given staff appointments in accordance with the procedures and requirements of the Sponsoring Institution as described in its constitution, by-laws, rules and regulations.

2. The activities of the medical staff and medical services in both the Sponsoring Institution and the "satellite" shall be under the direction of the staff officers and department heads of the medical staff.

3. The professional medical services at both the Sponsoring Institution and the "satellite" shall function under the supervision of the Tissue, Audit, Utilization and Infection, or other similar Committees of the medical staff.

4. Generally, physicians shall enjoy the same privileges in both the Sponsoring Institution and the "satellite" for which they have been qualified in the context of their staff appointment.

5. It is suggested that a medical representative of the "satellite" serve on the Medical Executive Committee or Joint Conference Committee of the Sponsoring Institution.

PROFESSIONAL MEDICAL SERVICES

Professional medical services shall be the responsibility of the Sponsoring Institution and should be regulated by its constitution, by-laws, rules and regulations. They should include, but not be limited to, the following:

1. Emergency room service: staffed on a 24-hour basis, by licensed physicians or house staff supplemented by local physicians on an "on-call" basis as the need requires. The emergency room shall include adequate facilities and equipment for such emergencies as cardio-pulmonary resuscitation, etc.

2. Hospitalization for urgent and emergency cases. If the required medical service is of a limited nature, hospitalization may be provided in the "satellite". If medical service requires comprehensive or specialized medical care, the patient may be transferred to the Sponsoring Institution, or the specialty service brought to the "satellite".

3. Specialized medical care should be "available" to the "satellite" at all times.

4. Facilities for emergencies requiring limited surgical procedures, primarily those associated with accidental injuries, should be provided. If provided, such facilities shall be staffed with qualified personnel.

5. Emergency delivery room service should be provided. As soon as possible after emergency delivery, the mother and newborn shall be transported to the Sponsoring Institution. If provided, such facilities shall be staffed with qualified personnel.

6. Radiologic services as required to provide emergency care shall be staffed with qualified technical personnel.

7. Clinical laboratory services as required to provide emergency care shall be staffed with qualified technical personnel. This should include electrocardiographic service.

COMMON SERVICES THAT MAY BE PROVIDED

In order to avoid wasteful duplication of specialized services and to insure maximum utilization of expensive physical facilities and manpower, it is recommended that the following services, if provided, should be shared to the maximum extent feasible under the supervision and control of the Sponsoring Institution.

a. Administraitve and general services including, but not limited to, the following: management services, purchasing, personnel, data processing, laundry, food services and housekeeping.

b. Professional and technical services including, but not limited to, the following: laboratories, radiology, cardiopulmonary resuscitation, inhalation therapy, pharmacy, and other services complementary to general, medical, surgical and pediatric care.

It is understood that the more sophisticated functions in each category will be provided at the Sponsoring Institution.

ARCHITECTURAL REQUIREMENTS

The building shall be designed to provide adequate space to accommodate the contemplated services, and must conform to all federal, state and local standards as they apply to general hospital construction.

Since, in all likelihood, a facility of this kind will require expansion, it is recommended that the facility be designed in such a manner as to provide for necessary future expansion without disruption of existing services.

STAFFING REQUIREMENTS

Staffing patterns must conform to licensing standards, rules and regulations as promulgated by the Department of Institutions and Agencies.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 27, 1970, to:

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

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

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

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Proposed Standards for Intermediate Care Facilities and Multiple Occupancy

The State Board of Control, pursuant to authority of N.J.S.A. 30:11-1 et seq, at its meeting on July 22, 1970 proposed to adopt licensing standards for intermediate care and multiple occupancy in nursing and/or residential care facilities.

The proposed standards would be applicable to all existing and new facilities licensed or approved as nursing, convalescent or residential care facilities under the provisions of N.J.S.A. 30:11-1 et seq and 30:11A-1 et seq.

Portions of the proposed standards read as follows:

I. **Definition of Facility**

A. A nursing and/or residential care facility, as defined, shall be permitted to operate a Nursing Care Unit, and/or Extended Care Unit, and/or Skilled Nursing Care Unit, and/or Intermediate Care Unit, and/or residential Care Unit as distinct and identifiable parts of the facility, subject to approval of the Hospital Licensing Board.

B. The Intermediate Care Unit and/or the Residential Care Unit shall meet all applicable construction and operation requirements of the State of New Jersey for the approval of New Boarding Homes for Sheltered Care. In addition, Intermediate Care Units shall meet the Conditions, Guidelines and Standards for Intermediate Care Facilities as defined by the Federal Government, supplemented by additional State requirements.

C. There shall be one class of Intermediate Care Unit which shall recognize only one level of care requiring daily supervision of the facility's health services by a registered professional nurse or licensed practical nurse with a low ratio of on premise around-the-clock nursing coverage. The standards of the Department for nursing homes, with modifications as contained herein, and the standards in the Federal Register (Volume 35, number 112, June 10, 1970) for an Intermediate Care Facility shall be adopted for this purpose. Any classification of licensed or approved facility or a distinct and identifiable part of such facility shall be permitted to become an Intermediate Care Unit if it meets the standards.

* * *

II. **Definition of Resident**

A. A resident in an Intermediate Car Unit is an adult person who requires supervision, who is ambulent or partially ambulant with or without assistance, who is reasonably oriented mentally, and who has been certified by a licensed physician to be free from communicable disease and not in need of nursing care on a continuing basis. This shall not be construed to prevent medical and nursing care of residents on an intermittent basis, in emergencies or during temporary illness.

B. A resident, because of physical or mental limitations or both, requires living accommodations and care which, as a practical matter, can be made available only through insitutional facilities.

C. A resident does not have such an illness, disease, injury or other condition as to require the degree of care and treatment which a hospital or skilled nursing home (as that term is employed in Title XIX) is designed to provide.

* * *

IV. **Minimum Requirements**

C. Additional State Standards for Approval

1. Licensed Nurse Supervision

Each identifiable unit shall have daily active licensed nurse supervision on an around-the-clock basis. Such supervision and coverage shall be provided 7 days per week, 24 hours per day, by either Registered Nurses or Licensed Practical Nurses and shall be sufficient to provide a minimum of 1 hour of supervision per resident per day.

2. Auxiliary Personnel Coverage

Each identifiable unit shall have daily active personnel coverage to provide adequate resident care and services.

3. Professional Services and Medical Records

(a) A recorded medical examination for each resident within 48 hours of admission, with admission limited to services available.

(b) Evaluation of residents at least every three months by a physician with recorded progress notes.

(c) Free choice of a physician by each resident.

(d) Adequate arrangements for the availability of physician and dental services at all times and for emergencies.

(e) Individual health and medical records for each resident, to include name, address and telephone number of physician, record of physician's findings, recommendations of admission evaluation and of subsequent re-evaluations, and all orders for care of residents.

(f) Pertinent recorded nursing records and data relating to general condition of residents, special treatments and medications prescribed by a physician.

(g) Drugs recorded by individual resident prescription with re-evaluation at least every three months by prescribing physician.

4. Equipment and Supplies

(a) Each identifiable unit shall have a small nurses station which shall provide a desk or work table, locked medicine cabinet, medical record storage and small refrigerator for biological supplies.

(b) Each identifiable unit shall have a small utility room which shall provide a sanitizer, hand sink, work counter, waste and soiled linen receptacles.

(c) The sharing of a nurses station and/or a utility room by one or more adjacent identifiable units will be considered if located on the same floor.

Copies of the complete text of the proposed standards 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 of Institutions and Agencies at the above address, on or before August 27, 1970.

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

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

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MENTAL HEALTH AND HOSPITALS

BUREAU OF COMMUNITY MENTAL HEALTH SERVICES

Proposed Rules Governing State Aid Under Community Mental Health Services Act

Lloyd W. McCorkle, Commissioner of Institutions and Agencies pursuant to authority of N.J.S.A. 30:9A-10, proposes to adopt rules and regulations governing State Aid under the Community Mental Health Services Act (N.J.S.A. 30:9A-1 et seq.).

The proposed rules and regulations set forth guidelines for distribution of money made available under the Act, minimum standards for community mental health projects, and minimum standards for the personnel required for the operation of such projects.

The proposed rules and regulations shall be applicable to all existing and new facilities approved to participate in the matching monies program under the provisions of the Act.

Copies of the full text of the proposed rules and regulatons may be obtained from:

Bureau of Community Mental Health Services
Department of Institutions and Agencies
167 West Hanover Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action to the Bureau of Community Mental Health Services at the above address, on or before August 27, 1970.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Amendments in Manual Of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend sections 2100, "The Application Process," and 2800, "Social Services," of the Division of Public Welfare Manual of Administration.

The purpose of the proposed amendments is to set forth policy for the separation of income maintenance and services.

Selected portions of the amended materials read as follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

2101. **Definition**

.1 Application Process

The application process includes all activity performed **by the Income Maintenance Section** relating to a request

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Manual of Administration—continued

for financial assistance. It begins with the first statement to the CWB that an individual wishes to receive financial assistance and continues in effect until there is an official disposition of his application.

The application process is primarily geared toward the determination of basic eligibility and the extent of financial need. However, since intake by its very nature involves a combination of services and income maintenance functions, a service worker shall be made available during such process.

* * * *

2802. Legislative Background.

The 1967 amendments give additional emphasis to services for self-support, employment or training for employment, of parents in AFDC with necessary safeguards for the care of the children.

They provide for a broader scope of services than those designated by the 1962 amendments. They provide for the separation of functions of eligibility determination and services. Such separation will enable service staff, including para-professionals and supplemented by volunteers, to give full time to service activities; authorize the use of special units and auxiliary services, such as day care and homemaker services.

With the separation of functions, the county agency has an opportunity to assign service staff in a way that will achieve maximum results for the service program, and will increase the availability of services to all who need them. This will be accomplished through the agency program and through coordination with other community agencies.

2807. The [Social Study] Service Plan

The [social study] service plan [is part of the casework process and is developed through the worker-client relationship] is both a method and a process for acquiring and organizing information pertaining to the client's situation and needs. People may come to the public assistance agency for [financial assistance and other] concrete services [,] in addition to financial assistance, such as help in locating employment, need for more adequate housing, special services for children, etc. They may have [reality] problems in various aspects of living. [Their own efforts to find a solution for their difficulties have failed.] They [are] may be harassed and their own resources depleted. They may have feelings of desperation, even though these [may be] are hidden by various kinds of behavior. [Chances are they are in the midst of a crisis situation in which they are experiencing excessive pressure. Psychologically the person is saying to the worker (agency), "I have an urgent need. I ask your help".]

[This coming together of client and caseworker around the client's problem constitutes the beginning of the casework process. It is at this point that the worker undertakes the social study. This is done through a process of exploration, and through this process a relationship between client and worker is established.]

.1 Purpose of the [Social Study] Service Plan. [is to determine the nature of the client's problem, to identify service needs, and to formulate a plan of treatment designed to enable the client to work towards the resolution of his problem.

In this connection it should be remembered that a service should not be regarded as an end in itself but rather as a means toward achieving the desired goal.]

The service plan serves the following purposes:

a. to identify immediate and long-term problems and evaluate the possibility of improvement through social services;

b. to assess capacities and strengths for meeting problems;

c. to secure pertinent social information;

d. to formulate a service plan with clients that is helpful to them and is realistic in terms of their individual capacities and resources available.

* * * *

2810. Communication between Income Maintenance Section and Service Sections

When a client tells a worker in the Income Maintenance Section of a need for services, that worker is responsible for transmitting such a request to the Service Section. Similarly, when the service worker receives information from the recipient or other sources that indicate a possible change in eligibility or extent of need, the service worker is responsible for transmitting such information to the Income Maintenance Section for evaluation and decision. The service worker should advise the client of this requirement.

Effective and prompt communication between the Sections will be an important factor in achieving the objectives inherent in the separation of functions of eligible determinations and services.

Information to another Section should be in writing or by telephone, followed by a written confirmation.

In addition to a specific request by or information obtained from clients, communication between the Sections shall be made for such situations as:

1. changes in residence, size of family and living arrangements;

2. observation by eligibility worker, of obvious need for service or crisis situation, or observation by service worker of changes affecting eligibility factors;

3. information from a relative or community (other agency) affecting status of case.

Copies of the full text of the proposed amendments to the above sections may be obtained by writing to:

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

Interested persons may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare at the above address on or before August 28, 1970.

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend the Caegorical Assistance Budget Manual as follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

314. TRANSPORTATION

314.1 In situations where expenses of training (see Section 317.) or where expenses of employment or self-employment (see Section 410.) have been recognized for one or more members of a FBU in the determination of need for such FBU, no additional costs or special circumstance requirements for transportation are authorized.

314.2 When Section 314.1 is not applicable, a client who has medically verified illness, infirmity, or physical handicap may himself need expenses of transportation. **Such expenses are allowable for the following situations when not compensable through New Jersey Health Services Program or any other source:**

a. to clinic, hosiptal or doctor;
b. to public or private medical institution;
c. to school;
d. to church;
e. for shopping.

A recurring allowance equal to the estimated average monthly cost of the minimally required transportation or a non-recurring allowance equal to the actual cost [shall] may be included in the budget.

402.4 REGULAR RECURRING INCOME

Regular recurring income includes moneys received as income from employment or business, income from investments, trusts, estates, contributions, support payments by relatives, or benefits from OASDI, workmen's compensation, railroad retirement, veteran's administration, **coal miners black lung**, union, lodges, etc. (When benefits are granted for special purposes in accordance with intent of the law under which they are provided, such as education, housing, rehabilitation, medical costs, etc., such benefits shall be recognized as a resource applicable only to the particular requirements for which they are granted.)

407.5 INSURANCE AS A POTENTIAL RESOURCE

b. Life insurance with a face value exceeding $1000 on any individual shall be considered a potential resource except in the following situations:

1. it has been medically verified that the individual has a reduced life expectancy;
2. the insured is receiving disability income under the insurance policy, or it is anticipated that the insured may be eligible for disability benefits under the insurance policy within a reasonable length of time;
3. [the client has a Family policy] **there is a Family policy issued in the client's name** in the smallest amount available and a member of the family budget unit is uninsurable;
4. [the client has a Family policy] **there is a Family policy issued in the client's name** in the smallest amount available and the number of eligible and ineligible children under 21 would make the premium cost of individual policies equal to or greater than the cost of the Family policy;

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; Social Security; 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 an adult newly added to the family budget unit who is a spouse or who occupies a spousal relationship without proof or claim of ceremonial marriage, deduct the actual amount of payments being made toward allowable prior indebtedness as specified in Section 309.4;
h. the remainder is to be entered as budgetable earned income.

413. LUMP SUM PAYMENTS FOR SERVICES

In situations where a client receives a lump sum payment for services rendered over a period of more than a month, any disregard of earned income is to be computed in relation to the [periods] month(s) when the income is earned and not when it is paid.

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before August 28, 1970, to:

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

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in Manual of Administration

Proposed Changes in the Manual of Administration 10 u&l

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend the Division of Public Welfare Manual of Administration in order to delete or correct words, phrases, sections and procedures relating to medical services which have been made obsolete or superseded by the advent of the State Medicaid Program.

Copies of the full text of the proposed amendments may be obtained by writing to:

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

or may be examined at:

Division of Public Welfare
Bureau of Social Services
Third Floor
129 East Hanover Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1970, to the Bureau of Social Services at the above address.

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Division of Public Welfare Manual of Administration, substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 48(d).

An order adopting these amendments was filed June 1970 as R.1970 d.75 to be effective July 1, 1970.

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

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Division of Public Welfare Manual of Administration, substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 49(a).

An order adopting these amendments was filed June 30, 1970 as R.1970 d.76 to be effective July 1, 1970.

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

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

General Assistance Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Division of Public Welfare General Assistance Manual, substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 49(b).

An order adopting these amendments was filed June 30, 1970 as R.1970 d.77 to be effective July 1, 1970.

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

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(a)

INSTITUTIONS AND AGENCIES

STATE BOARD OF CONTROL

Licensing Policy for Long-Term-Care Hospital Units

On June 24, 1970, the State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a licensing policy for long-term-care hospital units, substantially as proposed in the Notice published May 7, 1970 at 2 N.J.R. 42(c).

An order adopting this licensing policy was filed June 30, 1970 as R.1970 d.73.

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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF LAW

BUREAU OF SECURITIES

Financial Reports, Unsolicited Sale of Stock

On June 29, 1970, Joseph F. Krupsky, Chief of the Bureau of Securities in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, amended N.J.A.C. 13:13-2, "Financial Reports and Statements," and adopted N.J.A.C. 13:13-15, "Customer Acknowledgment of Unsolicited Sale of Stock," substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 50(c).

An order adopting the above changes was filed and effective July 13, 1970 as R.1970 d.85.

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

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Changes in Suspension for Speeding and Point System Regulations

Ronald M. Heymann, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30, proposes to repeal N.J.A.C. 13:19-49, known as the suspension for speeding regulation, and to amend N.J.A.C. 13:19-50, the point assessment section of the point system regulation.

The purpose of the proposed changes is to effectuate the intent of the Legislature as contained in N.J.S.A. 39:5-30.2. and 39:5-30.3 (L. 1969, c. 261) in which the Director of the Division of Motor Vehicles is given discretion to permit a driver subject to suspension or revocation to elect to attend the Division of Motor Vehicles Driver Improvement School, in lieu of all or part of the period of suspension, when the violation is a first offense of speeding in excess of 10 miles per hour (m.p.h.) over the legal limit.

The proposed amendments to N.J.A.C. 13:19-50 read as follows (additions indicated in boldface thus; deletions indicated within brackets [thus])

N.J.A.C. 13:19-50 POINT ASSESSMENT

I. Point System for motor vehicle and traffic law violation repeaters.

Leaving scene of an accident ..... 8 points
Reckless driving ..... 6 points
Racing on highway ..... 6 points
Speeding - 20 MPH or more over legal limit providing speed limit is under 50 MPH .... 6 points
Speeding - 10 MPH or more over the legal limit providing the speed as indicated by the conviction is 60 to 80 MPH ..... 6 points
Speeding - 20 MPH or more over the legal limit providing speed as indicated by the conviction is 81 to 90 MPH ..... 7 points
Speeding - 20 or more miles over the legal limit providing speed as indicated by the conviction is 91 MPH or greater ..... 8 points
Speeding - Other ..... 4 points

[No points will be assessed for a speeding conviction which results in a driver license suspension for Speeding Regulation.]

Passing on curve or hill or otherwise unsafely 5 points
Passing stopped school bus ..... 5 points
Following too closely ..... 5 points
Other moving violations ..... 3 points

Interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the proposed action, on or before August 27, 1970, to:

Deputy Director Charles Mellon
Division of Motor Vehicles
25 South Montgomery Street
Trenton, New Jersey 08625
Telephone: (609) 292-4593

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

Ronald M. Heymann, Director
Division of Motor Vehicles
Department of Law and Public Safety

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rule for Visual Tire Inspection

Ronald M. Heymann, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-72 (as amended L. 1970, c. 129), proposes to adopt rules of safe operating condition capable of being employed by a law enforcement officer for visual inspection of tires mounted on motor vehicles, including visual comparision with simple measuring gauges.

The proposed rule reads as follows:

MOTOR VEHICLE TIRES

A tire shall be considered unsafe and shall be rejected for the following reasons:

1. Worn to the point where any part of the ply or cord is exposed. (Cracks, cuts, scuffs, or snags deep enough to expose the cords or fabric are causes for rejection).

2. Any bump, bulge, knot or separation affecting the tire structure.

3. Any break repaired with a boot or patch.

4. Worn so that the tread wear indicators contact the road in any two adjacent major grooves, at three locations spaced approximately equally around the outside of the tire. Passenger car tires are constructed so that the tread wear indicators will not contact the road until the tread depth is less than 2/32 of an inch. It is also permissible to determine whether a passenger car tire has the minimum safe tread depth of 2/32 of an inch at the locations specified above by using a tread depth gauge of a type calibrated in thirty-seconds of an inch and following the instructions furnished with such gauges.

This Regulation shall take effect immediately.

Interested persons may present statement or arguments in writing, orally in person, or by telephone, relevant to the proposed action, on or before August 27, 1970, to:

Deputy Director Charles Mellon
Division of Motor Vehicles
25 South Montgomery Street
Trenton, New Jersey 08625
Telephone: (609) 292-4593

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

Ronald M. Heymann, Director
Division of Motor Vehicles
Department of Law and Public Safety

(e)

LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

Chemical Breath Testing Rules

On July 7, 1970, George F. Kugler, Jr., Attorney General, pursuant to authority of N.J.S.A. 39:4-50.3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 13:51-21 of the rules of the Division of State Police governing chemical breath testing, substantially as proposed in the Notice published June 4, 1970 at 2 N.J.R. 50(f).

An order adopting these amendments was filed and effective July 9, 1970 as R.1970 d.84.

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

(f)

LAW AND PUBLIC SAFETY

POLICE TRAINING COMMISSION

Proposed Police Administrative Services Bureau Rules

The Police Training Commission of thee Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-71(h), proposes to repeal Subchapter 11 entitled "Administrative Management Services" of its existing rules, and to adopt in place thereof a new Subchapter 11 entitled "Police Administrative Services Bureau".

The following is the complete text:

SUBCHAPTER 11

POLICE ADMINISTRATIVE SERVICES BUREAU

13:1-11.1 LAW ENFORCEMENT UNIT DEFINED

"Law enforcement unit" shall mean any police force or organization in this state or a bi-state agency which has by statute or ordinance, the responsibility of detecting crime and enforcing the general criminal laws of this State.

13:1-11.2 POLICE ADMINISTRATIVE SERVICES BUREAU ESTABLISHED

There is established in the Police Training Commission a Police Administrative Services Bureau (hereinafter referred to as "PASB").

13:1-11.3 STUDIES AND ANALYSES

Upon the written request of any law enforcement unit, PASB is authorized to conduct studies and analyses of the administration, management or operations of the law enforcement unit.

13:1-11.4 COUNSELING SERVICES

Upon the written request of any law enforcement unit, PASB is authorized to provide counseling services to such law enforcement unit for the purpose of improving the administration, management or operations of the law enforcement unit.

13:1-11.5 REQUESTS FOR ASSISTANCE

Requests for PASB assistance shall be signed by the chief of the law enforcement unit or other official responsible for directing the operation of the unit and by the mayor of the municipality or other appropriate elected or appointed official. Where the municipality does not have an organized police department, the signature of the mayor or other appropriate official will suffice.

13:1-11.6 CONSOLIDATION AND POOLING OF POLICE SERVICES

Requests for surveys of the consolidation and pooling of police services shall be signed by the appropriate officials of each municipality or county, as the case may be.

13:1-11.7 CONTRACTING FOR SERVICES

Requests from a municipality not having an organized police department for the furnishing of police services by another municipality or county shall be signed by the appropriate officials of each municipality or county, as the case may be.

13:1-11.8 POLICE MANAGEMENT BULLETINS

PASB shall prepare and distribute from time to time to law enforcement units a police management bulletin and such other material as will serve to improve the efficiency of law enforcement units.

13:1-11.9 NO FEES FOR SERVICES

No fees will be charged for any PASB services.

13:1-11.10 LETTER OF AGREEMENT

A letter of agreement outlining the scope of the services to be performed shall be prepared for law enforcement units requesting such services and shall be signed by appropriate officials of the municipality or county, as the case may be, and by the chief administrative analyst of the bureau.

13:1-11.11 DISTRIBUTION OF REPORTS

Copies of reports prepared by PASB on any law enforcement unit shall be furnished only to the chief of the law enforcement unit or other official responsible for directing the operation of the unit and to other appropriate officials of the municipality or county, as the case may be.

Interested persons may present arguments statements or arguments in writing relevant to the proposed action, on or before August 28, 1970, to:

Police Training Commission
1100 Raymond Blvd.
Newark, New Jersey 07102

After full consideration of all statements and arguments presented, the Police Training Commission, upon its own motion or at the instance of any interested party may thereafter adopt the above rules substantially as proposed without further notice.

Leo A. Culloo
Executive Secretary
Police Training Commission
Department of Law and Public Safety

STATE NEWS OF PUBLIC INTEREST

EARLY NEW JERSEY NEWSPAPERS TO BE PRESERVED ON MICROFILM

Many early New Jersey newspapers, an invaluable record of events and public opinion for two centuries, will be saved from deterioration through a new statewide program of microfilming, according to Roger H. McDonough, director of the State Library.

The program will be administered by the State Library's Archives and History Bureau, headed by Kenneth W. Richards. It will involve cooperation with local public libraries that have important newspaper collections. Selected papers will be scheduled for filming each year.

A total of $15,000 will be spent on tbe program this year. One-third of the money will be provided by local libraries, to be matched by the State Library and the New Jersey Historical Commission, each allotting $5,000. An equal amount is anticipated for next year.

The Library's share will come from the Federal Government through Title III of the Library Services and Construction Act. The expenditure was recommended by the New Jersey Library Resources Committee, an advisory body.

Two public libraries will participate in the program this year. Jersey City Free Public Library will film its collection of The Jersey Journal (1941-1950). Trenton Free Public Library will do The Trenton State Gazette (1800-1942).

Professor Richard P. McCormick of Rutgers University, chairman of the New Jersey Historical Commission, calls the newspaper preservation program "one of the most useful services we could possibly render to the growing number of scholars engaged in the study of New Jersey's history."

Applications will soon be available to public libraries wishing to participate in the program in 1971.

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SULLIVAN EXPLAINS NEW POLLUTION CONTROLS DUE FOR DIESEL VEHICLES

"Exhaust smoke from diesel trucks and buses is a form of air pollution that is particularly objectionable to the public," states Richard J. Sullivan, Commissioner of Environmental Protection.

"Diesels, along with incinerators and smelly industrial processes, account for the vast majority of pollution complaints made by New Jersey citizens," he notes, adding that "diesels are believed to contribute about six percent of all particulate matter in the atmosphere."

The Commissioner made his comments prior to a public hearing to be held August 19 on a proposed statewide regulation to control smoke from diesel-powered vehicles.

(The hearing was officially announced in the July 9 New Jersey Register at 2 N.J.R. 54 (c), along with the full text of the proposed regulation.)

The public session is at 10 a.m. in the Fine Arts Center at Rider College, Route 206, Trenton. Briefs and statements may be made at the hearing or sent to the Department of Environmental Protection in advance.

Emphasizing the importance of the regulation, Commissioner Sullivan will himself be the hearing officer. The proposed measure upon adoption would become Chapter 14 of the state's Air Pollution Control Code, entitled "Control and Prohibition of Smoke from Diesel-Powered Motor Vehicles."

Last week the Commissioner explained more fully the new regulation. He noted that two methods of measuring diesel smoke exhaust are proposed. One is a visual standard to check vehicles on the roads. "It is hoped that the visual standard will be applied by State and local police and road enforcement officers of the Division of Motor Vehicles," he said.

Operators of diesels with smoke exceeding the standard will be in violation of Motor Vehicle Law and subject to a ticket and fine, he explained.

The second inspection method, which employs a "smokemeter" instrument to check standing vehicles, will be used by the Public Utilities Commission in its regular inspections of buses. "Buses will fail inspection if their smoke measures above the standard."

The PUC conducts bus inspections, while the Division of Motor Vehicles controls trucks and tractors.

Commissioner Sullivan noted that "the standard proposed on public highways prohibits anyone from operating a diesel-powered motor vehicle if, when it is in motion, it emits smoke that is visible approximately one foot away from the exhaust outlet for more than five seconds."

"When a stationary inspection is conducted, the diesel may not emit smoke having more than 20 percent opacity as measured by what is known as a free acceleration test."

The anti-pollution official said that use of the stationary test in motor vehicle inspection stations in addition to the PUC is not planned at this time, pending completion of a current study of the effectiveness of the entire annual motor vehicle inspection program.

"When the study of the inspection system is complete and decisions made, we will know whether the incorporation of the diesel test as a part of that inspection is appropriate."

He also noted that the state law requires a waiting period of 180 days from the time of adoption of the regulation, following the public hearing, to the start of enforcement.

DR. HORTON IS ELECTED AS NEW CHAIRMAN OF CLEAN AIR COUNCIL

Dr. John Horton, of Bernardsville, has been elected the new Chairman of the New Jersey Clean Air Council, Richard J. Sullivan, Commissioner of Environmental Protection, announced.

In accordance with the provisions of the New Jersey Air Pollution Control Act, Dr. Horton was elected by the Council for a one-year term. The vote was unanimous.

For the past two years Dr. Horton, who is 45, served as chairman of the Council's Public Hearing Committee, which held a three-day public hearing last April on air pollution from mobile sources in connection with the Council's second annual report presented to Commissioner Sullivan July 13.

Dr. Horton, a public member of the council, is chairman of the board and president of the Newark Brush Company, Kenilworth. He is also president of Danline Manufacturing and director of allied corporations in Canada, England, and Denmark.

Previously he was assistant to the president of National Dairy Research Labs, Inc., Oakdale, Long Island, and assistant director for development of the Virginia-Carolina Chemical Corporation, Richmond, Virginia.

Dr. Horton has been granted six patents, has authored 14 technical and business articles, and has been a lecturer for the American Management Association. He is president of the Watchung area council, Boy Scouts of America, and a registered professional engineer in New Jersey.

He received a B.S. degree in civil engineering from Massachusetts Institute of Technology in 1949, and a Doctor of Science in sanitary engineering from M.I.T. in 1951.

Irwin S. Zonis, of West Orange, was elected vice chairman of the council. Zonis has served two years on the council as chairman of the legislative committee and a member of the code study committee. He is vice president of operations, Chemicals Division, Essex Chemical Corporation, Clifton. On the council, he represents the New Jersey Manufacturers Association.

STATE NEWS OF PUBLIC INTEREST

START CODE COMPUTERIZATION OF N. J. RULES AND REGULATIONS

A contract to codify, computerize and photocompose the administrative rules and regulations of the State of New Jersey has been awarded to Autocomp, Inc. of Washington, D.C.

The program, on which work has already started, will for the first time put into one set of volumes the rules and regulations of the state, a task assigned by law to the Division of Administrative Procedure of the Department of State.

It marks only the second application of computer—photocomposition technique to such a codification, the Autocomp firm having just begun a similar job for the Commonwealth of Pennsylvania.

The full text of the completed publication, to be known as the New Jersey Administrative Code, will be stored on computer tape for future information retrieval.

The completed Administrative Code will contain in looseleaf binder form the state's rules and regulations in separate titles arranged by subject matter, and kept current by quarterly issuance of supplemental pages.

Copies of the volumes and supplements will be available by subscription to lawyers, law libraries, schools and others interested. Printing of the first Titles is planned by the end of this year.

NEW DAIRY INDUSTRY DIRECTOR HAS HAD 16 YEARS IN THE FIELD

W. W. Moffet Jr., formerly of Jackson, Miss., is the new Director of the Division of Dairy Industry in the State Department of Agriculture.

Secretary of Agriculture Phillip Alampi named him as of July 1 to the post, succeeding Joseph C. Mathis Jr. of Titusville who will be leaving state government after serving as acting director since December 1968. Salary is $22,170, pending Civil Service Commission approval.

Moffet, 51, had been executive secretary of the Mississippi Milk Commission since 1960 and prior to that was for six years supervisor of milk audit control in the Mississippi Department of Agriculture.

He has served as coordinator of the Southern Regional Dairy Marketing Research Project and is a past president of the International Association of Milk Control Agencies and past chairman of the Southeastern Milk Stabilization Council.

Moffet had five years of military service, including 22 months in the Pacific Theatre with the Army during World War II. He held the rank of captain on his discharge in 1946 and is a lieutenant colonel in the Medical Service Corps reserve.

He holds a B. S. degree in agricultural administration and an M. S. in agricultural economics from Mississippi State University which he earned in 1951 and 1952, plus a 1961 law degree from Jackson (Miss.) School of Law.

Married and with a daughter and three sons ranging in age from 23 to 12, the family will relocate in the Trenton area. Moffett, born in Jones County, Mississippi, near Laurel, says with a drawl that he's a country boy.

DONOHUE NAMED DIRECTOR OF DIVISION ON AGING

Edward L. Donohue, former executive director of the Camden County Office on Aging, is the new state Director of the Division on Aging, one of seven major agencies in the Department of Community Affairs.

Donohue, 44, succeeded Mrs. Eone Harger, director of the division since it was first established in the Department of Health in 1958 and part of the Community Affairs Department since 1967. He took office July 1 at a $13,233 salary.

Donohue served for the past two years as executive director of the Camden County Office on Aging, one of 14 county or municipal offices on aging throughout the state. These offices serve as arms of the state division, providing a local source of information and referral on programs which affect older people.

From 1964 to 1968 Donohue was an Undersheriff of Camden County and from 1962 to 1964 a parole offlier assigned to the Camden district office of the State Bureau of Parole, part of the Department of Institutions and Agencies. In 1961-62, he was a self-employed management consultant.

Donohoe received a bachelor's degree in philosophy in 1946 from St. Mary's University, Baltimore, and took graduate studies in education administration and guidance counseling at Villanova University for three years.

He is a past president of the Social Welfare Association of Camden County, a director of the Camden County Senior Citizens' Center, and advisor to the Council for the Betterment of Senior Citizens of Camden County. He is a member of the American Gerontological Society and the adult education advisory committee of Camden County College.

He and his wife live with their six children at 21 East Haddon Avenue, Oaklyn.

MEYERS NAMED TO SECOND POST IN COMMUNITY AFFAIRS DEPARTMENT

Albert Meyers, a community development consultant with wide experience on local, national and international levels, was named last month as Deputy Commissioner of the Department of Community Affairs.

Commissioner Edmund T. Hume described Meyers as "a recognized expert in community and program development who has worked extensively in government and private agencies. His broad experience includes the fields of public and business administration, law practice, social welfare and teaching."

As deputy commissioner, the second highest post in the 400-member department, Meyers handles administration, program and policy development and grantsmanship. The position pays $27,514. He succeeds John N. Kolesar, who resigned.

Meyers, 60, was for the past seven years director of research and development for the United Community Fund of Essex and West Hudson Counties.

His earlier experience was in economic and social development work for governmental and private agencies, including the U.S. Agency for International Development (AID), the United Nations, the Inter-American Development Bank, and the American National Red Cross. In addition, he has served such agencies in New Jersey as the Rutgers Urban Studies Center, the Belleville Family Service Agency, and several Newark organizations.

He has helped develop programs in a variety of urban fields including manpower training and placement, drug abuse, community organization, day care, juvenile delinquency, remedial education, economic development and recreation.

He served as an assistant supervisor and social worker in the New York City Department of Welfare from 1935 to 1942 and from 1951 to 1959 was executive vice president of the Kern Realty Corporation, New York City.

Meyers received his law degree in 1931 from St. John's University Law School and is a member of the New York and Nevada State Bar associations. He earned a Bachelor's degree in sociology and psychology from New York University in 1940, a master of social work degree from Columbia University in 1942, and has completed course work for his Ph. D. degree in sociology from the New York University Graduate School of Arts and Sciences.

Meyers was a senior fellow at the Urban Studies Center of Rutgers University in 1963-64 and an instructor of sociology in the evening division of New York University during 1957-59.

He is fluent in Spanish and has a working knowledge of French, Italian and Portuguese.

Meyers and his wife reside at 11 Concord Road, Marlboro (Monmouth County). They have two married sons, Glenn of New York and Stanley of Washington, D.C., and two grandchildren.

WINFIELD APPOINTED DIRECTOR OF WORKMEN'S COMPENSATION

G. Robert Winfield, an attorney who has spent 18 years in compensation work, is the new Director of the Division of Workmen's Compensation in the Department of Labor and Industry.

Winfield, 55, a resident of Bloomfield for 20 years, had most recently been Supervising Judge of Compensation in Hudson County. As Director he continues at the same $27,000 salary he had been receiving.

Born in Jersey City in 1915, Winfield attended John Marshall Law School there, graduating in 1938 with an LL.B. He was admitted to the New Jersey Bar in 1940 and appointed a formal referee in the state Workmen's Compensation Division in 1952. He later served as Deputy Director, Judge of Compensation and Supervising Judge of Compensation in the Division.

He is a veteran of World War II with service in the North African, Middle East, Mediterranean and European campaigns. Following the war he was a trial attorney, engaged principally in defense work, before joining the state.

Winfield is a member of the American Judicature Society, married and with a son in the U.S. Navy and one married daughter.

SIMONSE IS NEW DIRECTOR OF ECONOMIC DEVELOPMENT DIVISION

Herman C. Simonse of Parsippany took office July 27 as Director of the Economic Development Division of the State Department of Labor and Industry. He replaces Peter J. Blake of Colts Neck, with the salary yet to be established in the $18,622-$24,208 range.

The Division, which was transferred to the Labor Department in April from the former Department of Conservation and Economic Development engages in all areas of economic development. Its operations cover commerce, international trade, state promotion, tourism and industrial development.

Simonse, 39, was for the past two years executive director of the Morris County Chamber of Commerce. Prior to that he served six years as a consultant and as director of the Morris County Department of Industrial Development and earlier on the Morris County Planning Board.

He is a 1957 graduate of Rutgers University with a B.S. in economics and last year earned an M.B.A. from Fairleigh Dickinson University in business administration. He served in the Army from 1952 to 1954.

Simonse is a member of the Industrial Real Estate Brokers Association, New Jersey Federation of Planning Officials, Morris County Manpower Advisory Committee, Morris—Sussex Regional Health Facilities Planning Council and is current president of the Northeastern Industrial Developers Association, a 12-state group of over 400 members.

The family, with two sons, 12 and 8, lives at 46 Califon Road, Parsippany.

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THE NEW JERSEY REGISTER

VOL. 2—No. 9 NEW JERSEY, THURSDAY, SEPTEMBER 10, 1970 2 N.J.R. 69

THE NEW JERSEY REGISTER
A Publication of the State of New Jersey

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

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THURSDAY, SEPTEMBER 10, 1970

NOTICE OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

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

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH
Hog Cholera Regulations

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

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

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

(b)

AGRICULTURE

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

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

The first order, corresponding to a similar order, amending and merging 7 C.F.R. Parts 1003, 1004 and 1016, issued on June 19, 1970 by Richard E. Lyng, Assistant Secretary, United States Department of Agriculture, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601, et seq), and the applicable rules of practice (7 C.F.R. Part 900), was published in the Federal Register on June 24, 1970 (35 F.R. 10273-10285).

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

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

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

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

(c)

AGRICULTURE

DIVISION OF MARKETS
Proposed Revised Rule Concerning Grade Certificates for Eggs

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

2:31-4 Certificates of Grade

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

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

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

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

Philip Alampi
Secretary
Department of Agriculture

(d)

BANKING

THE COMMISSIONER
Banking Department Reorganization

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

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

1) DIVISION OF BANKING

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

2) DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

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

3) DIVISION OF ADMINISTRATION AND OPERATIONS

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

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Banking Department Reorganization—continued

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

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

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

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

(a)

BANKING

THE COMMISSIONER
Revised Procedural Rule Concerning Movement and Establishment of Offices

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

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

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

2. Departmental Notice to Official Organs
Upon the receipt by the Department of an application, the appropriate division in the Department shall send written notice of the receipt of the application to the New Jersey Bankers Association, Savings Banks' Association of New Jersey and to the New Jersey Savings League. Each such notice shall contain the following:
a. The name of the applicant and municipality wherein its principal office is or is to be located;
b. A brief statement of the nature of the application; and
c. The location, as precisely as possible, of the site involved in the particular application.

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

4. Publication of Bank's, Savings Banks' and Savings and Loan Association's Right to Object and Request a Hearing
Each publication of the weekly bulletins referred to in paragraph 1 hereof shall include the following statement:
You are hereby advised that the right of a bank, savings bank and savings and loan association to object to any of the aforesaid applications and to request a hearing on any of the aforesaid applications is contingent upon receipt by the Department of a written objection disclosing the reasons therefore, within 20 days of the date of this bulletin. In addition, if the objector wishes a hearing on the application, he shall file a separate written request for such hearing within 20 days of the date of this bulletin.

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

6. Objection; Contents; Consideration
a. An objection to an application will not be considered filed with the Department unless the objection:
(1) is in writing;
(2) is received by the Department within the 20 calendar day time limitation provided in paragraph 5 hereof; and
(3) discloses in detail the grounds therefore.
b. After filing an objection, an objector may be required by the Commissioner, Deputy Commissioner or Hearing Officer to:
(1) submit a detailed written statement or memorandum setting forth the factual and legal grounds and contentions which constitute the basis of objection; and
(2) submit such information and supporting data in connection with the objection as the Commissioner, Deputy Commissioner or Hearing Officer shall deem necessary.

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

8. Hearing; Grant or Denial of Request
a. A public hearing shall be held in each case where a written objection and request for a hearing has been filed with the Department as hereinabove provided, except that where the Commissioner determines that a hearing is unwarranted, inapplicable, unreasonable, unnecessary, not required, or that the objector has not complied with the requirements or procedures established herein, he may dispense with a hearing.
(1) Upon the granting of a request for a hearing, notice shall be mailed to the applicant and the party requesting the hearing;
(2) Upon the denial of a request for a hearing, notice shall be mailed to the applicant and the party requesting the hearing with a statement of the reasons for the denial.
b. If there is no objection to an application or request for a hearing made to the Department, or when an objection and/or request for a hearing is not filed as provided in paragraphs 5, 6 and 7 hereof, the Commissioner or Deputy Commissioner shall determine whether a hearing is appropriate on a particular application.

9. Insufficiency of Data in Support of Application; Hearing
In any matter where the Commissioner, Deputy Commissioner or Hearing Officer shall find that the applicant has notfiled sufficient data, information or material in support of the application, the applicant may be required to file supplementary data, information or material or submit to a hearing on the application, or both.

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

11. Hearing Officer; Public Hearings; Conduct
a. Any hearing pursuant to this Rule may be held before the Commissioner, or before any Deputy Commissioner, Hearing Officer or any employee of the Department authorized by the Commissioner for such purpose.
b. Every hearing shall be open to the public unless the Commissioner shall determine that a private hearing would be in the public interest. Hearings shall be conducted in accord with N.J.S.A. 17:1-8.1 to 8.11 and the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.).

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

13. Pre-hearing Conference
Prior to any hearing, the Hearing Officer may, in his discretion, direct all parties and counsel to appear before him for a pre-hearing conference for any or all of the following purposes:
a. Simplification and clarification of the issues;
b. Admissions and stipulations of fact and of the contents and authenticity of documents; and
c. Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.
Such conference, in the discretion of the Hearing Officer, need not be recorded, but the Hearing Officer shall enter in the record an order signed by the parties, which recites the results of the conference. Such order, a copy of which shall be furnished to each party, shall include the Hearing Officer's rulings upon matters considered at the conference, together with appropriate directions, if any, to the parties; and such order shall control the subsequent course of the proceedings unless modified at the hearing for good cause shown, by appropriate order of the Hearing Officer.

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

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

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

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

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

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

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

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

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

(b)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL
Prosposed Rules Governing Limited-Dividend And Nonprofit Housing Corporations and Associations

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

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

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

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

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

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

Edmond T. Hume
Commissioner
Department of Community Affairs

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(a)

COMMUNITY AFFAIRS

HOUSING FINANCE AGENCY
Rules Governing Rentals

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

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

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

(b)

EDUCATION

STATE BOARD OF EDUCATION
Proposed Regulations Governing Library Incentive Grants

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

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

8:68-13. General Policy.

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

8:68-14. Projects Eligible for Grants.

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

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

8:68-15. Ineligible Projects.

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

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

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

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

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

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

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

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

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

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

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

8:68-19. Notification of Applicants.

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

8:68-20. Appeal Procedures.

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

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

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

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

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

(c)

EDUCATION

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

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

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

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

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

The text of the Revised Policies reads as follows:

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

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

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

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

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

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

8:79-1.2 Eligibility

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

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

8:79-1.3 Application

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

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

8:79-1.4 Appeal

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

8:79-1.5 Anonymity

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

a. use a separate lunchroom entrance or serving line;

b. eat a different meal, or at a different time, or use a different medium of exchange from paying children;

c. work for their meals. (Children may work in the lunchroom, but not as a condition of receiving the free or reduced-price meal.)

8:79-1.6 Public Announcement

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

a. notice of the availability of free and reduced-price meals and an application form shall be sent home to all parents; and

b. notice of the availability of free or reduced-price meals shall be published in the appropriate news media, such as the local newspaper.

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

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

8:79-1.7 Review and Evaluation

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

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

8:79-1.8

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

County _____

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

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

a. Children from families that receive public assistance from any federal, county, or local welfare program such as the Food Stamp Program, Aid to Families with Dependent Children, and children from families with comparable income levels will be eligible for a free meal.

b. Children from families with income below the level of the family size-income scale established by the Department of Education.

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

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

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

(Attach additional sheet if needed)

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

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

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

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Free Lunch Policies—continued

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

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

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

6. Appeals can be made to:

_____
(Title of Official and Address)

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

_____
_____
_____
_____
_____

8. The names of children determined to be eligible for reduced price or free meals will not be published, posted or announced in any manner.

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

10. The determining official will use the income scale established by the State Department of Education to determine the eligibility of children for reduced price or free meals. The determining official shall also consider such factors as:
a. Number of children in the family attending school
b. Illness in the family
c. Unusual expenses
d. Seasonal unemployment

11. Public announcement, including the family size-income scale, information on how eligible families can make application for free or reduced price meals, and appeal procedures, will be made twice during a school year, no later than September 30th and again in January, by both following methods:
a. A notice and application sent home to each parent either by mail or via the child; and
b. An article or announcement in a local newspaper that has wide coverage.

12. The school will notify local governmental welfare and other major charitable agencies of this policy.

13. The school will keep on file for the duration of the current school year a record of any application and appeals made and the action taken by the designated official.

14. The following supporting data are attached:
a. A copy of the application form used;
b. A copy of the published news release used in the informational media;
c. A copy of the notice sent home to parents; and
d. A listing of local welfare and private charitable agencies notified of this policy.

_____
(Name of School District)

_____
Secretary, Board of Education

_____
Date

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

Copies of the omitted material may be obtained from:
Clyde E. Leib
Office of the Commissioner
State Department of Education
225 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4040

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION
Education of Handicapped Children

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

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

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

(b)

ENVIRONMENTAL PROTECTION

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

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

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

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

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

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

After full consideration of all submissions respecting the proposed Fish Code, the Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt the Code substantially as proposed without further notice.

L. G. MacNamara
Director
Division of Fish, Game and Shell Fisheries
Department of Environmental Protection

(c)

HEALTH

THE COMMISSIONER
Proposed Revision of State Health Aid Act Administrative Manual

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

CHAPTER I ADMINISTRATION

1.2.2. Delete existing language and substitute therefor the following:

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

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

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

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

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

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

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

1.4.4. Delete existing language and substitute therefor the following:

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

1.5.3. Delete entire section.

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

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

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

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

CHAPTER II APPLYING FOR STATE HEALTH AID

1.3. Intent to Become Eligible.

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

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

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

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

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

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

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

3. Instructions for Form LHS-35.

3.1. Section I — General Information

* * *

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

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4.2. Detailed Information

4.2.1. Delete existing language and substitute therefor the following:

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

I - A — Budget Information.

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

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

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

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

B — Supplemental Budget Information

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

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

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

4.2.4 Delete existing language and substitute therefor the following:

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

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

In a concise report state:

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

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

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

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

Continue, as needed, on 8½" x 11" sheets preparing five copies for distribution - original plus three (3) to the State Department of Health and a work copy to be retained by the local health agency.

CHAPTER III CONTRACTS AND ACCOUNTING GUIDELINES

1.1.2. Delete existing language and substitute therefor the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Department of Health, depending on the dollar volume and/or type of item reservation, will use its own discretion as to which local health agency will be obliged to report reserve fund activity. Forms (LHS-52A) shall be sent to the agency at the appropriate time.

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

2.5. Refund Procedures.

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

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

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

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

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

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

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

(a)

HIGHER EDUCATION

EDUCATIONAL FACILITIES AUTHORITY
Architects' Manual

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

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

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

(b)

INSTITUTIONS AND AGENCIES

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

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

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

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

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

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

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

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

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

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

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

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

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

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

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

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

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

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE
Proposed Changes in Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend Sections 2111. "Inquiries and Referrals", 2112. "Application Policy and Procedure", and 2227. "County Responsibility and Procedures in Respect to Persons Released from Certain Institutions" of the Division of Public Welfare Manual of Administration, as follows (additions indicated in bold face **thus**; deletions indicated within brackets [thus]):

2111. Inquiries and Referrals

.2 b. Referrals from Other Agencies

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

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

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

2112. Application Policy and Procedure

.1 Who Has Right to Apply

f. Needy individuals in ineligible public or private institutions have the right to apply when assistance is necessary

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Manual of Administration—continued

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

.2 Where Application is Made

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

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

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

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

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

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

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

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

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

a. Residence Unaffected

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

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

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

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

.2 c. Eligibility for Assistance

1) Voluntary Admission

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

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

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

2) Court Commitment

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

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

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

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

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

.2 d. Referral for Assistance by Institution

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

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

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

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

2) Patient Outside Institution

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

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

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

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

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

Note: Delete existing material and substitute therefor the following:

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

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

1) a) Application Interview

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

b) Determination of Proper Referral

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

c) Complete Investigation

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

d) Living Arrangements

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

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

2) Continuing Service

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

.2 f. CWB Responsibility

1) Registration

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

2) Official Determination

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

3) Issuance of Grant

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

4) Continuing Administrative Responsibility

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

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

5) Transfer of Records

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

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

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

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

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

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

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

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

* * *

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before October 5, 1970, to:

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

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend the Categorical Assistance Budget Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

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

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

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

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

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

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

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

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

607.1 OVERPAYMENTS - UNDERPAYMENTS

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

Appendix Section V

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

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

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

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

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

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

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Categorical Assistance Budget Manual

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

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

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

(b)

LABOR AND INDUSTRY

DIVISION OF EMPLOYMENT SECURITY

Set 1971 Unemployment Compensation and Temporary Disability Benefits Rates

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

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

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

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

(c)

LABOR AND INDUSTRY

DIVISION OF WORKMEN'S COMPENSATION

Set 1971 Workmen's Compensation Rate

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

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

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

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

(d)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Increase in Employment Permit Fees

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

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

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

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

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

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

(e)

LAW AND PUBLIC SAFETY

DIVISION OF WEIGHTS AND MEASURES

Packaged Commodities Regulations

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

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

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

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

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

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

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

* * *

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

* * *

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

(a) Articles used for food or drink for man or other animals,

(b) chewing gum, and

(c) articles used for components of any such article.

* * *

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

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

* * *

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

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

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

* * *

H. Prominence and Placement: Consumer Packages.

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

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

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

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

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

(a) above and below, by a space equal to at least the height of the largest lettering in the declaration, and

(b) to the left and right, by a space equal to twice the width of the letter "N" of the largest style and size of type used in the declaration.

* * *

L. Variations to be Allowed.

1. Packaging variations.

2. Variations from declared net quantity. Variations

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Packaged Commodities—continued

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

* * *

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

(a) directly to the purchaser or to his agent, or

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

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

(a) the facts in the individual case, and

(b) that the declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large, and

(c) that when such variations in individual packages exceed ½ of 1 percent of the declaration of net quantity of contents of the package, such variation shall be considered as unreasonably large and in violation of the requirements of this regulation.

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

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Election Day Activities

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

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

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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CIVIL RIGHTS

Discrimination Because of Marital Status Or Sex Prohibited

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

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

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

(c)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS STATE BOARD OF NURSING

Intravenous Catheters

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

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

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

(d)

LAW AND PUBLIC SAFETY

DIVISION OF NEW JERSEY RACING COMMISSION

Wheel Discs and Attire Rules

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

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

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

(e)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Suspension for Speeding and Point System Regulations

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

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

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

(f)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Solid Waste Regulations

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

CHAPTER IX
SOLID WASTE COLLECTION AND SOLID WASTE DISPOSAL

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

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

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

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

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

14:494 Each applicant for a certificate shall furnish:

(a) the name and address of all principals who have a legal or beneficial interest in the applicant's business,

(b) a statement of his experience in the business of solid waste collection and solid waste disposal together with any supporting data to enable the Board to determine his qualifications to conduct such business,

(c) a statement of financial responsibility with each application,

(d) a copy of schedule of rates for the collection and disposal of solid waste,

(e) a copy of the registration certificate issued by the State Department of Environmental Protection,

(f) such other information as the Board may deem necessary for its determination of the qualifications of the applicant to engage in the solid waste collection or disposal business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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:estions, recommendations, additions or modifications ıe proposed regulations, and evidence with respect eto, will be received for the record. The Board's Rules ractice shall govern the proceedings.

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

ter full consideration of all written and oral sub- ıions respecting the proposed regulations, the Board of lic Utility Commissioners, upon its own motion or at instance of any interested party, may thereafter adopt regulations substantially as proposed without further :e.

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

(a)

ANSPORTATION

'ISION OF LOCAL GOVERNMENT AID

·posed Changes in Title 17 Administrative Code

ıhn C. Kohl, Commissioner of Transportation, pursuant uthority of N.J.S.A. 27:13-17 and 52:27B-20, and Chap- 8, 14, and 15 of Title 27 of the New Jersey Statutes otated, proposes to amend Chapter 13 (Federal Aid ›ndary), Chapter 14 (State Aid Road System), Chapter County Operations), Chapter 16 (Municipal Opera- s), Chapter 17 (Municipal Construction), Chapter 19 ıstruction Equipment Damage Program), and Chapter "TOPICS"—Traffic Operations Program to Increase acity and Safety) of Title 16 of the New Jersey Ad- istrative Code.

ıanges in the above Chapters in Title 16 of the Admin- ıtive Code are necessary due to changes in policy since rules were first promulgated and because of the need clarification of certain rules which were unclear in ıning.

ɜlected portions of the proposed changes read as fol- ɜ (additions indicated in bold face **thus**; deletions in- ıted within brackets [thus]):

CHAPTER 13
FEDERAL AID SECONDARY

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

CHAPTER 14
STATE AID ROAD SYSTEM

4-2 STANDARDS: The proposed road and bridge im- vement projects shall conform to the current New sey Department of Transportation Standard Specifica- ıs for Roads and Bridges as amended and the standards procedures outlined in the brochure, Procedures/ ndards 1967 Extraordinary State Aid, published in the ision of Local Government Aid and to the design eria of the American Association of State Highway cials as outlined under the following three publications. **: design and material requirements shall conform to the rent provisions of the New Jersey Department of Trans- tation.**

"A Policy on Geometric Design of Rural Highways"
"A Policy on Arterial Highways in Urban Areas"
"Standard Specifications for Highway Bridges"

he design shall be based on current traffic **volumes** l provide widening and strengthening of the pavement traffic increases projected for a 20-year period. **The : load design for bridges shall be designated HS20-44.**

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

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

14-10 STATE PARTICIPATION IN THE COST OF GHT-OF-WAY ACQUISITIONS: Counties and munici- ities requesting State participation in the cost of quiring right-of-way for State Aid projects shall [be epared on forms provided by the Department of Trans- rtation and submitted in accordance with the standards d procedures outlined in the following publications of ɜ Division of Right-of-Way, Acquisitions and Titles.] **bmit appraisals of property to be acquired on appraisal ·ms provided by the Department of Transportation pre- red in accordance with the current standards and pro- dures of the Division of Right-of-Way. Manuals outlining ›praisal guide lines may be obtained on a loan basis ›m the District Offices of the Division of Local Govern- ent Aid. Forms for use by the appraisers are also ·ailable at these offices.**

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

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

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

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

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

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

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

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

CHAPTER 15
COUNTY OPERATIONS

16:15-10 STANDARDS:
NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-2.

16:15-18 STATE PARTICIPATION IN THE COST OF RIGHT-OF-WAY ACQUISITIONS:
NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-10.

16:15-19 STATE PARTICIPATION IN THE COST OF ENGINEERING:
NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-11.

CHAPTER 16
MUNICIPAL OPERATIONS

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

16:16-13 STATE PARTICIPATION IN THE COST OF RIGHT-OF-WAY ACQUISITIONS:
NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-10.

16:16-14 STATE PARTICIPATION IN THE COST OF ENGINEERING:
NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-11.

CHAPTER 17
MUNICIPAL CONSTRUCTION

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

16:17-11 ACCEPTANCE AND FINAL PAYMENT: When all work has been completed satisfactorily, the municipal engineer shall prepare and submit to the State an Estimate Certificate of the Work Performed and all other necessary related documents for review and audit. After a final inspection [of the completed work] by the State **and the completed project is accepted by the local government and the State** and a determination has been made by audit that all documents are in proper order, action shall be taken to reimburse the local governing body.

16:17-12 STATE PARTICIPATION IN THE COST OF RIGHT-OF-WAY ACQUISITIONS:
NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-10.

16:17-13 STATE PARTICIPATION IN THE COST OF ENGINEERING:
NOTE: Amend this section to agree substantially with the proposed amendment of 16:14-11.

CHAPTER 19
CONSTRUCTION EQUIPMENT DAMAGE PROGRAM

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

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

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

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

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

16:19-14 STATE PARTICIPATION IN THE COST OF RIGHT-OF-WAY ACQUISITIONS:
NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-10.

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

16:19-15 STATE PARTICIPATION IN THE COST OF ENGINEERING:
NOTE: Amend this section to agree substantially with the proposed amendment of section 16:14-11.

CHAPTER 20
"TOPICS" (TRAFFIC OPERATIONS
PROGRAM TO INCREASE CAPACITY AND SAFETY)

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

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

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

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

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

John C. Kohl
Commissioner
Department of Transportation

(b)

TREASURY

STATE INVESTMENT COUNCIL

Proposed Changes Concerning Qualifications of Mortgage Bankers

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

Qualifications of Mortgage Bankers

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

1. Be incorporated in the State of New Jersey.

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

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Mortgage Bankers—continued

a. Is incorporated in the State of New Jersey or has subsidiary companies incorporated in the State of New Jersey with capital and surplus exceeding $1 million

b. Has minimum paid-in capital and surplus of at least $1,000,000.

c. Guarantees the obligations of its subsidiary company under the mortgage servicing agreement entered into with the State of New Jersey.

3. Have been in business for at least 20 years.

4. Be an FHA-approved mortgagee and an eligible VA lender.

5. Carry full Fidelity Bonds in the amount of at least $500,000.

6. Be servicing at least $20,000,000 in mortgages for other investors.

7. Use single debit (block type) accounting in servicing the loans, and such other accounting standards and requirements as may be established by the State.

8. Submit within 90 days after the end of their fiscal year a certified report of their financial condition, which has been prepared by an independent certified public accountant.

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

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

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

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

(a)

TREASURY

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

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

18:7-1. IN GENERAL

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

FIRST:

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

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

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

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

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

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

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

18:7-17. APPLICATION OF TAX

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

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

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

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

18:7-20. IN GENERAL

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

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

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

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

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

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

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

(b) a tax based upon entire net income.

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

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

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

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

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

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

(b) For New Jersey corporations only [,]:

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

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

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

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

(C) $100,000.00; or

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

[(d)]

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

Note: Table not reproduced here.

18:7-31 SUBSIDIARY CORPORATIONS

* * *

(b) Subsidiary deductions from net worth.

* * *

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

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

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

(ii) in the case of a subsidiary subject to a franchise tax measured by gross receipts under any other law of this State, such proportion of the average value of such holdings, less net liabilities (if any) to such subsidiary, as corresponds to 50% of the ratio of the subsidiary's business within the State to its business everywhere during its next preceeding taxable year under such law; or

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

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

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

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

* * *

18:7-90 EXTENSION OF TIME TO FILE RETURN

* * *

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

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

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

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

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

Sidney Glaser
Acting Director
Division of Taxation
Department of the Treasury

(b)

TREASURY

DIVISION OF BUILDING CONSTRUCTION
Classification and Qualification of Bidders

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

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

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

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(a)

PORT OF NEW YORK AUTHORITY

Vehicular Crossing Tolls Revised

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

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

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

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

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

Class 3: Shall include omnibuses.

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

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

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

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

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

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

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

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

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

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

and it is further

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

(a) Vehicles included in Class 1 ..... $1.00 each
(b) Vehicles and animals included in Class 2.. .50 each
(c) Vehicles included in Class 3 ..... 2.00 each
(d) Vehicles included in Class 4 ..... 1.00 each
(e) Vehicles included in Class 5 ..... 1.50 each
(f) Vehicles included in Class 6 ..... 2.00 each
(g) Combination of vehicles included in Class 7 ..... 1.50 per Combination
(h) Vehicles included in Class 8 ..... 2.00 each
(i) Combinations of vehicles included in Class 8 ..... 2.00 per Combination
(j) Vehicles included in Class 9 ..... 3.00 each
(k) Combinations of vehicles included in Class 9 ..... 3.00 per Combination
(l) Vehicles included in Class 11 ..... 4.00 each
(m) Combinations of vehicles included in Class 11 ..... 4.00 per Combination

and be it further

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

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

The charge for such book shall be $9.60.

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

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

and be it further

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

The charge for such book shall be $10.

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

and be it further

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

and be it further

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

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

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

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

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

and be it further

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

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

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

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

STATE NEWS OF PUBLIC INTEREST

AUTO POLLUTION CONTROLS SEEN AS NECESSARY BY COUNCIL

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

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

The Clean Air Council was created by enactment of N.J.S.A. 26:2C-3.2 and 2C-3.3, and given the basic function of assisting the State in the prevention and elimination of air pollution by reviewing the performance of state agencies in the field and by stimulating public concern in air pollution matters.

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

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

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

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

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

INTRODUCTION AND RECOMMENDATIONS

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

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

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

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

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

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

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

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

PROGRAMS INVOLVING STATE ACTION

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

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

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

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

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

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

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

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

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

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

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

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

PROGRAMS INVOLVING FEDERAL ACTION:

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

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

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

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

THE MOBILE SOURCE POLLUTION PROBLEM IN NEW JERSEY

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

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Clean Air Council—continued

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

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

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

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

CONCLUSIONS

"1. Mobile source pollution has reached levels adverse to human health in New Jersey.

"2. Mobile source pollution has caused damage to the general environment and to the ecosystems of the State.

"3. New car controls already programmed will cause carbon monoxide and hydrocarbon concentrations to decline, but the increase in the number of vehicles will again cause an increase in these pollutant concentrations after 1980. Nitrogen oxides and other pollutants, such as lead and asbestos, are not presently controlled and continue to increase unabated.

"4. After 1980, pollutant concentrations in the State can be reduced only through (1) introduction of low pollution vehicles, (2) displacement of private vehicles by mass transportation systems, and (3) supplemental controls by the State.

RECOMMENDATIONS

"1. The Department of Environmental Protection should establish a registry of mobile source pollution-related diseases and investigate relationships between pollutant concentrations and effects on people, animals, plants and materials.

"2. The Department should develop and maintain 10-year projections of mobile source pollutant emissions and concentrations by various areas within the State so that critical problems can be foreseen and inputs provided to environmental and transportation planning. Projections should be based on the best information on the rate of deterioration of new car emission controls, arterial traffic densities, and the proportion of interstate traffic.

"3. The Department should seek legislation creating a position of Chief Ecologist and requiring ecological consulting in planning land and water use. Among the use plans to be considered for an area should be non use, the conservation or reclamation of the natural character of the environment. These requirements should apply to the Hackensack Meadowlands Development Commission.

FEDERAL MOTOR VEHICLE
EMISSION STANDARDS

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

CONCLUSIONS

"1. Present Federal certification procedures of assembly-line vehicles are too lax and permit production cars to deviate too widely from emission standards.

"2. Present new car controls do not meet the Federal durability requirements.

"3. The prospect is very dim for commercially-available low emission vehicles before 1985 at the present level of Federal and private funding of unconventional vehicle research.

"4. Integrated national transportation and environmental protection priorities are needed immediately.

"5. The automotive and petroleum industries are apparently not investing enough talent into mobile source pollution control research and development; they appear to be "married to the internal combustion engine."

"6. The advertising claims of industry often exaggerate industry's commitment to pollution control and frequently mislead the public as to the efficiency and availability of their products; the consumer must be protected by strict Federal testing and certification of used car "tack-on" devices, fuel additives, and diagnostic instrumentation.

RECOMMENDATIONS

"1. New Jersey should press for Federal surveillance of assembly-line car compliance with emission standards through quality assurance techniques well-known to the automobile industry.

"2. New Jersey should require the manufacturer's warranty that new cars sold in the State meet certain inspection requirements for emissions.

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

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

ALTERNATIVES FOR CONTROL OF MOBILE SOURCES

"There are three kinds of controls which can be imposed on mobile sources:

Controls on vehicle emission points (crankcase, exhaust, tank, carburetor, brake linings and clutch facings).

Controls on fuel composition.

Controls on vehicle use.

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

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

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

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

RECOMMENDATIONS

"1. The motor vehicle emissions inspection system as now developed by the Department of Environmental Protection contemplating the use of the present motor vehicle inspection stations should be implemented immediately. The present schedule for full operation by late 1972 must be significantly accelerated.

"2. The Department should immediately request legislation requiring, as a prerequisite for reregistration of all motor vehicles in the State of New Jersey, mandatory semi-annual maintenance by State certified mechanics at an appropriate fixed fee.

3. The Department should immediately develop a smoke control code applicable to any vehicle, resident or nonresident, using the highways in the State. This code would be supplementary to the diesel code presently being considered.

"4. The Council believes that the use of lead in fuel should be discouraged by:

Application of an additional tax on fuel containing lead.

Encouragement of the sale of automobiles which use low-octane fuels.

A decrease in the State sales tax on automobiles which use low-octane fuels.

The ultimate banning of lead as a fuel additive.

"5. The Department should determine if the effectiveness of other fuel controls, including dual fuel systems on fleet operations, warrants new legislation.

"6. The Department should immediately request legislation removing the restriction in the New Jersey Motor Vehicle Code prohibiting a requirement for "tack-on" devices on used motor vehicles to control automotive emissions.

"7. The Department should immediately develop a proposed program for controlling the pattern of motor vehicle usage within the State by means of tax and incentive programs. These programs could include, but not be limited to—

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

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

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

A limitation on the number of motor vehicle registrations per household

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

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

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

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

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

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

STATE NEWS OF PUBLIC INTEREST

BONACCI APPOINTED NEW DIRECTOR DIVISION OF ADMINISTRATIVE PROCEDURE

Albert E. Bonacci, 31, of Hamilton Township, Mercer County, took office September 1 as Director of the Division of Administrative Procedure in the Department of State.

Bonacci was appointed and sworn in by Secretary of State Paul Sherwin at a $21,283 salary, replacing Leon S. Wilson, who resigned three months ago after having served as first director of the one-year-old Division.

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

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

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

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

DAVIS PROMOTED, IS NEW DIRECTOR OF INSURANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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THE NEW JERSEY REGISTER

Vol. 2—No. 10 NEW JERSEY, THURSDAY, OCTOBER 8, 1970 2 N.J.R. 81

THE NEW JERSEY REGISTER
A Publication of the State of New Jersey

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

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The New Jersey Register is the official publication containing notices of proposed rules and rules filed by the administrative agencies of the State pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-5.

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THURSDAY, OCTOBER 8, 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 AGRICULTURAL CHEMISTRY

Commercial Fertilizer And Soil Conditioner Regulations

Philip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.33, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted regulations implementing the New Jersey Commercial Fertilizer and Soil Conditioner Act of 1970, P.L. 1970, c.** (N.J.S.A. 4:9-15.1 et seq.), substantially as proposed in the Notice published August 6, 1970 at 2 N.J.R. 61(a).

An order adopting these regulations was filed August 31, 1970 as R. 1970 d.105, to be effective September 1, 1970.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

DIVISION OF LOCAL FINANCE
LOCAL FINANCE BOARD

Capital Budget Manual

On September 18, 1970, Joseph N. Ehret, Chairman of the Local Finance Board, pursuant to authority of N.J.S.A. 52:27BB-10, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a Capital Budget Manual setting forth in detail rules and regulations pertaining to the adoption of municipal capital budgets, substantially as proposed in the Notice published August 6, 1970 at 2 N.J.R. 61(c).

The Capital Budget Manual contains explanations of the Capital Fund, Capital Improvement Fund, Capital Surplus, Reserve for Downpayments, and other similar terms and procedures, together with sample forms and instructions.

The preface, which explains the need and purpose of the Manual, reads as follows:

"Preparation of a capital program and adoption of a capital budget is one of the most essential governmental acts for the betterment of the economic, social and financial progress of a community.

"The capital program/budget prepared within a context of a sound community planning program is an expression of a community's short-term as well as long-range goals, and a method whereby these goals can be attained.

"New Jersey municipalities and counties are faced with increased financial demands upon their already scarce resources. It therefore becomes imperative that our local governmental agencies adopt and adhere to strong capital budgeting procedures.

"This manual has been prepared to familiarize you with the general purpose of a capital improvement program and capital improvement budget, the benefits of a capital program, the necessity of setting priorities, and the procedural steps which should be followed to insure a well-prepared and realistic program.

"In addition, informational sections have been included to suggest ways in which the cost of projects can be realistically determined and the various ways in which these projects can be financed. The suggestions in this manual are applicable to both counties and municipalities in New Jersey.

"This manual includes those forms which are suggested for internal project requests, as well as those forms which are required to be submitted to the Division of Local Finance.

"As is often true, the end is merely a reflection of the efforts contributed in the beginning. The preparation of a capital program and budget requires time, careful deliberation, skill and the desire to make your jurisdiction a better place in which to live, work and play. Therefore, we cannot overstress the importance of good capital budget procedures."

An order adopting this Manual was filed and effective September 21, 1970 as R. 1970 d.113.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

COMMUNITY AFFAIRS

DIVISION OF STATE AND REGIONAL PLANNING

Planned Unit Developments

On September 15, 1970, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted as Chapter 44 of Title 5 of the New Jersey Administrative Code rules governing planned unit developments, substantially as proposed in the Notice published August 6, 1970 at 2 N.J.R. 61(f).

An order adopting these rules was filed and effective September 15, 1970 as R. 1970 d.109.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

EDUCATION

STATE BOARD OF EDUCATION

High School Equivalency Age Requirements

On September 10, 1970, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:50-12 and 18A:50-13, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 8:17-3 relating to high school equivalency age requirements, substantially as proposed in the Notice published July 9, 1970 at 2 N.J.R. 54(b).

An order adopting these amendments was filed and effective September 17, 1970 as R. 1970 d.111.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

EDUCATION

STATE BOARD OF EDUCATION

Schematic Plans for New School Buildings

On September 10, 1970, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:33-1 and 18A:20-36, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 8:25-75(c) concerning approval of schematic plans for new school buildings, substantially as proposed in the Notice published July 9, 1970 at 2 N.J.R. 54(a).

An order adopting these amendments was filed and effective September 17, 1970 as R. 1970 d.112.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

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(f)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules Concerning Round Valley Reservoir

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of P.L. 1970 c. 33 and N.J.S.A. 13:8-20, proposes to adopt rules concerning the use of lands and water areas at the Round Valley Reservoir in Hunterdon County, New Jersey.

The text of the proposed rules reads as follows:

1. Fishing is permitted except in restricted areas.
2. Access to the reservoir is limited to locations designated as 1, 2 and 3.

Designated Area #1 — The Division of Fish and Game has made temporary parking and boat launching facilities available to fishermen. These facilities may only be used for those individuals who have a valid fishing license and are engaged in the sport of fishing.

Designated Area #2 — Parking is provided in the field and access may be gained by walking to the reservoir.

Designated Area #3 — Limited parking area available for shore fishing.

3. Motor boats on Round Valley will be limited to a maximum capacity of 10 horsepower, and all water craft shall be operated so as not to produce a visible wake.
4. All water craft shall be equipped and operated in accordance with the New Jersey Boating Laws, Rules and Regulations as published by the New Jersey Department of Conservation and Economic Development.
5. One life preserver is required for each individual occupying space in all boats. No boats are to be permitted on the reservoir unless equipped with Coast Guard approved life preservers.
6. Water craft with marine toilets are not permitted to operate on Round Valley Reservoir.
7. Water craft must be kept out of all areas designated as restricted areas and so marked.
8. All boating on the reservoir is to be discontinued when wind velocities reach or exceed twenty-five (25) miles per hour. A storm warning flag will be displayed at the launching site when this condition exists.
9. The posting of signs, distribution of advertisements, soliciting, selling or attempting to sell any product is forbidden without prior written authorization.
10. Hunting, trapping and field trials, or the carrying of firearms or bows and arrows is permitted in accordance with State Fish and Game regulations with the exception of posted special use areas.
11. The consumption or possession of alcoholic beverages is prohibited.
12. It is unlawful to abuse, mutilate, injure, remove or destroy any living plant or animal or any structures or other physical features or properties on this area.
13. Waste material must be placed in receptacles provided. The burning or dumping of refuse is prohibited.
14. Annoying or objectionable conduct is not permitted.
15. Camping, picnicking, ball playing, skin diving, scuba diving, swimming, etc., are prohibited at this time until the necessary facilities have been developed.

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Round Valley Reservoir—continued

16. Parking of vehicles is restricted to designated areas.

17. Ground fires are prohibited.

18. Ice skating, ice fishing, sledding, snowmobiling, and other similar winter sports and ice related activities are prohibited at this time until the necessary facilities have been developed.

19. Ice boating is permitted subject to published regulations.

Interested persons may present statements or arguments in writing, concerning the proposed rules, before October 29, 1970, to:

Robert L. Solan, Chief
Bureau of Legal Services
Department of Environmental Protection
Room 809
Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

The Commissioner of Environmental Protection, after giving full consideration to all written statements and arguments relevant to the proposed rules, may thereafter, upon his own motion or at the instance of any interested person, adopt the above rules substantially as proposed, without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules Concerning Spruce Run Reservoir

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of P.L. 1970, c. 33 and N.J.S.A. 13:8-20, proposes to adopt the following rules concerning the use of lands and water areas at the Spruce Run Reservoir in Hunterdon County, New Jersey.

The text of the proposed rules reads as follows:

1. The posting of signs, distribution of advertisements, soliciting, selling or attempting to sell any product is forbidden without prior written authorization.

2. Hunting, trapping and field trials, or the carrying of firearms or bows and arrows is permitted in accordance with State Fish and Game regulations with the exception of posted special use areas.

3. The consumption or possession of alcoholic beverages is prohibited.

4. It is unlawful to abuse, mutilate, injure, remove or destroy any living plant or animal or any structures or other physical features or properties on this area.

5. Waste material must be placed in receptacles provided. The burning or dumping of refuse is prohibited.

6. Annoying or objectionable conduct is not permitted.

7. Maximum vehicular speed is 35 miles per hour except where otherwise posted. All mechanically propelled vehicles shall be restricted to and only operated on roads.

8. Parking of vehicles is restricted to designated parking areas only.

9. Fishing is permitted subject to Fish and Game regulations except in restricted areas.

10. That portion of the Spruce Run Reservoir area designated for recreational development will be closed to all types of use except boat launching. Camping, picnicking, ball playing, skin diving, scuba diving, etc., are prohibited at this time until the necessary facilities have been developed.

11. Swimming and wading are prohibited.

12. All pets must be leashed and under the direct control and supervision of its owner at all times. It is not permitted to leave a pet unattended.

13. A $10.00 annual boat launching permit is available and can be purchased at the area. A fee of $1.00 per boat per day shall be charged for the launching of all boats. All launching shall be limited to designated areas.

14. The operator of any vessel shall have in his possession an annual boat launching permit or a boat launching ticket and will be required to show the permit or ticket if requested by an officer of the department.

15. The maximum length of any boat, including sail boats, shall be 18 feet. The use of boats shall conform to acceptable operating and safety standards. Vessels using the waters of the reservoir shall be limited to a maximum height of 25 feet above the water line due to the clearance under the high tension wires crossing the Mulhockaway Branch.

16. Motor boats on Spruce Run will be limited to a maximum capacity of 10 horsepower, and all water craft shall be operated so as not to produce a visible wake.

17. All sail boats are required to stop at the designated rigging area for purposes of rigging prior to proceeding to the launch area. Rigging is not permitted on the boat launching ramp.

18. All refuse, including garbage, cans, bottles, waste paper, etc., must be stored in a durable container with tight fitting cover for subsequent disposal on shore at designated disposal sites.

19. All water craft shall be equipped and operated in accordance with the New Jersey Boating Laws, Rules and Regulations as published by the New Jersey Department of Conservation and Economic Development.

20. One life preserver is required for each individual occupying space in all boats. No boats are to be permitted on the reservoir unless equipped with Coast Guard approved life preservers.

21. Water craft with marine toilets are not permitted to operate on Spruce Run Reservoir.

22. Water craft must be kept out of all areas designated as restricted areas and so marked.

23. Swimming, diving from water craft, water skiing, aquaplaning, or the towing of surfboards or any other similar device is prohibited.

24. All boating on the reservoir is to be discontinued when wind velocities reach or exceed twenty-five (25) miles per hour. A storm warning flag will be displayed at the launching site when this condition exists.

25. The number of boats permitted on the reservoir at any one time shall not exceed 200.

26. Boat storage:

a. The boat storage area is located in the immediate vicinity of the park area and so designated by appropriate signs (Boat Storage Area).

b. Boats stored at this area are not to remain in the water overnight but must be removed from the water and stored on the land area so designated as the boat storage area.

c. A limited number of seasonal boat storage spaces are available from April 1 through October 31. Charges for each boat stored shall be at the rate of $20.00 per season beginning April 1 through October 31. Boat storage is not permitted from November 1 to March 31. The area is only open weekends during the month of October.

d. Boats stored on double capacity trailers which occupy a single boat storage unit will pay the standard rate equal to that of a single boat.

e. The State of New Jersey assumes no responsibility for the protection of any boat or other water craft, trailer, equipment, etc., stored at this area.

27. Ice skating, ice boating, sledding, snowmobiling, and other similar winter sports and ice related activities are prohibited at this time until the necessary facilities have been developed.

28. Ice fishing is permitted.

29. Ground fires or charcoal fires are prohibited.

Interested persons may present statements or arguments in writing relevant to the proposed rules, before October 29, 1970, to:

Robert L. Solan, Chief
Bureau of Legal Services
Department of Environmental Protection
Room 809
Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

The Commissioner of Environmental Protection, after fully considering all written submissions relevant to the proposed rules, may thereafter, upon his own motion or at the instance of any interested party, adopt the above rules, substantially as proposed, without further notice.

Richard J. Sullivan,
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules Concerning Lands, Waters and Facilities Under Jurisdiction of Bureau of Parks

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of P.L. 1970, c. 33 and N.J.S.A. 13:8-20, proposes to adopt the following rules regarding the use of lands, waters and facilities under the jurisdiction of the Bureau of Parks within the Division of Parks, Forestry and Recreation of the Department of Environmental Protection.

The text of the proposed rules reads as follows:

The following regulations shall be effective within and upon all lands, waters and facilities under the jurisdiction of the New Jersey Bureau of Parks. Failure or refusal to obey such rules and regulations shall be sufficient cause for removal or prosecution by any duly authorized personnel of this Bureau.

GENERAL REGULATIONS

1. The Bureau reserves the right to designate or direct any and all recreational or other use on its lands and waters and within its facilities to such specific areas or locations within or upon said lands, waters, and facilities as will be in the best interest of Conservation-Recreation-Preservation Management and the health, safety, and welfare of all persons concerned.

2. The Bureau or its authorized personnel may limit use and/or close specific areas, lands, waters and facilities to public use from time to time as deemed necessary for proper management and operation of the area and also in the best interest of health, safety, and general welfare of the public.

3. The posting of signs or notices, distribution of advertisements, begging, soliciting, selling, or attempting to commit such acts without the written consent of the Bureau is prohibited.

4. Commercial enterprise or use of all types on these lands, and waters is prohibited except by specific written permit, contract or lease with the Bureau.

5. The possession of alcoholic beverages is prohibited except in specific locations in those forests, parks, or recreation areas where alcoholic beverages are sold by the Bureau or by concessionaires under contract or lease with the Bureau.

6. The dumping of trash, refuse, garbage, bottles, pollutants, or any other foreign substances or liquids on these lands and waters is prohibited. Such materials accumulated from park use must be placed in containers provided for this purpose. All other debris from outside sources is prohibited.

7. Domestic animals or pets must be caged or kept on a leash (maximum length six feet) and must be attended and under control at all times. They are not permitted on the bathing beaches or in the water. Any nuisance, unsanitary condition, damage or injury caused by such domestic animals or pets shall be the sole responsibility of the permittee or owner of such animal.

8. Dogs used for legal hunting during open season, or for field trials, in accordance with New Jersey Fish and Game Regulations, are exempt from the leashing regulation.

9. It is unlawful to abuse, mutilate, injure, remove or destroy any living plant or animal or any structures or other physical features or properties on said lands.

10. Conduct or language which is indecent or unduly annoying to other visitors or Bureau personnel is prohibited and may be sufficient cause for removal and/or prosecution by the Officer-In-Charge.

11. The starting or maintaining of any fire on any of said lands is prohibited unless specific approval is given by the Officer-In-Charge. Such approval may include designated hours, location, and type of fuel to be used.

12. The right is reserved to make charges to the general public for entry, parking, use of facilities, and for other services, products and/or uses. Such charges shall be subject to change.

13. Maximum speed limit on improved roads is 35 miles per hour and 20 miles per hour on unimproved roads unless otherwise posted.

14. The parking of vehicles or other conveyances or equipment so as to block or impede traffic on roadways or paths or damage lawns, shrubs, or other plant life, is prohibited.

15. All use of said lands and waters for military maneuvers is prohibited except by specific written authorization approved by the Director of the Division of Parks, Forestry and Recreation. Such specific written authorization may include designated types of use permitted and shall prohibit use of all live or blank ammunition and pyrotechnics of any type.

MOTORIZED VEHICLES

16. Any motor vehicle defined and identified as such by the New Jersey Division of Motor Vehicles shall be licensed and registered by said Division of Motor Vehicles in the manner and form which they prescribe before it is operated on said lands. Before it is operated on said lands the operator of the vehicle shall also have in his or her possession a valid operator's license as prescribed by the New Jersey Division of Motor Vehicles.

17. Any motorized vehicle which does not require licensing by the New Jersey Division of Motor Vehicles may not be operated on said lands and/or waters unless specific authority is given by the Bureau, said authority to include designated hours and specific locations.

18. All motor vehicles operated on such lands shall be subject to New Jersey Motor Vehicle Laws, N.J.R.S. Title 39 and all park regulations.

19. All motor vehicles are restricted to defined roadways and parking lots unless otherwise posted or permitted.

20. Anyone operating, driving, riding upon, or otherwise utilizing any type of snowmobile on such lands must wear a crash helmet of a type acceptable for use by motorcyclists under New Jersey Motor Vehicle Law.

21. The use by snowmobiles of specifically designated nature and hiking trails or areas is prohibited.

22. The use by motorcyclists of specifically designated nature, hiking, and equestrian trails is prohibited.

HUNTING, FISHING, AND TRAPPING

23. Hunting, fishing, and trapping are permitted on all lands and waters under the jurisdiction of the Bureau excepting those special use areas where expressly prohibited, provided such use is not in violation of nor inconsistent with laws, rules, regulations, and other limitations set forth by the New Jersey Division of Fish and Game.

OCEAN BEACHES

24. Trespassing on or across the sand dunes is prohibited. Only the designated trails may be used to travel between parking lots, roadways, and the beach.

25. Entry by boat is prohibited. Launching and landing of boats through the surf is prohibited.

26. Fires, where permitted, must be at least 50 feet east of the sand dunes on the open beach.

27. Camping is prohibited.

28. All visitors engaged in surf boarding must successfully complete a swimming test administered by the lifeguard staff. Those passing the examination will be given an identification number and card. Thereafter, they will be required to register the number with the lifeguard staff on the surfing beach each day prior to their utilizing the facility.

SCUBA AND SKIN DIVING

29. Scuba diving, skin diving, and spear fishing is restricted to specific locations and must be specifically authorized by permit.

CAMPING

30. All overnight facilities must be occupied as of the starting time and date indicated on the permit, and remain occupied by the permittee during the entire period of stay specified on the permit.

The Officer-In-Charge may inventory, remove, and store any and all equipment from a site which has not been occupied for any consecutive 24 hour period.

31. The maximum length of stay by one family or group at any one park, forest, or recreation area is 14 days per calendar year, excepting an extension of 7 days additional may be granted provided adequate sites are available to meet the demand, as determined by the Officer-In-Charge.

32. Campers who wish to re-register for additional days must do so before 10:00 A.M. on the expiration date of the current permit.

33. A permit and site number assignment is required prior to the camper occupying an overnight facility, unless otherwise posted.

34. Each overnight facility must be occupied by at least one responsible person 18 years of age or older, and his

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or her name and address must be on file with the Officer-In-Charge.

35. Group camping is restricted to areas specifically provided for this purpose, excepting between the months of October to April inclusive, groups of up to eight persons may be accommodated on family camping sites, if sufficient sites available, as determined by the Officer-In-Charge.

36. Family campsites are restricted to eight persons per site, unless specific permission is granted by the Officer-In-Charge.

37. Reservation applications from New Jersey residents only, will be accepted in January and February for cabin and camp shelters rentals during the period of June 1 through September 15. All out of State applications will be acted upon after March 1.

BOATING

38. The launching of boats, canoes, and other water craft is permitted, subject to regulations and the payment of a launching fee, excepting at ocean beaches.

39. Motor boats or other boats propelled by mechanical power of any kind, excepting those with electric motors, are prohibited on all waters under the jurisdiction of the Bureau, with the exception of Cranberry Lake, Lake Hopatcong, Lake Musconetcong, Spruce Run Reservoir, and Round Valley Reservoir.

40. Motor boats where permitted on waters under the jurisdiction of the Bureau may be restricted to maximum horse power and minimum and maximum boat length, such criteria being determined by use and total safety factors.

41. Sail boats, where permitted, may be restricted as to minimum and maximum length and maximum mast height, such criteria being determined by use and total safety factors.

42. All boating use on waters under the jurisdiction of the Bureau and waters flowing through land under the jurisdiction of the Bureau shall be subject to all laws, rules, and regulations as promulgated and enforced by the New Jersey Marine Patrol.

43. No boat, canoe, or water craft of any type is permitted within 50 feet of designated bathing areas under the jurisdiction of the Bureau.

44. Swimming or diving from boats, canoes, and water craft of any kind is prohibited on all waters under the jurisdiction of the Bureau unless specific written authorization is given.

45. The right is reserved to prohibit launching and use of boats, canoes, and water craft of all types on all waters or reservoir areas under the jurisdiction of the Bureau within or adjacent to lands under the jurisdiction of the Bureau when winds exceed an established maximum safe velocity.

GROUP USE

46. Groups of 20 or more persons utilizing any lands or waters under the jurisdiction of the Bureau for any purpose whatsoever are required to make reservations for such use and/or visitations. Said reservations must be made with the individual park, forest, recreation area, historic site, or natural area, at its administrative headquarters, at least five days in advance of the visit.

47. The right is reserved to refuse admittance to groups without reservation.

48. All groups of persons under 18 years of age must have a minimum ratio of one adult supervisor for each eight children in the group. In the event junior supervisors are used, the ratio must be one junior supervisor for each four children. In no case, however, shall there be less than four adults for each fifty children. Adult supervisors must be twenty-one years of age or older, and junior supervisors must be at least eighteen years of age.

49. Each group making reservations for visitation must designate one responsible adult as group leader, and his or her name and address shall be furnished to the Officer-In-Charge upon arrival.

50. For safety purposes all groups may be required to supply a manifest to the Officer-In-Charge showing the name and address of the organization, the name and address of the designated group leader, the names of any and all other leaders or supervisors of the group, and the names of all other persons in the group. Failure to supply such information upon request by the Officer-In-Charge may be cause for refusing admittance to the group.

51. All buses transporting groups must remain at a parking location designated by the Officer-In-Charge immediately adjacent to the area being utilized by the group for the entire period the group is present at the facility. Drivers of said buses will remain in the immediate use area at all times and are not to leave the area under any condition.

BATHING

52. Supervised bathing is restricted to the areas specifically designated for this purpose and is limited to hours and conditions set forth on posted signs.

53. Changing of clothes, robing, or disrobing is restricted to changing areas, bathhouses, or such facilities or areas specifically designated for such purposes.

NATURE AREAS

54. All use into or on designated nature areas may be restricted to entry by permit and/or with an accompanying park employee. Such permits allowing entrance into or upon natural areas may be totally restricted to use for educational and scientific purposes, and those permitted to enter may be limited to individuals who in the opinion of the Bureau are qualified to carry through said educational or scientific purposes.

EQUESTRIAN USE

55. Equestrian use of these lands is permitted, said use being subject to designation of specific areas within these lands as is determined by the Officer-In-Charge to be in the best interests of Conservation-Preservation and the

DISADVANTAGED YOUTH PROGRAM

1. Due to the heavy demand by New Jersey residents for group use of existing facilities, no reservations for out of state groups will be accepted.

2. All scheduling and reservations will be handled through the Bureau of Parks Trenton Office only. The groups should not contact the respective forest and park areas directly.

Reservations will be made for week days only. Saturdays, Sundays and holidays are not included in this program. Reservations granted for group use at specific areas is generally for use between the hours of 10:00 A.M. and 3:00 P.M.

3. All groups making a reservation shall have one (1) person and one (1) alternate designated to handle reservations for the parent organization and all other groups associated with it. The Department shall be advised in advance of the grant as to who these persons are. Following this procedure will enable us to maintain peak efficiency and better serve you.

4. All groups must have a minimum ratio of one (1) adult supervisor for each eight (8) persons in the group. In the event that junior counsellors are used as a supplement to adult supervision, the ratio should be one (1) junior counsellor to every four (4) persons in their charge. Junior counsellors should not be below the age of eighteen (18). In no case shall there be less than four (4) adults per bus of 45-50 youths.

5. Each group must have one (1) adult leader designated by the organization who has authority over the other supervisors and for the entire group. All problems will be referred to and handled through that person.

6. For safety purposes all groups should have a manifest showing the name of the parent organization, listing the name of the group leader (supervisor in charge of that particular group), the names of the other supervisors and the children in the group. This should be shown either at the park office or at the toll booth at the time of arrival and a copy presented to the park if requested. If the group does not have a manifest, the group will be required to prepare one before disembarking.

7. The group leader and all supervisors are expected to maintain the group under their direct supervision at all times.

8. The Park Superintendent has the right to refuse admittance to any group not having a reservation made in advance. The Park Superintendent also has the right to refuse admittance to a group or a portion of the group which arrives with a greater number of buses than has originally been scheduled by reservation.

In all cases, the Park Superintendent shall use discretion in his decision basing it upon park capacity and public safety.

9. The Superintendent has the right to refuse admittance to any group which does not have the required number of supervisors and which in his judgment will affect the safety and conduct of the group and other park visitors.

10. The group leader and supervisors should be furnished with written instructions from the parent organization regarding their duties and responsibilities in supervising the group and also what to do with injured children that require doctor's care or hospitalization.

11. It is expected that the supervisors will avoid having large number of children converge at the concession at one time in order to make purchases. This will provide a greater measure of safety, increase your convenience and aid in more rapid service to your group.

12. Misconduct by any individual or the group can not be tolerated and where necessary the Park Superintendent, after duly investigating the situation, has the right to dismiss the group from the area for that day.

Repeated offenses regarding misconduct while visiting any forest or park area will be cause for revocation of the transportation grant and visitation privileges to all areas.

13. Due to the complexity of the program, all groups will be required to schedule their visitations through the scheduling officer in the Bureau of Parks Trenton Office. The group is required to abide by this schedule and does not have the prerogative of changing the scheduled visits to other parks unless this has been approved by the scheduling officer in advance. Blanket visitation approvals can not be given to any group.

14. All groups are required to abide by existing policy whereby all reservations and changes must be made at least five (5) days in advance and greater if possible. In the past we have experienced a number of last minute changes or changes without notification which has resulted in not being able to properly schedule or serve the groups at areas they desire, or which lead to overcrowding. By allowing adequate time for reservations and changes, the aforementioned problems can be kept to a minimum.

15. All groups and group leaders and supervisors should have advance knowledge of the rules and regulations pertaining to the parks. The parent organization is responsible for holding orientation sessions for the supervisors appraising them of the rules and regulations regarding conduct, cleanliness, etc. If practical, the parent organization should make an effort to have the group leaders and supervisors visit the area or areas to which they will be taking groups prior to the group visits.

A park representative could be made available to give an explanation on the respective park and its regulations during this orientation. Any group desiring a representative should contact the Bureau of Parks Trenton Office.

16. All groups are required to have the bus or buses which transported them to the area remain with them at the area at all times. Disregard of this provision will be justification to disallow payment to the transportation carrier for that trip.

17. The group is responsible for advising the Scheduling Officer in the Bureau of Parks Trenton Office of any trips which they will not be making. The notification of cancellation should be done as soon as possible. Any groups with an excessive number of no shows will be subject to review of their grant with the possibility of being discontinued from the program.

Our experience indicates that many groups have not advised the scheduling officer in the Bureau of Parks Trenton Office regarding cancellations. By doing so, we have not been able to provide the full measure of recreation potential for the other groups concerned.

Interested persons may submit statements or arguments relevant to the proposed action in writing on or before October 29, 1970 to:

Robert L. Solan, Chief
Bureau of Legal Services
Department of Environmental Protection
Room 809
Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

The Commissioner of Environmental Protection, after giving full consideration to all written statements, relevant to the proposed rules, may thereafter, upon his own motion or at the instance of any interested person, adopt the above rules substantially as proposed without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules Concerning Condemnation of Shellfish Beds

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of P.L. 1970, c.33, proposes to establish rules for the administration of N.J.S.A. 24:2-1 and 24:14-2 concerning the condemnation of oyster, clam and mussel growing areas or other places from which oysters, clams or other shellfish are, or may be taken at all times of the year, except when otherwise noted therein. The proposed rules specify all areas from which oysters, clams, mussels and other shellfish may or may not be taken.

Copies of the proposed rules may be requested in writing from:

Robert L. Solan, Chief
Bureau of Legal Services
Department of Environmental Protection
Room 809
Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

Interested persons may present statements or arguments, orally or in writing, relevant to the proposed action at a public hearing to be held at 10:30 A.M. on November 5, 1970 in the Water Policy and Supply Hearing Room on the eleventh floor of the Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey.

Written statements or arguments may be mailed before November 5, 1970 to Robert L. Solan, Chief, Bureau of Legal Affairs at the above address.

The Commissioner of Environmental Protection, after giving full consideration to all written statements and oral arguments relevant to the proposed rules, may thereafter, upon his own motion or at the instance of any interested party, adopt the rules substantially as proposed without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF PARKS, FORESTRY AND RECREATION

Proposed Changes In State Nursery Policy

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of P.L. 1970, c. 33 and N.J.S.A. 13:8-20, proposes to amend the State Nursery Policy regulating the sale of reforestation stock as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

1. [So word the agreement which purchasers of this stock sign in ordering reforestation stock that the purchaser will obligate himself to use the stock solely for reforestation purposes and not to resell it or remove it from his property for ornamental use as living trees.]

So word the agreement, which purchasers of this stock sign in ordering reforestation stock, that the purchaser will obligate himself to use the stock solely for reforestation purposes and not to resell it or remove it from his property for ornamental use as living trees.

2. [Refuse sale of reforestation stock to any owner whose total acreage is less than ten (10) acres of land.]

Refuse sale of reforestation stock to any owner whose total acreage is less than five (5) acres of land.

3. [Distribute reforestation stock in the urban, suburban and agricultural areas only after a preliminary investigation of the specific requests locally on the ground except in connection with properties or areas with which the Department's agents are already personally familiar, to restrict the use (of State grown reforestation stock) to legitimate reforestation projects.]

Distribute reforestation stock in the urban, suburban and agricultural areas only after a preliminary investigation of the specific requests locally on the ground; except in connection with properties or areas with which the Department's agents are already personally familiar, and

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State Nursery Policy—continued

restrict the use of State grown reforestation stock to legitimate reforestation projects, including planting for school, and youth conservation education projects and plantings for aesthetic screening and improvement, and air and noise pollution abatement.

Interested persons may present statements or arguments in writing concerning the proposed rules, before October 29, 1970, to

Robert L. Solan, Chief
Bureau of Legal Services
Department of Environmental Protection
Room 809
Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625

The Commissioner of Environmental Protection, after giving full consideration to all written statements and arguments relevant to the proposed rules, may thereafter, upon his own motion or at the instance of any interested person, adopt the above rules substantially as proposed without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Emergency Rule Concerning Assistance for Dependent Children

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3, and in accordance with Section 4 (c) of the Administrative Procedure Act (N.J.S.A. 52:14B-4 (c)), has adopted an emergency rule of the Division of Public Welfare, to be identified as Section 615A of the Categorical Assistance Budget Manual, concerning the program of Assistance for Dependent Children.

The statement of facts constituting the imminent peril requiring adoption of this emergency rule is as follows:

"An Order issued by the United States District Court for the District of New Jersey on July 6, 1970, enjoined the Department of Institutions and Agencies, Division of Public Welfare, and the respective County Welfare Boards from enforcing, insofar as it violates the federal statute, an administrative regulation otherwise identified as Section 615 of the Categorical Assistance Budget Manual. Compliance with such injunction is resulting in substantial escalation of costs to the State and counties, for the financing of which sufficient funds are not available in existing appropriations. It is now imperative that revised State regulations be issued promptly which will reduce costs that would otherwise be required for certain cases, classified as families with insufficient earnings (N.J.S.A. 44:10-1 (c) (1)), which are not within the scope of eligibility of the federal statute and regulations and not within the purview of the injunction.

"The continued payment of a minimum adequate level of assistance, and therefore the health and welfare of more than 250,000 children in New Jersey, will be endangered if these regulations are not issued immediately."

The text of the new Section 615A reads as follows:

615A. Administrative Ceiling in ADC, Insufficient Earnings (N) Segment

615A.1 For the ADC program, Insufficient Earnings (N) Segment only, otherwise referred to as "underemployed (non-federally matchable)," there are hereby established administratively prescribed ceilings, limiting the amount of total available adjusted income (as defined in Section 615A.2) for any month, within which any family of specified size may be considered a "needy" family for purposes of eligibility with respect to such month, and limiting the amount of payment(s) that may be made with respect to any budget deficit for that month.

a. The maximum payment(s) for any month 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 XA, and the amount of the family budget unit's total availablie adjusted income as defined in Section 615A.2.

615A.2 "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, with no exclusions.

b. From this sum, deduct the following:

1. mandatory payroll deductions, limited to the 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, if actually being paid by the client to an agency, facility, or unrelated person;

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.

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

615A.3 When the applicable Administrative Ceiling in Schedule XA exceeds the family budget unit's total available adjusted income, eligibility for assistance payment(s) is the amount of such difference or the amount of the budget deficit, whichever is less, adjusted to the nearest dollar. In computing such budget deficit, none of the disregards or reductions of actual expendable income otherwise authorized by Section 408. shall be applicable.

615A.4 When the total available adjusted income of the family budget unit exceeds the applicable amount in Schedule XA, the family is ineligible for assistance under the program.

615A.5 SCHEDULE XA — ADMINISTRATIVE CEILINGS

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.

615A.6 a. Immediately upon promulgation of these regulations, all active ADC cases in the N segment shall be reevaluated forthwith and immediate action initiated to terminate or reduce payments where so indicated.

b. All immediate and subsequent terminations in the N segment shall be promptly reported for deletion from the eligibility files of the Medical Assistance program.

c. At all times, all cases previously classified as "unemployed" (F segment) shall, when the unemployed parent secures employment of 35 hours per week or more, rgardless of amount of earnings, be forthwith reclassified as "underemployed" (N segment) and eligibility and amount of payment redetermined under the rules of this Section 615A.

Interested persons may present statements or arguments in writing relevant to the above emergency rule on or before October 28, 1970 to: Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625.

After fully considering all written comments respecting the above emergency rule, the Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter ratify and re-adopt the above rule as set forth without further notice.

Lloyd W. McCorkle, Commissioner
Department of Institutions & Agencies

Note: An order adopting the above emergency rule was filed and effective September 22, 1970 as R. 1970 d.115 (Exempt, Emergency Rule).

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend the Categorical Assistance Budget Manual as follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

315. EXPENSES INCIDENT TO HOMEMAKER SERVICE

315.1 [An allowance for special circumstance, or a vendor payment on behalf of the client for homemaker service may be recognized for a client when illness, death or other disruption in normal family living has created problems and on the basis of the social and/or medical diagnosis, it is determined that homemaker service is essential.]

No "special circumstance allowance" for homemaker service is authorized for inclusion in the assistance budget or assistance payment. When the County Welfare Board does not make homemaker service available as a staff service, and such service is not otherwise available to the client without cost, homemaker service may be purchased for the client by direct contractual arrangement and payment (as an administrative/service expense) between the County Welfare Board and the community agency furnishing approved homemaker services. Such purchase may be made for a client for whom illness, death or other disruption in normal family living has created problems and for that reason homemaker service (other than "home health aide" service provided under the Medicaid program) is essential.

315.2 [An allowance for homemaker service shall be recognized only if client lives alone or as a member of a family group.]

Homemaker service shall be provided only for client(s) who live alone or as a member of a family group.

315.3 [The expenses for homemaker service shall be the most reasonable rate for which the service can be obtained. (Also see Section 108.)]

Homemaker service, if purchased, shall be at the most reasonable rate for which the service can be obtained.

316. CHILD CARE

316.1 [Expenses of child care for the purposes of this Section means the authorized rates for "Day Care Centers," Family Day Care Homes," "In Home Care" and "Day Camps."]

Child care for the purposes of this section means arrangements for care of a child in a "Day Care Center", "Family Day Care Home", "In Home Care" or "Day Camp." No "special circumstance allowance" for child care service is authorized for inclusion in the assistance budget or assistance payment.

316.2 [Expenses of child care may be recognized] **Child care may be provided** when the County Welfare Board determines that [child care] **such care** is essential because of any one or more of the following:

a. The parent or parent person who normally cares for the child is employed, is in training for employment, or is in a program of vocational rehabilitation.

b. Illness, death and/or other disruption in family living has created problems and on the basis of social and/or medical diagnosis child care is necessary.

316.3 a. Expenses of child care incident to employment are normally recognized as an expense of employment (see Section 412.1) unless such cost is otherwise provided for in separate Division of Public Welfare regulations.

b. Provisions for child care as an incident to training for employment, or incident to a program of vocational rehabilitation, are in many instances arranged and financed by the special training or rehabilitation program involved (e.g., WIN, Bureau of Children's Services, Blind Commission, Rehabilitation Commission, etc.).

316.4 [a. Authorized expenses of child care may be recognized as a special circumstance allowance or as a vendor payment on behalf of the client to the provider of the service.

b. Special circumstance allowances or vendor payments for child care are authorized only for day care centers, family day care homes, and day camps which have been approved by the Department of Education or Bureau of Children's Services, whichever is applicable.]

a. When expenses of child care are not financed by another program or agency, the County Welfare Board will ordinarily provide essential child care by purchase from and direct vendor payment (as an administrative/service expense) to the agency or facility actually furnishing the approved (see c. below) child care service.

b. When the approved arrangements for child care service are for "In Home Care" and are such that there is no identified agency, facility, or vendor-person to which payment can be made, payment may be claimed by and paid to the client who has been authorized to purchase such services herself, and such payment shall also be made as an administrative/service expense.

c. Authorizations for child care are limited to day care centers and day camps which have been approved by the Department of Education or Bureau of Children's Services, whichever is applicable, and to family day care homes and "In Home Care" arrangements approved by the Bureau of Children's Services or the County Welfare Board.

316.7 IN HOME CARE

a. "In Home Care" means care for any age child in the child's usual home.

b. [Special circumstance allowance or vendor payment] **Payment** for "In Home Care" is authorized only when there is no one available who will perform the service without cost and this care is essential because one or more of the following is existent:

1. a day care center or family day care home is not available; or

2. the child is too young to attend a day care center or family day care home; or

3. there are verified medical and/or social reasons which demonstrate that care in a day care center and/or family day care home would not be in the best interests of the child.

c. [Special circumstance allowances or vendor payments] **Payments** for "In Home Care" are not authorized for care given by members of the family budget unit or by a legally responsible relative.

d. The authorized rate for day care shall be deemed to be for all services and supervision pertaining to the care of the children and are not for the performance of household tasks unrelated to child care.

e. [The allowance or vendor payment] **Payment** for "In Home Care" shall be the actual cost but not to exceed $1.25 per hour for all children in the home requiring this care but shall not exceed $50 per week. The employer's share of Social Security taxes, if applicable, shall be recognized, when due, as a vendor payment on a nonrecurring basis.

f. [The special circumstance allowance or vendor payment] **The authorized payment** for "In Home Care" shall be deemed to be the full [payment] **cost** for such services and no additional amounts [are authorized] **shall be recognized.**

Interested persons may present statements or arguments in writing, relevant to the proposed action, on or before October 28, to: Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MENTAL HEALTH AND HOSPITALS

BUREAU OF COMMUNITY MENTAL HEALTH SERVICES

State Aid Under Community Mental Health Services Act

On September 3, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:9A-10, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules and regulations governing State Aid under the Community Mental Health Services Act (N.J.S.A. 30:9A-1 et seq., substantially as proposed in the Notice published August 6, 1970 at 2 N.J.R. 65(b).

An order adopting these rules and regulations was filed and effective September 4, 1970 as R. 1970 d.108.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

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(a)

ISTITUTIONS AND AGENCIES

IVISION OF PUBLIC WELFARE

ategorical Assistance Budget Manual

On August 31, 1970, Lloyd W. McCorkle, Commissioner Institutions and Agencies, pursuant to authority of .J.S.A. 44:10-3 and 44:7-6, and in accordance with applic- ole provisions of the Administrative Procedunre Act of 68, adopted amendments to the Categorical Assistance udget Manual, substantially as proposed in the Notice ished August 6, 1970 at 2 N.J.R. 66(a).

An order adopting these amendments was filed August , 1970 as R. 1970 d.107 to be effective September 1, 1970.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

ISTITUTIONS AND AGENCIES

IVISION OF PUBLIC WELFARE

Ianual of Administration

On August 31, 1970, Lloyd W. McConkle, Commissioner Institutions and Agencies, pursuant to authority of .J.S.A. 44:10-3 and 44:7-6, and in accordance with plicable provisions of the Administrative Procedure Act 1968, adopted amendments to sections 2100, "The Applition Process," and 2800, "Social Services," of the Divion of Public Welfare Manual of Administration, substanlly as proposed in the Notice published August 6, 1970 2 N.J.R. 65(c).

An order adopting these amendments was filed August , 1970 as R. 1970 d.106 to be effective September 1, 1970.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

ISURANCE

HE COMMISSIONER

ancellation of Personal ines of Insurance

) THE PRESIDENTS OF ALL CASUALTY COMPANIES DOING BUSINESS IN NEW JERSEY:

Upon finding that the expiration of the emergency rule lating to the cancellation and non-renewal of personal nes insurance filed June 26, 1970 as R. 1970 d.71 would sult in certain casualty insurers doing business in the ate to terminate unreasonably a substantial number of gency agreements and to cancel or fail to renew on a stematic and wide-scale basis individual policies of rsonal lines insurance, which practices would result a further restriction of the personal lines insurance arket; and upon a further finding that the results of ch restrictive practices would constitute an imminent ril to the interests and general welfare of the people this State, therefore, I, Robert L. Clifford, Commisner of Insurance, pursuant to authority delegated in .J.S.A. 17:1-8.1 and 8.2 and in accordance with Section c) of the Administrative Procedure Act, (N.J.S.A. :14B-3[c]) do hereby adopt the following emergency le amendment without hearing or prior notice:

The emergency rule dated June 29, 1970, adopted and ed June 26, 1970 as R. 1970 d.71 (published at 2 N.J.R. (c)) is hereby amended by deleting therefrom all referce to September 26, 1970 and adding in lieu thereof Octor 26, 1970.

Written comments, suggestions and recommendations ncerning this rule and any other proposals respecting y additions and modifications to the rule are to be ed not later than October 16, 1970 with—

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

ated: September 16, 1970.

Robert L. Clifford
Commissioner
Department of Insurance

Note: An order adopting the above rule was filed September 17, 1970 as R. 1970 d.110 (Exempt, Emergency Rule).

(d)

AW AND PUBLIC SAFETY

IVISION OF MOTOR VEHICLES

roposed Rules Concerning elf-Inspection of Commercial Vehicles

Ronald M. Heymann, Director of the Division of Motor ehicles in the Department of Law and Public Safety, purant to authority of N.J.S.A. 39:8-10, proposes to adopt les governing self-inspection of certain classes of vecles in order to provide for continuous and periodic lf-inspection.

The text of the proposed rules reads as follows:

ection 1: Applicability

The provisions of this regulation shall be applicable to ll vehicles registered in this State.

Section 2: Definitions

a. Vehicle means every trailer, semi-trailer, pole-trailer; every truck registered at a gross weight in excess of 6,000 pounds, truck-tractor, as defined in N.J.S.A. 39:1-1, and every vehicle registered in this state engaged in interstate commerce which is now or hereafter subject to regulation and license by the Interstate Commerce Commission and/or the Bureau of Motor Carriers of the Federal Highway Administration.

b. Lessee means any person under a contract or agreement who exercises control or who operates a vehicle under said agreement or contract for more than thirty days.

Section 3: Inspection and Maintenance

Every owner or lessee of a vehicle registered in this State shall systematically inspect and maintain, or cause to be systematically inspected and maintained, all vehicles subject to its control, and the accessories, required by Part 393 of the regulations of the Bureau of Motor Carrier Safety of the United States Department of Transportation, to be mounted thereon, to insure that such vehicle and accessories are in safe and proper operating condition.

A systematic inspection and maintenance record shall be maintained for each vehicle. Such records shall include, at least:

a. an identification of the vehicle including New Jersey registration number, make, model, serial number, and number of tires, their size, and number of ply;

b. a record of inspection and repairs indicating their date and nature;

c. a lubrication record;

d. a systematic means for indicating for each vehicle the nature and due date of various inspection and maintenance operations to be performed;

e. if leased or otherwise contracted for, such records shall also include an identification of the lessor or contractor furnishing the vehicle.

Any report or record of inspection shall be maintained for a period of 24 months by the owner or lessee and be immediately available upon the request of the Director or any other person authorized to inspect under this regulation.

Section 4: Unsafe Operations Forbidden

No owner or lessee shall drive or permit or require a driver to drive any vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle nor shall any driver drive a vehicle which by reason of its mechanical condition is so hazardous to operate as likely to cause an accident or a breakdown of the vehicle.

Section 5: Inspection of Motor Vehicles in Operation

a. Personnel authorized to perform inspections

Every motor vehicle officer employed by the Division of Motor Vehicles, Department of Law and Public Safety, is authorized to enter upon and perform inspections of vehicles in operation upon the highways of this state or at the premises or places of business of the owner or lessee of such vehicles. The Director of the Division of Motor Vehicles may authorize any person to perform said inspection.

b. Reports of the inspections described above shall be submitted to the Director of the Division of Motor Vehicles.

c. Motor Vehicles declared "out-of-service"

(1) Any authorized law enforcement officer shall declare and mark "out-of-service" any vehicle which by reason of its mechanical condition or loading may cause a breakdown or accident.

(2) Any motor vehicle declared and marked "out-of-service" shall not be operated until all repairs have been satisfactorily completed. The term "operate" as used in this section shall include towing the vehicle; provided, however, that vehicles marked "out-of-service" may be towed by means of a vehicle using a crane or hoist; and provided further, that the vehicle combination consisting of the emergency towing vehicle and the "out-of-service" vehicle meets the performance requirements of Sec. 393.52 of the Bureau of Motor Carrier Safety Regulations.

(3) No person shall remove any marking indicating a motor vehicle to be "out-of-service" prior to completion of all repairs.

(4) The person or persons completing the repairs required by the "out-of-service" notice shall certify to the Director the date and the time the required repairs were completed.

d. Notice to owner or lessee

(1) The driver of any vehicle receiving notice that the vehicle is "out-of-service" shall deliver such notice to the owner or lessee operating the vehicle upon his arrival at the next terminal or facility of the owner or lessee, if such arrival occurs within twenty-four (24) hours. If the driver does not arrive at a terminal or facility of the owner or lessee operating the vehicle within twenty-four (24) hours, he shall immediately mail the notice to the owner or lessee; provided, however, that for operating convenience, owner or lessee may designate any shop, terminal, facility of person to which it may instruct its drivers to deliver or forward such notice; provided further, however, that it shall be the sole responsibility of the owner or lessee that such notice is returned to the Division of Motor Vehicles in accordance with the terms prescribed thereon and in subparagraph (2) and (3) of this paragraph.

(2) The owner or lessee shall carefully examine such notice. Any and all defects noted thereon shall be corrected. The driver's failure to comply with this section shall not excuse the owner or lessee from taking appropriate action to correct defects which come to his attention by any means whatsoever.

(3) Within 15 days following the date of the vehicle inspection, the owner or lessee shall forward to the Division a certificate of action taken as a result of said inspection.

Section 6: Damaged Vehicles, Inspection

No owner or lessee shall permit or require a driver to operate nor shall any driver operate a vehicle which has been damaged in an accident or by other cause until inspection has been made by a person qualified to ascertain the nature and extent of the damage and the relationship of such damage to the safe operation of the vehicle nor shall such vehicle be operated until such person has determined it to be in safe operating condition.

Section 7: Vehicle Condition Report by Driver

Every owner or lessee operating more than one vehicle shall require its drivers to report and every driver shall prepare a report in writing at the completion of his day's work or tour of duty, which report shall list any defect or deficiency or the absences thereof, of the vehicle discovered by said driver or reported to him as would be likely to affect the safety of operation of the vehicle or result in its mechanical breakdown. Such reports shall be carefully examined, the defects reported thereon shall be checked and the report shall be retained by the owner or lessee for a period of 12 months.

Section 8: Recommended Practices and Forms

The following practices and forms are recommended to owner or lessee for consideration as a means of establishing the inspection and maintenance practices which are required by Sections 3 to 7.

(a) Report of Vehicle Condition. As a convenient means of providing for the report required by Section 7, the "Driver's Vehicle Condition Report" is suggested. The items are arranged in a logical order of inspection. While the regulations do not require a written inspection report prior to operating, the form may be adapted for such a report by duplicating the text of the following form and using an appropriate heading. Changes may be made to suit the particular carrier's operations, such as by providing for the recording of more than one inspection on a single form.

(b) Inspection and Maintenance Record Forms

(1) Section 3 requires that motor carriers maintain systematic inspection and maintenance records but the regulations do not require any particular type of form of records. As a convenient means for providing the systematic inspection and maintenance records required by Section 3, the Inspection and Maintenance Reports I and II are suggested. Other systems recommended by the vehicle manufacturers are suggested as alternative methods.

(2) It is recommended that a cardboard check sheet for each inspection period for each vehicle be placed at a convenient point in the garage. Under the suggested system, when the four 1,000-mile inspections have been completed, the mechanic will know that he should perform the 5,000-mile inspection in accordance with the 5,000-mile inspection card. These forms, especially the mileage intervals, are suitable for the average over-the-road operator but changs may be made to adapt them to the individual operation. The items listed may be too numerous for some operations and in such cases, carriers may select items applicable to their own operations. Carriers may alter the recommended mileage figures to suit their needs or inspection periods may be determined on other tban a mileage basis such as time or fuel consumption. The fundamental requirement is that there be a systematic inspection and maintenance system.

Section 9: Required Practices

The following items of equipment are required to be inspected and maintained at least once every three (3) months.

1. All brake-lines and lining
2. Drive lines
3. Coupling devices
4. Tires and wheels
5. Springs
6. Emergency equipment
7. Fuel system
8. Cooling system
9. Lighting and signaling devices
10. Transmission system
11. Steering equipment
12. Axles and tie rod assemblies
13. Clutch
14. Exhaust system
15. Glass

Section 10:

All equipment subject to inspection shall meet the standards now or hereafter prescribed by statute, by regulation of the Director of the Division of Motor Vehicles, and by regulation of the Bureau of Motor Carriers of the Federal Highway Administration.

The Director may, upon 30 day notice, alter or amend any standard if, in his discretion, he finds that such standard is contrary to safe operation.

Section 11:

Every owner or lessee shall certify to the Director on a form prescribed that he has inspected and maintained his vehicles in conformity with this regulation. Such certification shall be made once every 12 months.

Section 12:

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

Section 13: Penalties

Any owner or lessee who violates any provision of this regulation may be subject to the suspension or revocation of his New Jersey registration and license privileges.

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Commercial Vehicle Inspection—continued

(The proposed rules also include the following three report forms).

DRIVER'S VEHICLE CONDITION REPORT

Name of motor carrier .....

Company vehicle No. .....Date.....

REPORT AFTER TRIP	Driver's Report	Mechanic's Report
Mileage reading on speedometer (insert)		
Before starting engine:		
Oil, if added, insert number of quarts		
Water		
Gasoline, if added insert no. of gallons		
Brake-lines to trailers		
Electric lines to trailers		
Drive line		
Coupling devices		
Tires and wheels		
Springs		
Body and load		
Glass		
Emergency equipment:		
Fire extinguishers		
Torches, lanterns, or reflectors		
Fusees		
Flags		
Fuses		
After starting engine (out of cab)		
Fuel system		
Cooling system		
Engine		
Leaks		
Lights		
Head		
Tail		
Stop		
Clearance and marker		
Reflectors		
After starting engine (in cab)		
Oil pressure		
Ammeter		
Horn		
Windshield wipers		
Parking brakes		
Clutch		
Transmission		
Rear vision mirrors		
Steering		
Service brakes		
Speedometer		
Other items requiring attention		
(Driver's name)		

Correction of equipment found unsatisfactory should be noted before continuance of operation.

INSPECTION AND MAINTENANCE REPORT I

.....

(Name of carrier)

1,000-mile inspection. Vehicle No. .....

(After inspection No. 4 perform 5,000-mile check which shall include the fifth 1,000-mile check)

	Type of Inspection	Inspection No. 1	2	3	4
	Speedometer reading				
	Date of inspection				
	Group 1 - Axle, front:				
	Axle and wheel alignment				
	Tie rod assembly, etc.				
	Group 2 - Axle, rear:				
	Differential housing				
L	Radius rods, etc.				
AOL	Group 3 - Body and cab				
	Group 4 - Brakes				
	Group 5 - Clutch				
OL	Group 6 - Cooling system				
L	Group 7 - Electrical system				
	Group 8 - Engine				
	Group 9 - Frame and springs				
	Group 10 - Fuel and exhaust system				
	Group 11 - Steering				
	Group 12 - Transmission				
	Group 13 - Propeller shaft				
	Group 14 - Wheels, rims, and tires				
	Group 15 - Special equipment				

A - Adjustment; H - Heavy inspection; L - Visual check-up; O - Oil or grease; R - Replace or rebuild; T - Test.

INSPECTION AND MAINTENANCE REPORT II

.....

(Name of carrier)

5,000-mile inspection. Vehicle No. .....

(After inspection No. 9, perform 50,000-mile inspection which shall include the tenth 5,000-mile inspection)

	Type of Inspection	Inspection No. 1	2	3	4	5	6	7	8	9
	Speedometer reading									
	Date of inspection									
H	Group 1 axle, front:									
TA	Axle, center									
H	Axle and wheel alignment									
	Brake spider, etc.									

Note: Have a similar form for the 50,000-mile inspection and the 100,000-mile inspection with type of inspection in accordance with the inspection procedure.

Interested persons may present statements or arguments concerning the proposed rules at a Public Hearing to be held in the State Room at the Holiday Inn, Calhoun and State Streets, Trenton, New Jersey, at 9:30 a.m. on October 21, 1970. Statements or arguments of persons wishing to be heard at this Hearing must be forwarded on or before October 19, 1970 to:

Charles H. Mellon, III
Deputy Director
Division of Motor Vehicles
25 South Montgomery Street
Trenton, New Jersey 08625
Telephone: (609) 292-4593

Interested persons may also present statements or arguments in writing concerning the proposed action up to and including October 28, 1970 to Deputy Director Mellon at the above address.

After full consideration of all statements or arguments presented, the Director of Motor Vehicles, upon his own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as proposed without further notice.

Ronald M. Heymann
Director
Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION ON CIVIL RIGHTS

Multiple Dwelling Reporting Rule

On September 21, 1970, George F. Kugler Jr., Attorney General of New Jersey, pursuant to authority of N.J.S.A. 10:5-6.1 and 10:5-8(c), (g), (h), (i), and (j), adopted as a rule of the Division on Civil Rights within the Department of Law and Public Safety, the multiple dwelling reporting rule substantially as proposed in the notice published April 9, 1970 at 2 N.J.R. 36(a).

An order adopting this rule was filed and effective September 21, 1970 as R. 1970 d. 114.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

DIVISION OF MAINTENANCE AND EQUIPMENT

Proposed Amendments to Equipment Rental Rules

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-21, proposes to amend the equipment rental rules of Title 16 of the New Jersey Administrative Code, to read as follows (additions indicated in bold face **thus**; deletions indicated within brackets [thus]):

SATURDAY, SUNDAY, OR HOLIDAY TIME: Premium rates shall be paid for the time worked on Saturdays, Sundays or holidays becoming effective at 12:01 a.m. midnight of the respective day and terminating at 12:00 midnight, twenty-four hours later, unless otherwise modified within an Equipment Rental Agreement (Department of Transportation Form MT-47). Holiday premium rates will be paid only for time worked on [those holidays where the Contractor is obligated to pay premium rates.] **these holidays:**

New Year's Day	**Labor Day**
Lincoln's Birthday	**Columbus Day**
Washington's Birthday	**Election Day**
Good Friday	**Veterans' Day**
Memorial Day	**Thanksgiving Day**
Independence Day	**Christmas Day**

When one of the State holidays falls on Sunday and is observed on the following day, the day of observance shall be considered a holiday.

The proposed amendment is deemed necessary in order to clearly define those days on which premium rates will be paid.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 28, 1970 to:

Jack F. Andrews, Director
Division of Maintenance and Equipment
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

John C. Kohl
Commissioner
Department of Transportation

(c)

TRANSPORTATION

DIVISION OF MAINTENANCE AND EQUIPMENT

Proposed Amendments to Snow Removal Rules

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-21, proposes to amend the snow removal rules of Title 16 of the New Jersey Administrative Code to read as follows (additions indicated in bold face **thus**: deletions indicated within brackets [thus]):

TRUCK CLASSIFICATIONS: Hourly rates and payments shall be based on manufacturer's gross vehicle weight of trucks provided. For this purpose the following classifications shall apply:

Class A—[25,000] **28,000** pounds or over
Class B—20,000 to [24,999] **27,999** pounds

[HOLIDAYS] SATURDAY, SUNDAY, OR HOLIDAY TIME: [Contractor will be paid at rates established for Sunday and holidays for any work performed on all legal holidays.] **Premium rates shall be paid for the time worked on Saturdays, Sundays or holidays becoming effective 12:01 a.m. midnight of the respective day and terminating at 12:00 midnight, twenty-four hours later, unless otherwise modified within a Snow Removal Agreement (Department of Transportation Form MT-18). Holiday premium rates will be paid only for time worked on these holidays:**

New Year's Day	**Labor Day**
Lincoln's Birthday	**Columbus Day**
Washington's Birthday	**Election Day**
Good Friday	**Veterans' Day**
Memorial Day	**Thanksgiving Day**
Independence Day	**Christmas Day**

When one of the State holidays falls on Sunday and is observed on the following day, the day of the observance shall be considered a holiday.

The proposed amendments are deemed in order to reflect practical limits for differentiation between truck classifications and to clearly define those days on which premium rates will be paid.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 28, 1970 to:

Jack F. Andrews, Director
Division of Maintenance and Equipment
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

John C. Kohl
Commissioner
Department of Transportation

(d)

TREASURY

DIVISION OF PENSIONS

PUBLIC EMPLOYEE'S RETIREMENT SYSTEM

Proposed Revision of Contributory Insurance Rate

Christopher F. Carson, Secretary of the Public Employee's Retirement System, pursuant to authority delegated to the Board of Trustees by N.J.S.A. 43:15A-17, proposes to revise N.J.A.C. 17:2-22 of the rules of the Public Employee's Retirement System, to read as follows (additions indicated in boldface **thus**; deletions indicated within brackets [thus]):

17:2-22. CONTRIBUTORY INSURANCE RATE:

[Contributory Group Life Insurance rate of contribution for all participating members shall be 1% of the member's base or contractual salary.]

All participating members' contribution rate for contributory group insurance shall be .75 of 1% of the member's base or contractual salary, effective as of November 1, 1970.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before 4:00 p.m. on October 1970 to:

Christopher F. Carson, Secretary
Public Employee's Retirement System
137 East State Street
Trenton, New Jersey 08625
Telephone (609) 292-3626

After full consideration of all written or oral submissions respecting the proposed rule, the Board of Trustees of the Public Employee's Retirement System, upon its own motion, may thereafter adopt the revised rule substantially as proposed without further notice.

Christopher F. Carson, Secretary
Public Employee's Retirement System
Division of Pensions
Department of Treasury

(e)

TREASURY

STATE INVESTMENT COUNCIL

Proposed Amendments Concerning Maximum Mortgage Investment Limitation

Frank K. Kelemen, Chairman of the State Investment Council, pursuant to authority of N.J.S.A. 52:18A-89 proposes to amend Council Regulations 16:3-10.120(a), 16:3-19.130(a), 16:3-20.130(a), and 16:3-28.120(a) concerning maximum mortgage investment limitation as follows (additions indicated in bold face **thus**; deletions indicated within brackets [thus]):

ARTICLE 10.

TITLE II FEDERAL HOUSING ADMINISTRATION HOSPITAL MORTGAGES

Reg. 16:3-10.120 Limitations.

(a) Any investment in any mortgage shall be not less than $1 million nor more than [$4.5] **$10** million.

* * *

ARTICLE 19.

TITLE II SECTION 203 (B) FEDERAL HOUSING ADMINISTRATION MORTGAGES

Reg. 16:3-19.130 Legal Papers.

Prior to any settlement with respect to mortgages, the Director shall have obtained:

(a) evidence to the effect that at the time of commitment the monthly payment, inclusive of interest, amortization, taxes, insurance and mortgage insurance premium,

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ere applicable, does not exceed [22%] 25% of principal rower's gross income. The earnings or other income the principal borrower's wife shall not be considered determining this ratio unless it can be demonstrated t they are reasonably permanent. In the event that a amitment has been entered into to purchase a mortgage accordance with the above requirement and the monthly ment is subsequently adjusted, the Director may ac- t the mortgage for final settlement providing (1) the usted monthly payment does not exceed [24.2%] 27.5% the principal borrower's gross income, or (2) the ad- ted monthly payment does no exceed the [24.2%] $27.5% itation by an amount equal to the increase in the thly payment resulting from the closing of the loan h increased interest rate.

* * *

TICLE 20.
TLE III SECTION 501 (B) VETERANS ADMINISTRA- TION MORTGAGES
teg. 16:3-20.130 Legal Papers.
or to any settlement with respect to mortgages, the ector shall have obtained:
a) evidence to the effect that at the time of commit- nt the monthly payment inclusive of interest, amortiza- n, taxes, insurance and mortgage insurance premium, ere applicable, does not exceed [22%] 25% of principal rower's gross income. The earnings or other income the principal borrower's wife shall not be considered in ermining this ratio unless it can be demonstrated that y are reasonably permanent. In the event that a com- tment has been entered into to purchase a mortgage accordance with the above requirement and the monthly yment is subsequently adjusted, the Director may ac- t the mortgage for final settlement providing (1) the justed monthly payment does not exceed [24.2%] 27.5% the principal borrower's gross income, or (2) the ad- ted monthly payment does not exceed the [24.2%] 27.5% itation by an amount equal to the increase in the nthly payment resulting from the closing of the loan an increased interest rate.

* * *

TICLE 28.
TLE II FEDERAL HOUSING ADMINISTRATION IN- SURED MORTGAGES — MULTI-FAMILY
Reg. 16:3-28.120 Limitations.
(a) Any investment in any mortgage shall be not less an $1 million nor more than [$4.5] $8 million.

* * *

Interested persons may present statements or argu- ents in writing, orally in person or by telephone, relevant the proposed action, on or before October 28, 1970, to:

Director
Division of Investment
Post Office Box 1829
Trenton, New Jersey 08625
Telephone: (609) 292-5106

The State Investment Council, upon its own motion or at e instance of any interested party, may thereafter nend the above rules substantially as proposed without rther notice.

Richard L. Stoddard
Acting Deputy State Treasurer
Department of the Treasury

(a)

ACKENSACK MEADOWLANDS EVELOPMENT COMMISSION

roposed Amendments to nterim Zoning Regulations

The Hackensack Meadowlands Development Commis- on, pursuant to authority of N.J.S.A. 13:17-1 et seq. (P.L. 68, c.404), proposes to amend the Interim Zoning Regula- ons of the Hackensack Meadowlands District.

Copies of the proposed amendments may be obtained by riting to:

Secretary
Hackensack Meadowlands Development Commission
Room 206, 363 West State Street
Trenton, New Jersey 08625
OR
1099 Wall Street West
Lyndhurst, New Jersey 07071

Interested persons may present written or oral state- ents regarding the proposed amendments at a Public earing to be held at 10:00 a.m. on October 30, 1970 in e Lyndhurst Office of the Commission at the above ddress.

Interested persons wishing to present statements at the earing must submit written requests to the Secretary the Commission at either of the above addresses on or efore October 28, 1970. Written statements will also be eceived by the Commission on or before the date of the earing and will be includedin the record and given full onsideration by the Commission.

The date, time and place of any subsequent hearing, if uch is deemed to be necessary, will be announced at the ctober 30th hearing; however no notice of any such ubsequent hearing will appear in the New Jersey Reg- ster.

After full consideration of all written and oral sub- issions respecting the proposed amendments, the Hack- nsack Meadowlands Development Commission, upon its wn motion, may thereafter adopt, in the manner pro- ided for by N.J.S.A. 13:17-1 et seq. (P.L. 1968, c.404), he amendments substantially as proposed without fur- her notice.

Clifford A. Goldman
Secretary
Hackensack Meadowlands Development Commission

STATE NEWS OF PUBLIC INTEREST

CLEAN WATER COUNCIL CALLS OCTOBER 20 PUBLIC HEARING ON SEWAGE POLLUTION

The Clean Water Council, an advisory agency to the State Government in the area of water pollution control, is seeking public reaction to the idea that the State should be given authority to build and operate regional sewage treatment plants in areas where local action is slow.

The Council will hold a public hearing on the question October 20 at the Brunswick Inn in New Brunswick to review the "public policy necessary to effect a more efficient, economical system of meeting the water pollution needs of the State."

Edwin C. Landis Jr., Council Chairman, says the purpose of the hearing is to gather opinions on whether a state sewerage authority should be established, or, whether the state should be limited to creating and supervising sewerage authorities which will build sewage plants in areas where municipal governments can't get together on regional systems.

He declared that the Council has found areas of the state where "plans for region-wide sewage facilities are often ignored or the creation of a regional authority is slow in forming because of local jealousies or distrust."

As it did last year when it held public hearings in the state's seven major watershed areas, the Clean Water Council again is inviting testimony from municipal and county officials, officers of public and quasi-public agencies, federal and interstate water pollution officials, and representatives of industry, sportsmen's clubs and conservationist and grassroot groups interested in water pollution abatement.

At the Council's recent reorganization meeting, the present slate of officers was reelected for another year. Besides Landis as chairman, the members are Sol Seid, chief engineer, Middlesex County Trunk Sewer Authority, the vice chairman; Environmental Protection Commissioner Richard J. Sullivan, secretary ex officio; and Ernest Segesser, chief engineer, State Water Pollution Program, assistant secretary ex officio.

COMMUTER ADVISORY COMMITTEE HOLDS REORGANIZATION MEETING

Eight members of the continuing Commuter Advisory Committee of the Department of Transportation were sworn in last month and held their first monthly meeting in the Trenton office of Transportation Commissioner John C. Kohl.

He administered the oath to Mayor Matthew G. Carter of Montclair; Eileen M. Hearn, Brigantine, secretary and cashier, Bethlehem Steel Corporation Sales Office, Philadelphia; G. W. Herkner, Basking Ridge, assistant vice president, Erie Lackawanna Railway; Frank Thomas Richardson, Mendham, assistant to manager, New York operations office, Atomic Energy Commission; Edward H. Tiller, Garwood, Union County Freeholder Director; Frank E. Tilley, Wyckoff, executive director, Bergen County Board of Public Transportation; Milton F. Untermeyer, Elberon, president, Untermeyer & Carton, Inc., Asbury Park; and Gilbert B. Wood, Fair Lawn, director, New Jersey State Legislative Board, Brotherhood of Railroad Trainmen.

Milton Wasserburger, Fort Lee, vice president, Manhattan Transit Co.; and Arthur E. Coughlin, South Orange, chairman and state representative, New Jersey Legislative Board, Brotherhood of Locomotive Engineers; the two other members of the ten-man committee appointed by Governor Cahill last month, were absent. The appointed members serve two-year terms and are unsalaried.

Nelson Slater, Assistant Commissioner of Public Transportation, is chairman of the committee.

SMALLER INVENTORY DECREASE BOOSTS STATE'S FARM INCOME

Net farm income in New Jersey totaled $66,400,000 in 1969, eight percent over the previous year but four percent less than the 1963-68 average, according to the New Jersey Crop Reporting Service.

The increase was attributed to a slower rate of decline in farm inventories in 1969, at $1,800,000, compared to a decrease of $7,500,000 in 1968.

Realized net farm income unadjusted for changes in farm inventories decreased slightly from $68,700,000 in 1968 to $68,300,000 last year. Higher gross rental value of farm dwellings and higher government payments failed to offset an increase of $2,700,000 in farm production expenses.

The increased cost of farm operations in 1969 was due to higher taxes, increased interest rates, and heavier depreciation charges, along with higher prices for feed and seed.

Cash receipts for farm marketings were the same in 1968 and 1969—$249,600,000. Sales of vegetables, fruits, field crops, greenhouse and nursery products and other miscellaneous crops accounted for $146,600,000 or 58.8 percent of the total in 1969. Marketings of livestock and livestock products totaled $103,000,000.

Net income per New Jersey farm averaged $7,465 in 1969, compared to $6,732 in 1968, and well above the national average of $5,563. Net income per farm in nearby states last year was as follows: Pennsylvania, $4,519; New York, $6,195; Delaware, $15,767; and Maryland, $7,737.

KELEMEN NAMED AS CHAIRMAN OF STATE INVESTMENT COUNCIL

Frank K. Kelemen of Moorestown, newly-appointed member of the State Investment Council, last month was elected chairman of that state regulatory body.

Kelemen, 55, an engineer, businessman, and former newspaper executive, was appointed to a five-year term by Governor William T. Cahill September 14, and at the annual organization meeting three days later was named to the top post. Kelemen replaces Carroll M. Shanks, New York City insurance executive, the previous chairman, who resigned.

Kelemen is also a member of the Committee on Education in the Health Division of the State Board of Higher Education and served on Governor Cahill's task force on welfare management.

In 1946 he formed his own company, KSM Products, Inc., and served as president of that company until its sale to Omark Industries, Inc. of Portland, Oregon, in 1969. He remains with that firm as executive vice president.

Kelemen in 1953 also founded the Suburban Newspaper Group, Inc. of Cherry Hill, comprised of 12 weekly newspapers serving Camden and Burlington Counties. The company was sold to the Gannett newspaper chain in 1966.

Kelemen has served with the South Jersey Manufacturers Association, Camden County Chamber of Commerce, Burlington County Boy Scouts of America and the New Jersey Taxpayers Association.

The new chairman is a civil engineer with Masters degrees in both education and economics from Temple University.

He is married to the former Eleanor Elisabeth Scott. They live with three of their five sons at 689 Golf View Road, Moorestown.

The 10-member State Investment Council oversees the state's investments and regulates policies and procedures of the Treasury Department's Division of Investment. Its members represent many years of experience in business, investment and banking, and include, in addition to the chairman, four citizens appointed by the Governor and five others representing the various state pension funds.

STATE'S INVESTMENTS RETURNED RECORD HIGH INCOME IN PAST YEAR

Investment portfolios administered by the State of New Jersey produced a record high of $116,065,383 in income during fiscal 1969-70, with $19,973,435 of that amount added to current State revenues.

State Treasurer Joseph M. McCrane explained that $92,099,746 of the $116,065,383 was earned on securities held by the five State-administered pension funds and was for the benefit of 200,000 members of the funds. The $23,965,637 difference consisted of $3,992,202 of income retained by trust funds under the Treasurer's control and $19,973,435 of income which was for the direct benefit of the State and was added to current revenues.

The $116,065,383 comes to $466,126 earned each working day of the year, and shows an increase of $21,931,678, or 23 percent, over fiscal 1968-69 when the total was $94,133,705.

Treasurer McCrane also reported these end-of-the-year highlights:

- The book value of all securities held by the State's investment funds as of June 30 was $2,568,887,523, an increase of $292,973,502 over 1968-69.
- Average yields on long-term securities purchased during 1969-70 was 8.13 percent, compared to 6.81 percent for fiscal 1968-69.
- Of the $2,568,887,523 book value of 41 funds held by the State, $2,011,135,249 represents the five pension funds and the remainder is in 36 trust and other Treasurer's funds.

Mr. McCrane praised the Treasury's Division of Investment, headed by Richard L. Stoddard, and the citizen-members of the State Investment Council for doing a "remarkable job" in behalf of the state's taxpayers.

The Division of Investment has developed investment procedures that have been used as a model by other states in keeping their money working, Stoddard said.

Some of the factors that contributed to the record high in earnings are higher interest rates, more money to invest, and a highly developed cash control system directed by the Treasurer. Cash control brings together the efforts of the Investment Division and the Division of Budget and Accounting, he explained.

COUNTY COLLEGE NON-PROFESSIONAL STAFFS BROUGHT UNDER CIVIL SERVICE

James A. Alloway, President of the New Jersey Department of Civil Service, ruled last month that non-professional and non-teaching employes of 15 county community colleges, excluding only Somerset Community College since Somerset County has not adopted Civil Service, are subject to Title 11 of the Civil Service Law.

His announcement was based on an opinion given him by State Attorney General George F. Kugler Jr.

Under the ruling, all non-professional and non-instructional employes will be placed in the classified service subject to the Civil Service Act. The law defines classified service as all persons in the paid service of a county, municipality or school district operating under the Civil Service Act and not specifically excluded by other provisions of the law.

Those employes in the county community colleges who are in the unclassified service, and therefore not subject to Civil Service law, are non-instructional personnel appointed to fixed terms of office or who have been granted tenure by the legislature, personnel in professional teaching positions, and those closely related to the instructional function.

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FOURTH MAJOR BOND SALE UPS TOTAL TO $250 MILLION IN CONSTRUCTION FUNDS

Two days after failing to receive any bid at all, the State of New Jersey last month sold $75 million in general obligation bonds at a net interest cost of 5.99 percent. It was the fourth such sale this year.

Governor William T. Cahill, in making the announcement September 17, said he was "most pleased" at the sale, after no acceptable bids had been received earlier that week because of the legally-fixed six percent interest ceiling on the bonds.

"State Treasurer Joseph M. McCrane is to be highly commended for his success in negotiating the sale in view of tight bond market conditions," the Governor commented.

The rate was the highest paid by the State since post-Civil War days.

The $75 million paid for the bonds provides $50 million of immediate funds for construction of roads and mass transportation facilities and $25 million for public buildings. It brought the 1970 total of bonds sold to $250 million, well over double the amount sold last year under the same voter authorization.

The 30-year serial bonds were purchased jointly by two syndicates of New York City banks—Morgan Guaranty Trust Co. and Bankers Trust Co., and First National City Bank and Chase Manhattan Bank, Mr. McCrane announced.

He noted that the initial offering on September 15 happened to come on a day the bond market had become flooded with new offerings which totalled the second highest volume on record. Because that offer received no bids, the issuing officials were then empowered by law to seek a negotiated sale, he pointed out.

Mr. McCrane stated that none of the conditions of the original offering had been changed, with the bonds being callable after 15 years, and with maturities running from October 1, 1976 to October 1, 2000.

The State Treasurer said that the callable feature, the first in the state's history, is a further protection should bond rates drop in the future. The bonds could then be refinanced at a lower rate. He added that the negotiated sale was the first in the memory of state officials.

"The proceeds will cover state needs well into next year so no more sales are contemplated in 1970," Mr. McCrane stated.

The issue is part of the $990 million in bonds authorized by New Jersey voters in November, 1968.

First sale this year of $25 million on January 13 had a 5.69 interest rate, the second of $75 million on March 12 was at 5.4 percent, and the third previous issue of another $75 million on July 14 carried a 5.88 percent interest rate.

GARBAGE COLLECTORS WARNED ON NOV. 6 REGISTRATION CUT-OFF

Garbage collectors and disposal site operators will not be allowed to operate after November 6, unless by then they have filed an application with the State Public Utilities Commission.

This warning was issued last month by William E. Ozzard, PUC President, and directed to the industry itself and to all municipalities and health authorities.

Ozzard said he was issuing the warning because "the industry and the municipalities in the state have been on notice since last spring that new regulation will go into effect on November 6, 1970.

"If the collectors and dump site operators do not apply by the deadline, they will be prevented from operating and many municipalities will be faced with a health crisis. We are asking municipal officials and health authorities to cooperate in insuring that all collectors in their area are registered in time," he declared.

Application forms are available from the PUC's office, 101 Commerce Street, Newark, and additional copies of the application form are available at the more than 300 disposal sites throughout the state.

Ozzard said that dump sites will be policed as of next month to prevent any collector from entering if he has not filed for approval. State and local police will be asked to cooperate in preventing illegal operations by collectors or disposal site operators.

Under the terms of the new legislation, any person who collects refuse, either by municipal, commercial, industrial or private agreement with any person, and takes that refuse to another site, must file an application. Similarly, any person who allows the disposal of any form of refuse upon his property must be registered. It is estimated there are more than 3,000 firms and individuals affected by the new law.

The full text of the "proposed solid waste regulations" under the new law were reported in last month's issue of the New Jersey Register (2 N.J.R. 76(f)), along with a notice of the required hearing.

That hearing is set for October 9 (tomorrow), beginning at 10 A.M. in Room 208 of the PUC headquarters at 101 Commerce Street, Newark. Comments, recommendations and evidence from any person will be accepted at the hearing. The cut-off date for written comments passed as of October 1.

Whether there will be any subsequent hearing will be determined and announced at the October 9 session, Chairman Ozzard stated.

In its warning on the Nov. 6 deadline released to the press Sept. 24, the PUC asked that prominent publicity be given it "to help prevent a potential health hazard" because of possible lack of knowledge by garbage operators and health authorities over the requirements of the 1970 law, which becomes effective Nov. 6.

An earlier PUC press release Sept. 10 had noted the date and purpose of the public hearing and pointed out that "the adoption of the proposed rules and regulations is a preliminary step in preparing for the actual regulation of the industry."

STATE NEWS OF PUBLIC INTEREST

NEW STATE HIGHWAY MAP AVAILABLE FOR ASKING

The Department of Transportation reports that copies of the 1970 Official New Jersey Highway map and guide are now available for mass and individual distribution.

The Department seeks a wide distribution of 400,000 copies of the map. In past years, state and national authorities and civic, business and resort organizations have distributed large quantities.

The map is a useful reference on the status of additions to the highway system completed or under construction, and location of new highways to be constructed.

It delineates other transportation facilities such as the commuter railroad system and commercial and general aviation airports. It locates state institutions, parks, state police barracks and motor vehicle inspection stations for the convenience of the motoring public.

Included are full color displays of the state flag, flower and bird; a message from Governor William T. Cahill; a locater which lists over 1,000 local places and gives the populations, and a guide to state parks and recreation sites with facilities available at each.

Requests for the maps should be addressed to the Department's Bureau of Public Information, 1035 Parkway Avenue, Trenton, New Jersey 08625.

BELL TELEPHONE RATE INCREASE SUSPENDED, HEARING IS SET

William E. Ozzard, President, acting for the State Board of Public Utility Commissioners, has suspended rate increases proposed by New Jersey Bell Telephone. Had they not been suspended, the increase would have gone into-effect October 15.

In the Order, the PUC set October 26 at 10:00 a.m. for the start of hearings into Bell's request. The last time Bell asked for a rate hike was in April of 1957; the PUC then made its original decision on January 1, 1958, but court suits prevented the increase from going into effect for almost a year.

The October 26 hearing will be at the PUC offices, Room 208, 101 Commerce Street, Newark. The hearing will be opened by the three Commissioners, Ozzard, Anthony J. Grossi and Brendan T. Byrne.

ROOK SWORN IN AS NEWEST MEMBER OF STATE CLEAN AIR COUNCIL

James H. Rook of Teaneck was sworn in last month as a new member of the New Jersey Clean Air Council, Dr. John Horton, council chairman, announced. Rook was appointed to the post by Governor William T. Cahill.

Rook, who will serve a one-year term prescribed by law, succeeds Louis A. Winkelman, who resigned from the council last December upon his retirement.

A graduate of Michigan State College (now Michigan State University), Rook was formerly assistant chief safety engineer for the Michigan Department of Labor and Industry. He has served as industrial hygienist for Chrysler Corporation and the Tennessee Corporation, and presently is director of environmental control systems for American Cyanamid Company, in Wayne.

Rook is a diplomate of the American Academy of Industrial Hygiene and active in the Manufacturing Chemists Association, Water Pollution Control Federation, Air Pollution Control Association, American Industrial Hygiene Association, American Chemical Society, and Health Physics Society.

The New Jersey Clean Air Council is a 17-member advisory body to the State Department of Environmental Protection created by 1967 legislation. Its unpaid members are appointed by the Governor to varying terms and are required by law to represent a cross-section of the general public, labor and industry. At least one member must be a licensed, practicing physician. Serving ex-officio are the three State Commissioners of Labor and Industry, Community Affairs and Agriculture, or their representatives.

The council is required to hold at least one public hearing annually, to examine the state's air pollution control activities, and to make recommendations to the Commissioner of Environmental Protection.

GARRISON PROMOTED TO NEW POST AS VITAL RESOURCES COORDINATOR

The State Board of Agriculture approved the promotion of Samuel Garrison to the new post of corrdinator of vital resources, Division of Rural Resources, New Jersey Department of Agriculture.

He had previously been an agricultural economist in the department and had served as executive secretary of the Rural Advisory Council, a post he will continue to fill.

In his new capacity, Garrison will initiate programs to develop rural-oriented industry in rural areas to expand job opportunities and strengthen the local economy. He will also work to improve environmental factors in rural areas, including housing, sewage disposal, water supply, and agricultural waste disposal.

Garrison joined the department in 1959 as an economist. Since January 1968 he has also been a hearing officer.

With Mrs. Garrison and their three sons, he lives at 5 Rockland Road, Trenton.

NINE MAJOR FIRMS AGREE TO ABIDE BY STATE'S AIR POLLUTION CONTROL LAW

New Jersey and nine major industrial firms last month achieved significant agreements in the State's battle against the air pollution which plagues the northern New Jersey-New York metropolitan complex.

All nine firms, cited as a group for polluting the air in the Tremley Point section of Linden, assured the Department of Environmental Protection they will take immediate steps to help correct the problem.

"As a result of this voluntary action, the air quality in that section should show steady improvement over the next year and a half and major improvement [illegible] noted by next summer," said Richard J. Sullivan, E[illegible] mental Protection Commissioner.

The agreement was a landmark case for New Jersey. It marked the first time that an action involving multiple respondents had ever been attempted under Chapter 6 of the New Jersey Air Pollution Control Code, which contains a general prohibition of air pollution. The pertinent section reads: "No persons shall cause, suffer, allow or permit to be emitted into the outdoor atmosphere substances in quantities which shall result in air pollution."

The sequence of the action was as follows:

Commissioner Sullivan instituted action against the nine firms on August 4, naming in the suit: Cities Service Oil Company; E. I. DuPont deNemours and Company, Inc., Mobil Oil Company; General American Transportation Corporation (GATX); American Cynamid Company, G A F Corporation; B P Oil Corporation; Enjay Chemical Company and Humble Oil and Refining Company, the last two subsidiaries of Standard Oil of New Jersey.

As of September 18, all nine had signed consent stipulations in which they agree to take specific steps to curtail air pollution, along with a timetable for starting and completing the installation of various types of control equipment. In each instance, the companies submitted acceptable proposals to the department detailing how they would meet the requirements of the code.

A preliminary departmental hearing had been scheduled for September 15, but the voluntary action on the part of the nine companies made it unnecessary to hold the hearing.

Under terms of the stipulations, the companies waived their right to preliminary hearing and consented to accept enforceable administrative orders. Failure to abide by the orders can result in fines up to $2,500 a day for each day of violation.

Deputy Attorney General Lawrence E. Stanley who negotiated the agreements said the department dos not anticipate further litigation in the Tremley Point case.

Each company has a different timetable for providing abatement and cessation. Some have major hurdles to overcome while others have modest modifications to make in order to meet the code requirements. Large sums of mony will be required to install the abatement equipment and carry out the other corrective measures spelled out in the consent stipulations, and each firm must submit continuing progress reports in writing to the Environmental Protection Department.

Commissioner Sullivan expressed pleasure with the cooperation demonstrated by the companies and said, "The main objective is to help make the air cleaner in the cauldron of chemical and industrial activity that lies [illegible] the northern stretches of the New Jersey Turnpike. [illegible] pollution in that section is conspicuously objectionable."

The Commissioner said additional multi-respondent cases under Chapter Six are planned for the future in other areas of the state that have clusters of air pollution sources.

Deputy Attorney General Stanley conducted the Tremley Point case under the direction of State Attorney General Gorge F. Kugler, Jr. and William A. Munroe, chief of the Bureau of Air Pollution Control.

Herbert I. Wortreich, chief enforcement officer of the bureau, organized the broad outlines of the massive case in conjunction with the Attorney General's office. Thomas M. Leonard Jr., supervisor of field control operations, directed the efforts of the bureau's metropolitan field office in Springfield in gathering facts with the assistance of David Shotwell, office supervisor, and Byron Sullivan, who did much of the investigative work.

FLEMING APPOINTED PRESIDENT OF STATE REAL ESTATE COMMISSION

The New Jersey Real Estate Commission has announced the appointment of Commissioner Carl A. Fleming Jr. as President of the Commission. to serve for one year.

Commissioner John L. Soldoveri was appointed A[illegible] President.

Fleming is president of Fireside Realty Inc., 1401 Oak Tree Road, Iselin, and has been active in civic organizations. He is chairman of the Woodbridge YMCA and vice president of the Woodbridge Chamber of Commerce.

Fleming resides at 25 Fairview Avenue, Colonia, with his wife, Lillian, and their six children. He was born and attended public schools in Hampton, and received a B.A. degree from Rutgers University in 1952. He served in Korea for two years.

Soldoveri resides at 1 Cambridge Street, Totowa, with his wife, Grace, and their two children. He is president of the Soldoveri Agency, 247 Union Boulevard, Totowa.

The other members of the Commission are William F. Kinney, 13-02 St. Anne St., Fair Lawn, who is affiliated with the William F. Kinney Agency in East Paterson; Charles L. Skerrett, 24th and Central, Barnegat Light, who conducts a real estate business in Clementon; and N. Willard Schwartz, 53 Brookside Terrace, North Caldwell, who is with the A. Schwartz Company of Parsippany.

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THE NEW JERSEY REGISTER

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

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THURSDAY, NOVEMBER 5, 1970

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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 MARKETS
Rules Concerning
Grade Certificates for Eggs

On October 1, 1970, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:10-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision of N.J.A.C. 2:31-4 "Certificates of Grade" as proposed in the Notice published September 10, 1970 at 2 N.J.R. 69(c).

An order adopting the above revised rule was filed and effective October 1, 1970 as R.1970 d.119.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION
Proposed Rule Concerning
Advising Applicants for Certificates

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to adopt as N.J.A.C. 8:11-28, a rule relating to advisement of applicants for certificates, as follows:

8:11-28 ADVISEMENT OF APPLICANTS FOR CERTIFICATES

Persons who wish to qualify for teacher certification shall be advised by officials of the college or university at which they plan to complete an approved teacher education program. The State Department of Education will examine college transcripts and issue an evaluation specifying the additional study needed to qualify for a certificate only:

1. To applicants who have completed a state-approved teacher education program in another state, who wish to know if they are eligible for a regular New Jersey Certificate.

2. To applicants who have had at least one year of successful experience under an appropriate certificate in another state, who wish to know if they are eligible for a regular New Jersey Certificate.

3. Upon request from a superintendent of schools, to persons who are being offered employment in a public school in New Jersey. Requests from superintendents should be accompanied by a complete application including OTEC-1, OTEC-2 (oath), OTEC-5, fee, OTEC-800 or OTEC-801, and official college transcripts.

Such requests should be made only if:

a. The applicant appears to the superintendent to have met the requirements stated in the Rules (Appendix B) for at least an emergency or a provisional certificate, or

b. The superintendent is requesting issuance of an emergency or provisional certificate on the basis of individual review, and is submitting form OTEC-802 with application.

In all other cases persons who inquire regarding eligibility for teaching shall be advised to complete a state-approved teacher education program in an accredited college. School districts and county superintendents shall maintain information and literature regarding the approved programs available on a pre-service and in-service basis in New Jersey colleges to full-time and part-time students.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action before 4 p.m. on December 1, 1970 to:

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

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

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

(c)

EDUCATION

STATE BOARD OF EDUCATION
Proposed Amendments to Rules
Governing Tuition Rates

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 4-16, proposes to amend N.J.A.C. 8:20-15, 16, 18, 19 and 20 relating to tuition in public schools as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

8:20-15 Method of Determining [High School] Tuition Rates

(a) The term "actual cost per pupil" for determining the [high school] tuition rate **or rates** for a given year referred to in [R.S. 18:14-71] N.J.S.A. 18A:38-19 shall mean the cost per pupil in average daily enrollment, based upon total operating expenditures for that year for [all high school] **the purpose or** purposes **for which the tuition rate is being determined (i.e., 4 yr. h.s., sr. h.s., jr. h.s., elem., educable, etc.)** except maintenance and debt service, in lieu of which a rental charge of five percent of the total original cost of the [high school] plant **or plants used for the purpose or purposes for which the tuition rate is being determined,** including land and equipment, and subsequent additions thereto shall be made. **In any year in which the receiving district can prove to the satisfaction of the Commissioner that the five percent rental will not be adequate because of high interest rates or other just cause the Commissioner may approve a higher rental allowance.**

(1) All expenditures [for high school purposes] shall be included, regardless of the sources of revenue.

(2) "Average daily enrollment" for the purpose of determining the "actual cost per pupil," shall be the sum of the days present and absent of all pupils enrolled in the [high] school register **or registers of the program or programs for which the rate is being determined** during the year divided by the number of days school was actually in session.

(b) Whenever practicable, the actual amounts expended for [high school purposes for] each **applicable** item **in the program or programs for which the tuition rate is required,** according to the prescribed bookkeeping and accounting system, shall be recorded and used in determining the "actual cost per pupil."

(c) Whenever it shall be impracticable to charge the actual amount expended for [high school purposes for] a particular item [,] **in the program or programs for which the tuition rate is being determined then the** [high school] share of such expenditure **for each program** shall be determined on a pro rata basis in accordance with the following ratios:

(1) Administration—Ratio of numbers of [high school] teachers **in each such program to the total number of teachers of the system.**

(2) Instruction

(a) [Supervisors,] Principals' **Salaries** [and Teachers]—Ratio of [time devoted to high school duties to time devoted to all duties] **the number of pupils in average daily enrollment in each program.**

(b) Supervisors, Teachers—Other Instructional Staff and Other Salaries of Instruction—Ratio of time devoted to each program.

(c) Secretarial and Clerical Assistants and Other Salaries —Ratio of the number of pupils in average daily enrollment in each program.

[(b)] **(d)** Textbooks, **School Library and Audio Visual Materials and Teaching** Supplies—Weighted ratio of average daily enrollment of [high school] pupils **in each program** to average daily enrollment of all pupils in the system; in weighing, four tenths shall be allowed for elementary and six-tenths for high school grades.

[(c)] **(e)** Other Expenses—Ratio of the average daily enrollment of [high school] pupils **in each program** to average daily enrollment of all pupils of the system.

(3) [Operation

(a) Janitors', Engineers' and Firemens' salaries—Ratio of square feet of floor space of building used for high school purposes to square feet of floor space used for all schools. Such floor space shall not include offices, boiler rooms, corridors or other rooms not used by pupils. Whenever a room shall be used by both a high school and other pupils, such square footage shall be determined by the relative time use of such room by the high school and other school pupils.

FIRST BOUND VOLUME OF REGISTER AVAILABLE

As a service to attorneys, government officials, law libraries and others, all copies of the New Jersey Register from the first issue of September, 1969 through December, 1970 are being made available in a bound volume.

With the first 16 issues through next month will be included a cumulative index of the complete contents. The volumes will be sturdily bound in a hard cover for long life, with the title printed on the spine.

Available in limited quantity, the initial bound volume coincides with a change in the size of the Register next year to a more convenient 8 ½ by 11-inch size. Future issues will likewise be made available in annual volumes with cumulative indexes.

Actual cost price for the 16 issues in an 18 by 12-inch volume is $17, including packaging, postage and insurance. To order your copy, send your check to New Jersey Register, 10 North Stockton Street, Trenton, N.J. 08608. Checks should be payable to Division of Administrative Procedure.

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Tuition Rate Amendments—continued

(b) Janitorial Supplies—Fuel, Light, Power and Water—Ratio of square footage as set forth in (3) (a) above. Whenever costs are not kept separately for a building which is a combination school, such costs shall be prorated according to the ratio of square footage used for high school to the total square footage of the building.]

Attendance and Health Services—Ratio of the number of pupils in average daily enrollment in each program. Attendance Officer Salary and Expenses shall be excluded.

(4) [Other School Services

(a) Coordinate Activities—Ratio of the average daily enrollment of high school pupils to average daily enrollment of all pupils of the school system.

(b) Auxiliary Agencies—Ratio of average daily enrollment of high school pupils to average enrollment of all pupils of the school system.]

Transportation Expenditures shall be excluded.

(5) [Fixed Charges—Ratio of average daily enrollment of high school pupils to average daily enrollment of all pupils of the school system. Tuition shall be excluded.

(a) Rental—Ratio of square footage used for high school purposes to the total square footage of the building.]

Operation—Salaries and all other costs—Ratio of square feet of floor space used by each program. Such floor space shall not include: offices, boiler rooms, corridors or other rooms not used by pupils. Whenever a room shall be used for two or more programs such square footage shall be prorated as to time devoted to each program.

(6) Maintenance shall be excluded.

(7) Fixed Charges—Ratio of average daily enrollment in each program.

(8) Tuition shall be excluded.

(9) Food Service Salaries and Expenses—Ratio of average daily enrollment in each program.

(10) Student Body Activities Salaries and Expenses—Ratio of average daily enrollment in each program.

(11) Community Services shall be excluded.

(d) A tentative tuition rate may be set by agreement between the receiving district and the sending district, and such tentative rate shall be based upon the estimated cost per pupil for the ensuing school year, as to be reflected in the proposed budget of the receiving district.

(1) If the sending district and the receiving district reach an agreement before January first, they shall so notify the Commissioner.

(2) If the sending district and the receiving district cannot reach an agreement on the estimated cost per pupil by January first, then the tentative tuition rate shall be based upon the actual cost per pupil for the completed school year immediately preceding.

(3) If the Commissioner later determines that the tentative tuition rate was greater than the actual cost per pupil during the school year for which the tentative rate was charged, the receiving district shall return to the sending district the amount by which the tentative rate exceeded the actual cost per pupil, or, at the option of the receiving district, shall credit the sending district with the amount by which the tentative tuition rate exceeded the actual cost per pupil.

(4) If the Commissioner later determines that the tentative rate was less than the actual cost per pupil during the school year for which the tentative rate was charged, the receiving district may charge the sending district all or part of the amount by which the actual cost per pupil exceeded the tentative rate, to be paid not later than during the second school year following the school year for which the tentative rate was paid.

(e) The Commissioner shall prepare the detailed directions and the necessary forms to be used by school officials in determining the "actual cost per pupil" for tuition purposes according to these rules.

8:20-16 [Method of Determining Junior High School Tuition Rates

The cost per pupil for tuition purposes in Junior High Schools shall be determined in the same manner as in high schools.]

8:20-18 [Method of Determining Tuition Rates for Educable Mentally Retarded Children

(a) The term "actual cost per pupil" for determining the tuition rate of educable mentally retarded children for a given year, referred to in R.S. 18:14-71.7 as mentally retarded children, shall mean the cost per pupil in average daily enrollment based on the total operating expenditures for the year for which tuition is charged for all pupils so classified exclusive of maintenance and debt service, in lieu of which a rental charge of five percent of the total original cost of the plant including land and equipment and subsequent additions thereto shall be made.

(1) All expenditures for educable mentally retarded children shall be included regardless of the sources of revenue.

(2) "Average daily enrollment" for the purpose of determining the "actual cost per pupil" shall be the sum of the days present and absent of all pupils enrolled in the school register for educable mentally retarded classes during the year divided by the number of days school was actually in session.

(b) Whenever practicable, the actual amounts expended for educable class purposes for each item, according to the prescribed bookkeeping and accounting system, shall be recorded and used in determining the "actual cost per pupil."

(c) Whenever it shall be impracticable to charge the actual amount expended for educable class purposes for a particular item, the share to be charged to educable classes shall be determined on a pro rata basis in accordance with the following ratios:

(1) Administration—Ratio of the number of teachers in educable classes to the total number of teachers of the system.

(2) Instruction

(a) Teachers, Supervisors and Principals—Ratio of time devoted to educable classes to time devoted to all duties.

(b) Textbooks and Supplies—Ratio of average daily enrollment of educable mentally retarded pupils to average daily enrollment of all pupils in the system.

(c) Other Expenses—Ratio of the average daily enrollment of educable mentally retarded pupils to the average daily enrollment of all pupils of the system.

(3) Operation

(a) Janitors', Engineers' and Firemens' Salaries Ratio of square feet of floor space of areas used for educable mentally retarded classes to square feet of floor space used for all schools. Such floor space shall not include offices, boiler rooms, corridors or other rooms not used by pupils. Whenever a room shall be used by both educable and other pupils, such square footage shall be determined by the relative time use of such room by the educables and other school pupils.

(b) Janitorial Supplies—Fuel, Light, Power and Water—Ratio of square footage as set forth in (3) (a) above. Whenever costs are not kept separately for a building which is a combination school, such costs shall be prorated according to the ratio of square footage used for educables to the total square footage of the building.

(4) Other School Services

(a) Coordinate Activities—Ratio of average daily enrollment of educable pupils to average daily enrollment of all pupils in the school system.

(b) Auxiliary Agencies—Ratio of average daily enrollment of educable pupils to average daily enrollment of all pupils in the school system.

(5) Fixed Charges—Ratio of average daily enrollment of educable pupils to average daily enrollment of all pupils of the school system. Tuition shall be excluded.

(a) Rental—Ratio of square footage used for educable classes to the total square footage of the building.

(d) The Commissioner shall prepare the detailed directions and the necessary forms to be used by school officials in determining the actual cost per pupil for tuition purposes according to these rules.]

8:20-19 [Method of Determining Tuition Rates for Trainable Mentally Retarded Children

The cost per pupil for tuition purposes in trainable mentally retarded classes shall be determined in the same manner as in educable mentally retarded classes.]

8:20-20 [Method of Determining Tuition Rates for Physically Handicapped Children, Pursuant to R.S. 18:14-71.25

The cost per pupil for tuition purposes in each category listed in R.S. 18:14-71.18 shall be determined in the same manner as in educable mentally retarded classes.]

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action before 4 p.m., December 1, 1970, to:

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

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

Victor J. Podesta
Acting Commissioner of Education
Acting Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Regulation Governing Library Incentive Grants

On October 16, 1970, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:74-10, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted regulations governing the receipt of incentive grants under the provisions of N.J.S.A. 18A:74-6, as proposed in the Notice published September 10, 1970 at 2 N.J.R. 71(b).

An order adopting the above regulations was filed and effective October 21, 1970 as R.1970 d.127.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PPROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Proposed General Guidelines for Long-Term Care Units in Hospitals

The State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1 et seq., proposed at its meeting on September 23, 1970 to adopt general guidelines for long-term care units in hospital facilities.

The proposed guidelines, which shall be applicable to all existing and new facilities licensed or approved as a hospital under the provisions of N.J.S.A. 30:11-1 et seq., read as follows:

Every long-term care unit in a hospital facility licensed under the provisions of N.J.S.A. 30:11-1 et seq., whether a free standing structure or a distinct part of a structure, shall follow these general guidelines to distinguish between the acute care and long-term care units in hospital facilities:

1. Long-term care patients may be admitted directly to either the acute care or long-term care units of the hospital, but under no circumstances are acute or intensive care patients to be admitted or maintained in the long-term care unit.

2. Patients are to be transferred from the acute care section to the long-term care unit at any time deemed feasible by the attending physician, with the criteria being the type of care needed by the patient. Patients who require less than 30 days care may be transferred and the average length of stay in a long-term care unit need not be 30 days.

3. Patients who require acute or intensive care are not to be transferred to the long-term care unit.

4. Patients who require sub-acute, progressive, convalescent, nursing, self, rehabilitation or long-term care may occupy the long-term care unit.

5. The hospital must maintain separate statistical reporting data so that no patient days in the acute or intensive care units will be identified as patient days in the long-term care unit.

6. For purposes of the State Plan, long-term care beds funded under the Hill-Burton program will continue to be carried as long-term care beds.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1970, to:

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

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

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

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Proposed Supervision Regulations For Nursing Home Administrators

The State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1 et seq., proposed at its meeting on September 23, 1970 to adopt supervision regulations for nursing home administrators.

The proposed regulations, which shall be applicable to all existing and new facilities licensed or approved as nursing or convalescent facilities under the provisions of N.J.S.A. 30:11-1 et seq., read as follows:

Every long-term care facility licensed under the provisions of N.J.S.A. 30:11-1 et seq., whether a free standing structure or a distinct part of a structure, shall be operated under the supervision of an Administrator licensed pursuant to N.J.S.A. 30:11-11 et seq. (Chapter 356, P.L. 1968) and in keeping with the following provisions:

1. The facility shall have a licensed administrator who shall be either the proprietor or employed by the facility on a full or part time basis and shall be responsible for

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the administrative and supervisory functions at the facility to assure that it is operated and maintained at all times in full conformity with Departmental standards for licensure.

2. An individual, competent and authorized to act in the absence of the licensed administrator, shall be designated at all times.

3. The Department shall be notified in writing within 48 hours of any change in licensed administrators.

4. If the service of a licensed administrator is terminated, a new licensed administrator shall be designated. In instances where a new licensed administrator is not immediately available, the Department shall be so notified in writing and the facility shall make arrangements for licensed administrative supervision on a consultant basis. Unless extenuating circumstances exist, it is anticipated that a new licensed administrator shall be appointed within 30 days.

5. In a facility where a licensed administrator has both administrative and other functions, such as nursing responsibilities, the facility shall maintain time schedules which delineate clearly the specific hours spent by the individual in each function.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1970 to:

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

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

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

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Proposed Revision of Manual of Standards for Hospital Facilities

The State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1 et seq., proposed at its meeting on October 28, 1970 to adopt a revised Manual of Standards for Hospital Facilities.

The proposed Manual of Standards shall be applicable to all existing and new facilities licensed or approved as a hospital under the provisions of N.J.S.A. 30:11-1 et seq.

The introduction to the proposed manual reads as follows:

The New Jersey State legislature has delegated to the Department of Institutions and Agencies the responsibility for the establishment and enforcement of standards for the operation and licensure of hospital facilities in New Jersey.

The Manual of Standards for Private Hospitals sets forth the minimum requirements for licensure purposes. As good patient care is the prime objective of a hospital facility, all hospitals shall be expected to exceed these minimum standards wherever the situation requires to assure the provision of an adequate and safe pattern of patient care.

In instances where full compliance with particular sections contained herein shall be found not applicable, appropriate waivers shall be granted provided that such waivers shall in no way jeopardize the health, safety and welfare of patients admitted or cared for within the facility.

Hospital patient care is essentially an entity composed of the activities of the patient's physician and hospital personnel consciously directed to the meeting of specific needs of the patient for diagnosis, treatment, rehabilitation, prevention of disease and personal care for the purpose of curing or alleviating the effects of disease, injuries, or disorders of health; promoting a positive state of health; and restoring the patient to effective living in accordance with his disabilities, as well as with his abilites and capacities.

A high level of patient care, therefore, requires unity of purpose and effort on the part of the governing board, the administrator, the medical and nursing staffs and all other hospital personnel who contribute to the essential care of the patient during his hospital stay. Segmented patient care may be avoided by clearly delineating the role of each discipline and establishing the necessary cooperative relationships.

Section One, "Definitions, Classification and Licensing Policies," of the proposed manual reads as follows:

101 HOSPITALIZATION

Hospitalization shall be defined as the reception and care of any person for a continuous period, longer than twenty-four hours, for the purpose of diagnosis and/or treatment bearing on the physical or mental health of such persons.

102 PRIVATE HOSPITAL

A private hospital is an institution, whether operated for profit or not, which is not maintained, supervised or controlled by an agency of the government of the State or any county or municipality and which maintains and operates facilities for the diagnosis, treatment or care of two or more non-related individuals suffering from illness, injury or deformity and where emergency, outpatient, surgical, obstetrical, convalescent or other medical and nursing care is rendered for periods exceeding twenty-four hours.

103 LICENSEE

(A) The licensee is the corporation, association, partnership or individual operating an institution and on whom rests the responsibility for maintaining acceptable standards in all areas of operation.

(B) Any agency of the government or any county or municipality which shall apply for and receive Federal funds under the provisions of Public Law 725 or the 79th Congress, Chapter 958, Second Section, shall be required to comply with the rules and regulations and the minimum standards of nursing and hospital care provided for in Section 30:11-1 of the revised statutes as a condition prior to receiving such funds.

(C) Any hospital which has received financial aid from the Federal government for construction and which, as a condition to the receipt of such funds, has agreed to provide accommodations for a special type of patient (chronic, psychiatric, etc.) shall continue to maintain such special services as a condition to license.

104 CLASSIFICATION OF INSTITUTIONS

(A) Private hospitals shall be classified generally as:

1. Non-Profit

Any hospital owned and operated by a corporation, association, religious or other organization, no part of the net earnings of which is applied, or may lawfully be applied, to the benefit of any private shareholder or individual

2. Proprietary or Profit

Any hospital owned and operated by an individual, partnership or corporation, the net proceeds of which are subject to distribution for the benefit of such individual, corporation or shareholders

(B) Hospitals shall be further classified as:

1. General Hospital

An institution which maintains and operates organized facilities and services for the diagnosis, treatment or care of persons suffering from acute illness, injury or deformity and/or obstetrics, and in which all diagnosis, treatment and care are administered by or performed under the direction of persons licensed to practice medicine or osteopathy in the State of New Jersey.

2. Special Hospital

An institution which assures provision of comprehensive specialized diagnosis, care and treatment and rehabilitation where applicable on an in-patient basis for one or more specific categories of patients.

3. Mental Hospital

An institution which provides congregate maintenance and personal care of mentally ill persons.

4. Tuberculosis Hospital

An institution which assures the provision of comprehensive specialized diagnosis, care, treatment and rehabilitation where applicable on an in-patient basis for patients of all ages who are suspects or definitely diagnosed as having tuberculosis or a related condition.

105 INSPECTION

(A) A hospital for which a license or approval has been issued shall be periodically inspected by one or more duly appointed representatives of the Department of Institutions and Agencies under the rules and regulations presented in this manual.

(B) Visits to evaluate the physical plant, equipment and overall operation of the hospital shall be made during usual working hours of the day, except in an emergency when inspection may be made at any time.

106 EXCEPTIONS AND EXEMPTIONS

(A) The word "hospital" as used herein shall not be deemed to include first aid stations for emergency medical or surgical treatment where no continuous bed care or protracted treatment is contemplated or performed.

(B) The Department of Institutions and Agencies does not have the power or authority to:

1. Require any hospital to practice or permit sterilization of human beings, euthanasia, birth control or any other similar practice contrary to the dogmatic or moral beliefs of any well established religious body or denominations.

2. Supervise or regulate or control the remedial care or treatment of individual patients who are adherents of any well recognized church or religious denomination which subscribes to the art of healing by prayer and the principles of which are opposed to medical treatment and who are resident in any home or institution operated by a member or members or by an association or corporation composed of members of such well recognized church or religious denomination.

3. Modify or repeal any laws, rules or regulations governing the control of communicable diseases.

107 LICENSE

(A) No license provided shall be granted for a term exceeding one year.

(B) No license issued shall be assignable or transferable and shall be immediately void if a hospital ceases to operate or its ownership changes.

(C) The license shall be conspicuously posted on the premises.

(D) The institution shall give written notice to the Department of Institutions and Agencies at least 30 days prior to closing or transferring ownership of the facility.

(E) Individual licenses shall not be required for separate hospital buildings located on the same or adjoining grounds if these are operated under one management.

(F) If a hospital operates a long-term care facility under the same corporate body and administration and members of the hospital's medical staff are assigned responsibility for the medical care of patients admitted in each facility, the long-term care facility shall be considered an integral part of the hospital for licensure purposes regardless of whether it is physically established as a distinct part of the hospital, as a separate structure on the hospital premises, or as a separate structure on property distant from the hospital. Only one license shall be issued to the hospital to cover both facilities with the stipulation that the allocation of bed capacities not be changed except by approval of the Hospital Licensing Board.

108 FEES

(A) A license to operate a private hospital shall be issued upon the payment of a fee of $25.00 providing that the application and the hospital facility are in full compliance with the applicable regulations.

(B) Licenses shall be renewed annually upon payment of a like fee.

(C) All fees received by the Department under the provisions of this Act shall be paid into the General State Fund.

109 REVOCATION OR SUSPENSION OF LICENSE

(A) The Department is authorized to suspend or revoke a license issued hereunder or to impose a money penalty on any of the following grounds:

1. Violation of any provisions of the statute or the rules and regulations issued pursuant thereto.

2. Permitting, aiding or abetting the commission of any illegal act in said institution.

3. Conducting practices contrary to accepted procedures and detrimental to the welfare of the patient.

(B) Every hospital licensed to operate under the laws of the State of New Jersey shall comply with all existing legislation with respect to abortions. Any departure from the accepted practice in this regard shall subject the hospital to revocation of its license.

110 INFORMATION NOT TO BE DISCLOSED

(A) Information received by the Department of Institutions and Agencies through inspection authorized under this Act shall be confidential.

(B) Nothing contained herein shall be construed to interfere with existing legislation or the established rights and privileges of the public prosecutor and litigants having access to hospital records, nor shall anything herein be construed to interfere in any way with the orderly legal process of obtaining access to such records.

111 PLANNING A NEW HOSPITAL — EXPANSION OF EXISTING FACILITIES

(A) Groups, organizations or individuals planning the construction and establishment of a new hospital should conduct a preliminary survey which includes the following:

1. An estimate of the need for additional hospital beds in the area in question, together with some evaluation as to the adequacy or inadequacy of existing hospitals.

2. Evaluation of the potential financial resources which would be available to the proposed hospital.

3. The reaction of the general public to the proposed hospital, including a list of names of influential persons who might be willing to serve on the governing board.

4. A canvass of the opinions of physicians in the area and the reaction of the medical, osteopathic and other interested societies.

5. An estimate as to the approximate number of beds that are needed and a rough estimate of the cost of such an institution.

(B) The proposed facility shall be in reasonable conformity with the principles, standards, priorities and overall needs of the State as expressed in the "New Jersey State Plan for the Construction of Hospitals and Related Medical Facilities."

(C) The individual or group shall arrange for a conference with the Department to discuss the proposed project in detail. If the overall program is considered feasible, schematic architectural plans should be prepared and submitted to the Department for approval.

(D) The group, organization or individual planning to operate a new hospital facility shall provide the complete information required in the application form.

(E) The likelihood of the proposed facility meeting the standards for accreditation by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association shall be given full consideration and the facilities unlikely to meet such standards would be obliged to present overpowering reasons for licensure.

(F) All premises hereafter proposed for hospital use shall be:

1. Fire resistant construction

2. Designed for hospital purposes

3. Approved by the Department as readily adaptable for such purpose

(G) Any new hospital proposing to build must present a master plan, including schematic drawings, for a 200-bed hospital and must complete 100 beds within that plan.

(H) If the new hospital will initially complete and operate fewer than 200 rated beds, the hospital must demonstrate that the other hospitals in the area are willing and able to provide the services excluded by the new hospital and that these services are adequate to meet the needs of the community served by the new facility.

(I) All hospitals shall be expected to provide care for the needy sick and no hospital shall withhold service from any person because of race, creed or national origin.

(J) The procedure for the approval of the application and the architectural plans of a new hospital facility include the following:

1. The application form must be substantially complete before it will be accepted for consideration by the Department.

2. Preliminary plans, including the written approval by the local zoning authority, must be submitted.

3. The application and preliminary plans shall be presented to the Hospital Licensing Board for review and recommendation.

4. Preliminary approval or disapproval of the hospital proposal by the Licensing Board shall be subject to confirmation by the State Board of Control.

5. Final approval shall be dependent upon the submission of an application form which is complete and acceptable in all details and satisfactory working drawings. Such final approval shall be the responsibility of the State Board of Control.

(K) Hospitals applying for Federal grants-in-aid under the provisions of the Federal Hospital Survey and Construction Act shall submit a written statement certifying

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Hospital Facilities Manual—continued

that no person will be denied admission to the proposed facility, for which such funds are requested, because of race, creed or color. The certification shall indicate any restrictions of services because of race, creed or color.

(L) All new hospitals applying for license shall provide written evidence of approvals by local fire, building and health authorities.

(M) All hospitals applying for license shall provide the following professional departments, services and facilities:

1. Clinical and Pathological Laboratories

a. The laboratories shall be under the direction of a qualified pathologist on a full or part time basis.

b. A qualified member of the medical staff may be appointed by the governing authority to assume a portion of the responsibilities involved, with a qualified pathologist as a consultant.

2. Morgue and Autopsy Facilities

a. The space, equipment and personnel available for necropsy service shall be adequate to meet the needs of the hospital.

b. Refrigeration facilities for two cadavers shall be provided for the first 100 bed capacity; an additional refrigeration unit or space shall be required for each additional 100 beds of capacity.

c. If the necessary facilities for necropsy are not provided within the hospital, these shall be conveniently located elsewhere.

3. Blood Bank

a. The governing board shall designate the pathologist or other qualified physician as physician-in-charge of the blood service.

b. The hospital shall maintain an emergency supply of whole blood.

c. The hospital shall maintain a current list of potential blood donors of all principal blood types and groups who are available in emergencies or it shall establish a stable source of blood supply, either through an integrated blood operation or by arrangement with an outside blood service.

4. Heart Station

a. The hospital shall provide at least one room equipped for electrocardiography. Sufficient space shall be provided for the maintenance of essential records and such office space as may be required by the physician-in-charge.

b. It is recommended that additional space be allocated and reserved for advanced procedures in cardiology.

5. Surgical Suite

a. The surgical suite shall not be used as a passageway to other hospital areas.

b. Every provision shall be made to insure safe and aseptic surgical care, and for the protection of patients from infection and from cross infection from unclean or infectious cases.

6. Obstetrical Suite

a. The suite shall be located to prevent through traffic and shall be completely separated from the surgical suite.

b. A recovery room shall be provided in hospitals with an annual birth rate of more than 800.

7. Accident-Emergency Services

a. All hospitals shall provide accident and emergency services at all times and shall accept, when medically indicated, patients seeking such services without regard to their ability to pay.

b. The governing board shall appoint a physician who shall serve as physician-in-charge of the emergency department. He shall be responsible for the prompt and efficient treatment of emergency patients and the coordination of 24-hour licensed physician coverage according to a plan established by the medical staff and approved by the governing authority.

c. If the needs of a patient seeking accident or emergency services at the hospital cannot be adequately provided on a continuing basis, such patient shall not be discharged except after a medical review and under medical direction. The hospital shall be responsible for the transfer of such patient to an institution equipped to render the needed care and for completing arrangements for such care.

8. Diagnostic X-Ray Department

a. The governing authority shall appoint a qualified roentgenologist to direct the radiographic service of the hospital.

b. Adequate qualified personnel shall be available at all times to provide the required services.

9. Central Service

a. The hospital shall provide, prepare, sterilize and store sufficient sterile supplies and medical and surgical equipment and shall dispense these to all departments and services of the facility.

b. This service shall be carried on in an area designed, equipped and staffed for this purpose.

10. Post-operative Recovery Room

a. This unit shall be located in close proximity to the surgical suite and direct emergency communication shall be provided between the two areas.

b. The size shall be sufficient to provide adequate space for two recovery stretchers per operating room.

c. The unit shall be under the direct supervision of an anesthesiologist or a qualified physician designated by the governing board.

11. Out-Patient and Preventive Services

a. All hospitals shall provide, on a regular and continuing basis, out-patient and preventive clinics in those services provided on an in-patient basis.

b. In no instance shall a hospital provide less than out-patient services in medicine and surgery.

12. Anesthesia Department

a. The governing authority shall appoint a physician to direct the anesthesia service.

b. The administration of general anesthesia or analgesia shall be performed only by a qualified anethesiologist or a qualified nurse anesthetist who is a member of the anesthesia department and who is under the supervision thereof.

c. A system shall be established whereby personnel qualified to administer anesthesia shall be available at all times in sufficient numbers to meet emergency needs.

(N) Any hospital applying for license shall establish and maintain the following paramedical and institutional service departments:

1. Administration
2. Nursing Service Department
3. Medical Record Department
4. Pharmacy Department
5. Dietetic Service Department
6. Housekeeping Department
7. Plant and Maintenance Department
8. Medical Library
9. Laundry Service
10. Purchasing and Central Stores

(O) Any existing hospital of fewer than 200 beds proposing to expand must present a master plan, including schematic drawings, for orderly expansion to a 200-bed hospital. If the existing hospital has less than 100 beds, it must complete a minimum of 100 beds within the plan.

(P) Full consideration should be given to possible merger of facilities and consolidation of planned or existing services with other hospitals before building new or expanding existing hospitals.

(Q) If the need is demonstrated, any satellite hospital facility may be smaller than 100 rated beds; but it must be affiliated with, and operated under, the effective supervision of the Board of Trustees of an existing 200 bed (or larger) hospital.

(R) Any new satellite hospital facility must be planned and constructed under the effective supervision of the Board of Trustees of the hospital with which it is affiliated.*

(S) If the need is demonstrated, an out-patient clinic service (including emergency services) of an existing hospital may be located in a separate building and at a distance from the hospital, but must be operated under the effective supervision of the Board of Trustees of an existing 200-bed (or larger) hospital.

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

Office of the Commissioner
Department of Institutions and Agencies
135 West Hanover Street
Trenton, New Jersey 08625
Telephone: (609) 292-4303

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 December 4, 1970.

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

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

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in Medical Assistance For the Aged Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6 proposes to amend the Medical Assistance for the Aged Manual of Administration as follows (additions indicated in bold face **thus**; deletions indicated within brackets [thus]):

3321. Income Eligibility for Hospitalization and Home Health Care

.1 Period for Determining Income Eligibility

a. Income eligibility shall always be determined for a period of [three] **six** consecutive months, beginning from the date of application or from the date when redetermination of income eligibility is required.

b. All income which will be available during the [three] **six** applicable months shall be considered. The sum of all such income shall be divided by [three] **six** to determine monthly income for purposes of applying adjusted income schedule.

c. If at the end of any [three] **six** month period the client continues to be in need of hospitalization or home health care, income eligibility shall be redetermined for the following [three] **six** months.

3322. Income Eligibility for Nursing Home Care

.1 Period for Determining Income Eligibility

a. Income eligibility for nursing home care is determined [initially] **or redetermined** for a period of [three] **six** months. [unless b. below is applicable]

[b. When a client has been receiving continuous nursing home care for six consecutive months, income eligibility shall be determined or redetermined, whichever is applicable on a six months' basis.]

b. [c.] All income shall be considered available to meet authorized costs incident to nursing home care.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1970 to:

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

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Criteria for Satellite Hospitals

On September 23, 1970, the State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted criteria for satellite hospital facilities, to supplement the standards on minimum bed requirements for hospitals contained in the Manual of Standards for private hospitals (dated July, 1968), as proposed in the Notice published August 6, 1970 at 2 N.J.R. 64(b).

An order adopting the above rules was filed and effective September 23, 1970 as R.1970 d. 116.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Categorical Assistance Budget Manual

On October 6, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Categorical Assistance Budget Manual, as proposed in the Notice published September 10, 1970 at 2 N.J.R. 74(a).

An order adopting the above amendments was filed and effective October 13, 1970 as R.1970 d.124.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Manual of Administration

On October 6, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to Sections 2111. "Inquiries and Referrals," 2112. "Application Policy and Procedure," and 2227. "County Responsibility and Procedures in Respect to Persons Released from Certain Institutions" of the Division of Public Welfare Manual of Administration, as proposed in the Notice published September 10, 1970 at 2 N.J.R. 73(d).

An order adopting the above amendments was filed and effective October 13, 1970 as R.1970 d.125.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

COMMISSION FOR THE BLIND

Amendments to State Plan for Vocational Rehabilitation of the Blind

On October 6, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:6-11, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the State Plan for Vocational Rehabilitation of the Blind, as proposed in the Notice published September 10, 1970 at 2 N.J.R. 73(b).

An order adopting the above amendments was filed and effective October 13, 1970 as R.1970 d.126.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(f)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

BUREAU OF CHILDREN'S SERVICES

Manual of Standards for Children's Institutions

The State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-14 through 17, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a Manual of Standards for Children's Institutions, as proposed in the Notice published September 10, 1970 at 2 N.J.R. 73(c).

An order adopting the above rules was filed October 13, 1970 as R.1970 d.123.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

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(a)

INSURANCE

THE COMMISSIONER

Emergency Regulation Concerning Assigned Risk Plan

TO THE PRESIDENTS OF ALL PROPERTY AND CASUALTY COMPANIES DOING BUSINESS IN NEW JERSEY:

RE: New Jersey Automobile Plan

After consultation with members of the insurance industry and upon finding that applicants for automobile liability insurance have been unable to secure coverage above basic limits through ordinary methods, and that such applicants have been completely unable to secure medical payments coverage through ordinary methods, and upon a further finding that the results of such automobile insurance market conditions constitute an imminent peril to the interests and general welfare of the people of the State, I, Robert L. Clifford, Commissioner of Insurance, pursuant to authority delegated in N.J.S.A. 17:29D-1 et seq. and in accordance with Section 4(c) of the Administrative Procedure Act (N.J.S.A. 52:14B-4(c)) do hereby adopt the following emergency regulation without hearing or prior notice except as above set forth.

A summary of the regulation, the full text of which is on file with the Division of Administrative Procedure, the Department of Insurance, and the administrative office of the New Jersey Automobile Insurance Plan, is as follows:

The regulation creates a plan by which applications heretofore processed by the "Assigned Risk Plan," a voluntary association of insurers affording basic limits of automobile liability insurance only, will be processed by an association of insurers, the membership of which is mandatorily composed of all automobile liability insurers doing business in New Jersey.

In addition to providing basic limits liability coverage, the plan will provide, at the request of the applicant, increased limits of Bodily Injury Liability in amounts of $25,000/$50,000 and $50,000/$100,000, Property Damage to a limit of $10,000, and Medical Payments coverage to a limit of $1,000.

The regulation further provides for the apportionment of such applicants among participating insurers and the rates which such applicants may be charged. The effective date of the Plan is October 15, 1970.

Written comments, suggestions and recommendations concerning this regulation and any other proposals respecting any additions and modifications to the regulation are to be filed not later than November 30, 1970 with:

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

Dated: October 15, 1970

Robert L. Clifford
Commissioner
Department of Insurance

Note: An order adopting the above rule was filed October 23, 1970 as R.1970 d.129 (Exempt, Emergency Rule).

(b)

LAW AND PUBLIC SAFETY

DIVISION OF WEIGHTS AND MEASUURES

Packaged Commodities Regulations

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

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

* * *

F. DECLARATION OF QUANTITY: CONSUMER PACKAGES.

(1) LARGEST WHOLE UNIT. — Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in

(a) common or decimal fractions of such largest whole unit, or in

(b) the next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

* * *

(5) TERMS: WEIGHT, LIQUID MEASURE, OR COUNT. — The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(6) COMBINATION DECLARATION: WEIGHT OR MEASURE. — A declaration of quantity in terms of weight or measure shall be accompanied by a declaration of the count or size of the individual units of the commodity, unless a declaration of weight or measure alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(7) COMBINATION DECLARATION: COUNT. — A declaration of quantity in terms of count shall be accompanied by a declaration of the weight, measure, or size of the individual units of the commodity, or of the total weight or measure of the commodity, unless a declaration of count alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(8) UNITS: WEIGHT, MEASURE. — A declaration of quantity

(a) in units of weight shall be in terms of the avoirdupois pound or ounce;

(b) in units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, of fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);

(c) in units of linear measure shall be in terms of the yard, foot, or inch;

(d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) in units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel;

(f) in units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch:

Provided, That in the case of prescription drugs, or in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of the Metric System of weight or measure.

(9) ABBREVIATIONS. — Any of the following abbreviations, and none other, may be employed in the quantity statement on a package of commodity:

avoirdupois	avdp	quart	qt
cubic	cu	square	sq
feet or foot	ft	weight	wt
fluid	fl	yard	yd
gallon	gal	cubic centimeter	cc
inch	in	gram	g
liquid	liq	kilogram	kg
ounce	oz	microgram	mcg
pint	pt	milligram	mg
pound	lb	milliliter	ml

(There normally are no periods following, nor plural forms of, these abbreviations. For example, "oz" is the abbreviation for both "ounce" and "ounces".)

(10) UNITS WITH TWO OR MORE MEANINGS.—When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry".

(11) PRESCRIBED UNITS.

(12) LESS THAN ONE FOOT, ONE SQUARE FOOT, ONE POUND, OR ONE PINT. — The declaration of quantity shall be expressed in terms of

(a) in the case of length measure of less than one foot, inches and fractions of inches;

(b) in the case of area measure of less than one square foot, square inches and fractions of square inches;

(c) in the case of weight of less than one pound, ounces and fractions of ounces;

(d) in the case of fluid measure of less than one pint, ounces and fractions of ounces;

Provided, That the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

(13) FOUR FEET, FOUR SQUARE FEET, FOUR POUNDS, ONE GALLON, OR MORE. — In the case of

(a) length measure of four feet or more

the declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. In the case of

(a) area measure of four square feet or more;

(b) weight of four pounds or more;

(c) fluid measure of one gallon or more

the declaration of quantity shall be expressed in terms of the largest whole unit.

(14) WEIGHT: DUAL QUANTITY DECLARATION. — On packages containing one pound or more but less than four pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by declaration in parentheses, expressed in terms of the largest whole unit: Provided, That the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

(15) FLUID MEASURE: DUAL QUANTITY DECLARATION. — On packages containing one pint or more but less than one gallon, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(16) LENGTH MEASURE: DUAL QUANTITY DECLARATION. — On packages containing one foot but less than four feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(17) AREA MEASURE: DUAL QUANTITY DECLARATION. — On packages containing one square foot but less than four square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(18) BIDIMENSIONAL COMMODITIES. — For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed,

(a) if less than one square foot, in terms of linear inches and fractions of linear inches;

(b) if at least one square foot but less than four square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit: Provided, That

(1) no square inch declaration is required for a bidimensional commodity of four inches width or less, and

(2) a dimension of less than two feet may be stated in inches within the parenthetical, and

(3) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see Subsection F.(19) COUNT: PLY, require a declaration of unit area but not a declaration of total area of all such units;

(c) if four square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole units: Provided, That

(1) no declaration in square feet is required for a bidimensional commodity with a width of four inches or less,

(2) a dimension of less than two feet may be stated in inches within the parenthetical, and

(3) no declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

(19) COUNT: PLY. — If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of ply and the total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of

(a) total area measurement and

(b) number of ply,

(c) count of usable units, and

(d) dimensions of a single usable unit.

(20) REDUCTION OF FRACTIONS. — Fractions employed in declarations of quantity may be either common fractions or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, and shall be reduced to its lowest terms. A decimal fraction shall not be carried out to more than two places: Provided, That if there exists, with respect to a particular commodity, a firmly established general consumer usage and trade custom contrary to the requirement pertaining to common fractions, as set forth above, the declaration may be made in accordance with such usage and custom: And provided further, That in the case of prescription drugs, a decimal fraction may be carried out to three places.

(21) SUPPLEMENTARY DECLARATIONS.

(22) SUPPLEMENTARY QUANTITY DECLARATIONS. —The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel, provided that such supplemental declaration shall be accurate and shall not be so located as to detract from, or confuse, or mislead as to the precise meaning of the required declaration. Such supplemental statement of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "full" gallon, "when packed," "minimum," or words of similar import).

(23) METRIC SYSTEM DECLARATIONS. — A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(24) QUALIFICATION OF DECLARATION PROHIBITED. — In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term such as "jumbo," "giant," "full," or the like.

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

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

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(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rules Concerning Visual Tire Inspection

On September 22, 1970, Ronald M. Heymann, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-72 (as amended P.L. 1970 c.129), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning visual tire inspection, as proposed in the Notice published August 6, 1970 at 2 N.J.R. 67(d).

An order adopting the above rules was filed and effective October 13, 1970 as R.1970 d.122.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

POLICE TRAINING COMMISSION

Adminisrative Services Bureau Rules

On September 28, 1970, the Police Training Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-71(h), and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed Subchapter 11 of Chapter 1 of Title 13 of the Administrative Code, "Administrative Management Services," and adopted in place thereof a new Subchapter entitled "Police Administrative Services Bureau," as proposed in the Notice published August 6, 1970 at 2 N.J.R. 67(f).

An order adopting the above rules was filed October 1, 1970 as R.1970 d.120.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

DIVISION OF MAINTENANCE AND EQUIPMENT

Proposed Rules Governing Maintenance, Protection of Traffic During Permit Operations

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-44.1, proposes to adopt rules governing the maintenance and protection of traffic during permit operations.

The proposed rules of the Division of Maintenance and Equipment are necessary in order to provide ample protection to the public during permit operations within Transportation jurisdiction.

The proposed rules read as follows:

16:41-8 MAINTENANCE AND PROTECTION OF TRAFFIC DURING PERMIT OPERATIONS: All work performed within the control and jurisdiction of the New Jersey State Department of Transportation shall be adequately maintained and ample provision must be made for the protection of the public.

The following rules shall be in effect and the contractor hereafter referred to shall mean the working contractor or person actively engaged in performing the work and not necessarily the permittee:

(a) The contractor shall be responsible for having the required approved traffic devices on hand prior to the actual start of work.

(b) The contractor shall be responsible for the placing and maintenance of all such devices during the work period and for their removal upon completion of the work.

(c) The contractor shall maintain the uninterrupted flow of traffic at all times and no operation which will interfere with traffic or restrict the available pavement width shall be performed on Saturdays, Sundays, or legal holidays unless approved by the local municipal authorities, and the District Superintendent, Division of Maintenance and Equipment, having jurisdiction over that district in which the activity is proposed.

(d) The contractor will not be permitted to store material or park equipment within the graded width of the right-of-way except as necessary during actual working operations and then only by permission of the District Superintendent, Division of Maintenance and Equipment, or his authorized representative.

(e) The contractor shall be responsible for maintaining approved construction warning signs in each direction of travel. All signs and other protective devices provided by the contractor, unless otherwise directed, shall comply with the requirements of the manual on "Uniform Traffic Control Devices for Streets and Highways" (purchasable from the United States Department of Transportation, Federal Highway Administration, Bureau of Public Roads, Donohoe Building, 6th and D Streets S.W., Washington, D.C. 20591) promulgated by the United States Bureau of Public Roads 1961 (A.S.A. D6. 1-1961).

(f) Competent traffic directors shall be employed at every location where the contractor's equipment is working immediately adjacent to, or is entering, leaving, or crossing active traffic lanes. The traffic directors shall be employed continuously for the full time such conditions exist.

(g) When steel drums are utilized to define a traffic hazard or pavement edge on the project site, they shall be painted a bright yellow and must be kept clean and shall be repainted as required to provide maximum delineation.

(h) In the event a detour has been approved by the Department, the detour shall be established in accordance with Departmental Policy and applicable standards and specifications. (See N.J.A.C. 16:41-22)

(i) Reflectorized tape shall be provided and installed by the contractor to effect temporary changes in pavement markings. Permanent markings which are inappropriate or misleading shall be obliterated. Upon completion of the job, all pavement markings shall be restored by the contractor to their original configuration.

(j) Should it become necessary to leave a project unfinished, it shall be protected during the hours of darkness by torch bombs and/or flasher lights to be maintained by the contractor at each location where it is necessary to warn oncoming traffic of an existing danger area. Torches or lights shall also be used to define the edge of usable pavement throughout the construction area. In addition, standard barricades or drums shall be utilized as required. When battery operated flashing warning lights are implemented, they shall conform to the specifications on file at, and available upon request from, the office of the Bureau of Safety, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625. Inspection and cleaning must be conducted daily to provide for optimum efficiency.

(k) When work is in progress during hours of darkness, special traffic protection precautions shall be in effect as deemed necessary by the Department. In substance, the contractor shall provide special signs approved by the Department with a legend warning motorists that night work is in progress, and such signs shall be displayed in conjunction with high intensity flasher lights. Special signs applying only to nighttime work shall be covered during the daylight hours.

All work will be subject to inspection by the District Superintendent, Division of Maintenance and Equipment, or his authorized representative, and the Department's Bureau of Safety personnel to insure that adequate traffic protection devices are being used and are properly placed and maintained.

If it is found that insufficient traffic protection is provided, the District Superintendent, Division of Maintenance and Equipment, will advise the contractor of the deficiency. If recommended requirements are not immediately corrected, the District Superintendent, Division of Maintenance and Equipment, will advise the contractor that he is prohibited from further work within the District's jurisdiction until such time as approved and adequate traffic protection is provided.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 25, 1970 to:

Jack F. Andrews, Director
Division of Maintenance and Equipment
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

John C. Kohl
Commissioner
Department of Transportation

(d)

TREASURY

DIVISION OF PENSIONS
STATE HEALTH BENEFITS COMMISSION

Proposed Changes in Rules of State Health Benefits Program

William J. Joseph, Secretary of the State Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27, proposes to amend N.J.A.C. 17:9-3, 5, 6, 31, 48 and 51, to read as follows (additions indicated in bold face **thus**; deletions indicated within brackets [thus]):

17:9-3. APPEALS FROM COMMISSION DECISIONS:

[Appeals from any decision of the Commission must be registered in writing with the Commission within 45 days following formal advice to the aggrieved party. If no written statement is received within the 45-day period, the determination of the Commission shall be considered final.]

The following statement shall be incorporated in every written notice setting forth the Commission's determination in a matter where such determination is contrary to the claim made by the claimant or his legal representative:

"If you disagree with the determination of the Commission in this matter, you may appeal by sending a written statement to the Commission within 45 days from the date of this letter, informing the Commission of your disagreement and all of the reasons therefor. If no such written statement is received within the 45-day period, this determination shall be considered final."

17:9-5. VOLUNTARY TERMINATION OF EMPLOYER; NOTICE:

For purposes of local coverage, where a participating employer voluntarily terminates coverage, the coverage for his active and retired employees shall terminate at the end of the coverage period corresponding to the premiums that have been transmitted to the carriers by the Division of Pensions. The employer shall be barred as a participating employer from future reentry into the program.

The [Secretary] **Division of Pensions** shall act to notify all retired employees or survivors of the termination of coverage.

17:9-6. DEFAULT OF EMPLOYER; NOTICE:

For purposes of local coverage, a participating employer will be considered in default 31 days after the beginning of the coverage period for which premiums were due. At that point, coverage will terminate for all employees and their dependents covered by the employer.

The Secretary of the Commission will notify the Attorney General's Office, the Division of Local Finance, the Department of Education, and the carriers. [He] **The Division of Pensions** will notify every participating employee, active and retired, or survivors, of the termination of coverage.

17:9-31. STATE; FULL-TIME DEFINED:

For purposes of State coverage, "full-time" shall mean:

A. The normal full-time weekly schedule for the particular class title, and in any case not less than 35 hours per week.

B. Employment for twelve months, except in the case of those employees engaged in activities where the regular and normal work schedule is ten months.

C. Sabbaticals where the compensation paid is 50% or more of the salary granted just prior to the leave and the period of eligibility terminates with the end of the fiscal year.

D. Public defenders who are paid on the basis of an average 30-hour week work schedule, notwithstanding Rule 17:9-33.d.

17:9-48: COVERAGE FOR PROSPECTIVE RETIRANTS:

For purposes of retired coverage, continuity of coverage may be extended until such time as the application for retirement is formally approved by the board of trustees of the retirement system paying the benefit or by the carrier underwriting the individual annuity contracts. If it is not necessary for a board of trustees to approve the application, then the retirement application will be considered approved when the necessary action has been taken by the governing body or the carrier. The retiring employee or eligible dependent of a retired employee must submit personal payments to the Health Benefits program in order to continue coverage. Should coverage lapse through no fault of the retired employee or his spouse who would be eligible to continue such coverage, retroactive coverage may be granted up to a period of three months, provided premiums are received. Any retroactive coverage to be extended beyond the three month period may be presented to the State Health Benefits Commission for approval.

An employee, upon retirement, or an eligible survivor of such employee, will be notified by certified mail of his right to continue coverage in the State Health Benefits program. The retired employee or eligible survivor must, within a 15-day period following the receipt of the letter offering retired coverage, submit the appropriate application and premiums for such coverage.

17:9-51. TERMINATION CONVERSION RIGHTS; EFFECTIVE DATES:

The coverage of an employee and such employee's dependents shall be terminated, subject to the conversion rights, whenever such employee's eligibility shall cease for any of the reasons given below. The effective date of termination shall be the last day of the coverage period corresponding to the payroll period or month in which the last payroll deduction was made from the employee's salary for the coverage of dependents, if any are required, or the last premium shall have been paid by the State for the employee's coverage or by the local employer for the employee and/or his dependents, as the case may be. The reasons for the termination of eligibility are as follows:

a.) Leave of Absence Without Pay — The coverage of an eligible employee and of an employee's dependents during any period of authorized Leave of Absence Without Pay shall terminate on the last day of the second coverage period following the last payroll period or month for which the employee received a salary payment; except that coverage of such employee and such employee's dependents may be continued by such employee, provided that the employee shall pay in advance the total premium required for the employee's coverage and coverage of the employee's dependents during such period of authorized Leave of Absence Without Pay; provided that no period of continued coverage, as provided above, shall exceed a total of six biweekly payroll periods, or three months, during which the employee receives no pay.

b.) Change to Part-Time Status — In the event that an employee's active full-time employment shall cease and employee shall become a "part-time" employee, such employee's Basic Benefits and Major Medical Benefits coverage, and the coverage of such employee's dependents, shall be terminated.

However, please see Rules 17:9-31. and 17:9-35. in reference to the limited continuation of coverage while on sabbaticals.

c.) Resignation, Temporary Layoff, Reduction in Force— The coverage of an employee whose eligibility has ceased because of his resignation, temporary layoff, separation through a reduction in force, or any other reason, and the coverage of his dependents shall be terminated subject to the conversion rights.

d.) Workmen's Compensation — An employee who has an award pending, or who received an award of periodic benefits under Workmen's Compensation, may continue his coverage and the coverage of his dependents, provided that the employee shall pay to his employer in advance that portion, if any, of the premiums due from the employee to continue the coverage under his existing contract.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action before 4:00 p.m. on November 30, 1970 to:

William J. Joseph, Secretary
State Health Benefits Commission
137 East State Street
Trenton, New Jersey 08625
Telephone: (609) 292-3676

After full consideration of all written and oral sub-

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ıte Health Benefits Program—continued

ssions respecting the proposed amendments, the New rsey State Health Benefits Commission, upon its own ɔtion, may thereafter adopt the amendments substan- lly as proposed without further notice.

William J. Joseph, Secretary
State Health Benefits Commission
Department of the Treasury

(a)

REASURY

IVISION OF TAXATION
RPORATION TAX BUREAU

mendments to Corporation usiness Tax Regulations

On October 5, 1970, Sidney Glaser, Acting Director of e Division of Taxation in the Department of the Treasury, ırsuant to autbority of N.J.S.A. 54:10A-27, and in ac- ɔrdance with applicable provisions of the Administrative rocedure Act of 1968, adopted amendments to N.J.A.C. :7-1, 17, 20, 31 and 90 of the corporation business tax ɜgulations so as to implement the recent statutory ıanges pursuant to P.L. 1970 c.93, substantially as pro- ɔsed in the Notice published September 10, 1970 at 2 .J.R. 78(a).

An order adopting the above amendments was filed and ffective October 5, 1970 as R.1970 d.121.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

IACKENSACK MEADOWLANDS ɔEVELOPMENT COMMISSION

vised Fee Schedule Implementing ɜge I of Master Plan

On September 8, 1970, the Hackensack Meadowlands ɔevelopment Commission, pursuant to authority of N.J. S.A. 13:17-1 et seq., and in accordance with applicable ırovisions of the Administrative Procedure Act of 1968, ıdopted a revised fee schedule implementing Stage I of ts Master Plan which provides for the payment of certain ees for approvals by the Commission, as follows:

— Building Code

(a) Fees for building permits, except as herein specified:
$.002 per cubic foot for the first 50,000 cubic feet,
$.001 per cubic foot for the next 250,000 cubic feet,
$.0005 per cubic foot for the volume in excess of 300,000 cubic feet, but not less than $15.00 per permit.

(b) Fee for single or two-family residence shall be $.001 per cubic feet, but not less than $15.00 per permit.

(c) No fee for a garage ancillary to a single or two-family residence on the same plot.

(d) A fee equal to 75¢ for each 1000 square feet or fraction thereof of seating area and of each tier of seats and their appurtenant aisles, passageways, rest rooms, sanitary facilities, spaces, etc., for open air spaces assembly, whether for amusement, instruction, entertainment, religious services or any other purposes. For the purpose determining areas for computing fees, the area shall the projected horizontal area of each seating area and each tier.

(e) A fee equal to $5.00 for the first $1000 or any fraction thereof of the structure;
$3.00 for each additional $1000 or fraction thereof of cost of $5000 of the structure; $1.50 for each additional $1000 or fraction thereof of the structure of cost over $5000; but not less than $15.00 for structures such as radio aerial towers and masts, tank structures and other structures to which fees may not be readily applied pursuant to any other provision contained herein.

(f) For open spaces:
(1) $1.00 per each 2000 square feet of area, but not less than $15.00 for space without roof either enclosed or unenclosed on sides, such as commercial parking lots, gasoline or oil storage yards, sale or exhibition or showing spaces, and spaces used for generally similar purposes.
(2) for golf courses and driving ranges, $2.00 for each 20,000 square feet of area or fraction thereof, but not less than $15.00, including an accessory structure not to exceed 144 square feet.

(g) A fee for demolition in the amount of $25.00.
(h) No fee for repair or alterations.
(i) No fee for additions where the value is under $5000.

II—Subdivision

(a) No fee for sketch plat for a major subdivision.
(b) A fee of $35.00 for a sketch plat in a minor subdivision.
(c) A fee of $50.00 for the preliminary plat for a major subdivision.
(d) No fee for the final approval of a major subdivision.
(e) A fee of ¼ of 1% of the value of improvement for inspection of improvements.
(f) A fee of $50.00 for waiver applications.

III—Zoning

(a) A fee of $50.00 for a zoning certificate.
(b) No fee for sign review, site plan, variance, special use or occupancy.

This fee schedule shall not be applicable to the federal government, state, county or municipality, or any instrumentality thereof. Any fee, or portion thereof, provided for herein may be waived by the Office of Chief Engineer consistent with provisions of the Stage I Master Plan Resolutions.

Any single application which encompasses several uses will be subject to the appropriate fees enumerated herein.

A full refund of fees will be made by the Office of Chief Engineer provided that the written request is received before the close of the second working day after receipt of the same.

This fee schedule shall take effect immediately upon formal adoption by the Commission consistent with the procedure set forth in Chapter 404, Laws of 1968.

An order adopting the above revised fee schedule was filed September 25, 1970 as R.1970 d.118 (Exempt, Practice Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

PORT OF NEW YORK AUTHORITY

Vehicular Parking Rates, Fumigation Charges Amended

On August 6, 1970, the Board of Commissioners of the Port of New York Authority, adopted resolutions entitled "Revision to the Schedule of Air Terminal Charges—Public Vehicular Parking Rates," "Bus Terminal—Public Vehicular Parking Rates Revision to the Schedule of Charges" and "Port Authority Marine Terminals—Schedule No. FT-1—Fumigation Charges."

Copies of the above resolutions were filed August 27, 1970 as R.1970 d.102 (Exempt, Exempt Agency Rules).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

PORT OF NEW YORK AUTHORITY

Marine Terminal Rates Amended

On September 3, 1970, the Board of Commissioners of the Port of New York Authority, adopted a resolution entitled "Port Newark and Elizabeth-Port Authority Marine Terminal—P.A.M.T. FMC Schedule No. PA-9—Revisions."

A copy of the above resolution was filed September 24, 1970 as R.1970 d.117 (Exempt, Exempt Agency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

PORT OF NEW YORK AUTHORITY

Airport Public Area Maps, Marine Terminal Charges Revised

On September 30, 1970, the Board of Commissioners of the Port of New York Authority, adopted resolutions entitled "Kennedy International Airport—Revision of Map of Public Areas and Air Terminal Highways," "LaGuardia Airport—Revision of Map of Public Areas and Air Terminal Highways," "Newark Airport—Revision of Map of Public Areas and Air Terminal Highways," and "Port Authority Marine Terminals—FMC Schedule No. PA-9 Revisions."

Copies of the above resolutions were filed October 23, 1970 as R.1970 d.128 (Exempt, Exempt Agency Rules).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

OPINION ON TERMS OF OFFICE OF VARIOUS STATE OFFICERS

George F. Kugler Jr., Attorney General of New Jersey, issued the following Formal Opinion on Oct. 6, 1970:

Honorable Paul T. Sherwin
Secretary of State
State House
Trenton, New Jersey 08625

FORMAL OPINION 1970 — No. 1

Dear Secretary Sherwin:

You have requested our opinion as to when the terms of office of the various state officers appointed pursuant to the New Jersey Constitution begin to run. It is our conclusion that the terms of office of these officers begin as of the date of the commission issued by the Governor and that the issuance of a commission rests within the sole discretion of the Governor.

The New Jersey Constitution expressly states that terms of office commence as of the date of the commission:

"The term of office of all officers elected or appointed pursuant to the provisions of this Constitution, except as herein otherwise provided, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent to said office." Art. VII, §1, par. 5.

While this paragraph provides that the date of a commission may not antedate the expiration of the term of the incumbent, it does not otherwise specify what date a commission shall bear. To answer this question, therefore, it is necessary to consider the function of a commission within the framework of the New Jersey Constitution.

The procedure for the appointment of officers and issuance of commissions is provided by Art. V, §1, par. 12 of the Constitution:

". . . [The Governor] shall grant commissions to all officers elected or appointed pursuant to this Constitution. He shall nominate and appoint, with the advice and consent of the Senate, all officers for whose election or appointment provision is not otherwise made by this Constitution or by law."

The relationship between executive appointment and the issuance of commissions was set forth in the landmark case of Marbury v. Madison, 5 U.S. 137 (1803). Chief Justice Marshall, speaking for the Court, described the federal appointive process as consisting of three parts: nomination, confirmation and appointment. The actual power of appointment is in the hands of the President alone, who may, after his nominee has been confirmed by the Senate, act upon this advice and appoint the nominee. The issuance of the commission is conclusive evidence of the appointment. Therefore, an officer's term does not begin when he is confirmed by the Senate because at the moment of confirmation, the officer has not yet been appointed:

"Some point of time must be taken when the power of the executive over an officer, not removable at his will, must cease. That point of time must be when the constitutional power of appointment has been exercised. And this power has been exercised when the last act, required from the person possessing the power, has been performed. This last act is the signature of the commission." 5 U.S. at 157.

While there is a minor difference in phraseology between the pertinent provisions of the United States and New Jersey Constitutions, a long line of cases decided since Marbury v. Madison have established that, irrespective of particular constitutional phraseology, the appointment of an officer is an independent executive act, evidenced by the commission, which must be performed subsequent to legislative confirmation to complete the appointive process. E.g. United States v. Le Baron, 60 U.S. 525 (1856); Draper v. State, 175 Ala. 547, 57 So. 772 (1911); State ex rel. Coogan v. Barbour, 53 Conn. 76, 22 A. 686 (1885); Johnson v. Sampson, 232 Ky. 648, 24 S.W. 2d 306 (1930); People ex rel. Babcock v. Murray, 70 N.Y. 521 (Ct. App. 1877); Conger v. Gilmer, 32 Cal. 75 (Sup. Ct. 1867). In People ex rel. Babcock v. Murray, supra, where a mayor had the power of appointing certain officers, the court said:

"The act of signing the commission completes the appointment as well as perpetuates the evidence of it. . . . The appointment under this delegated autbority is inchoate until the last act to be done by the appointing power is completed, and that is the signing of the writing or the commission. The appointment is then, and not before, 'evidenced by an unequivocal act'." 70 N.Y. at 526-527.

And in Conger v. Gilmer, supra, the court said:

"Until the last act has been performed the whole matter is in fieri, and within the control of the person or persons by whom the appointment is to be made, and there is nothing to prevent them from changing their minds and appointing some other person other than the one first selected. Suppose the Governor should be called upon to fill a vacancy and should determine in his own mind to appoint a particular individual. Undoubtedly he may change his mind as often as he may please until he has finally signed a commission to some particular individual. Until then he has not acted." 32 Cal. at 79.

The case of Harrington v. Pardee, 1 Cal. App. 278, 82 P. 83 (1905) is particularly instructive concerning the nature of such an appointive process. The Governor of California nominated the plaintiff to an office and sent the nomination to the State Senate, which confirmed it. The Governor failed to issue a commission before he left office and, when his successor refused to issue one, a mandamus proceeding was brought. It was urged that the statute under which the plaintiff's name had been submitted to the legislature drew no distinction between "nomination" and "appointment," merely stating that the officer be "appointed by the Governor with the advice and consent of the Senate," and that the appointment was therefore completed when the name was submitted to the legislature. Nevertheless, the court found that a three-part appointive procedure had been intended:

"In all such appointments the first step to be taken is the suggestion by the Governor to the Senate of the name of a person for the office, and to ask the advice of the Senate, and for its consent for him to appoint such person; the second step is the advice and consent of the Senate, which is manifested by a resolution certified to the Governor and to the Secretary of State; and the third and last step is the issuing of the commission signed by the Governor, and this is the evidence of such appointment.

"Plaintiff contends that 'nominate' and 'appoint' are synonymous terms and mean the same thing, and that therefore, when the Governor has nominated, he has appointed. Doubtless there are some instances where these terms may be used to mean one and the same thing, but by no process of reasoning can it be true that in 'nominating' to the Senate the Governor is 'appointing' the person to the office, because he cannot appoint without the advice and consent of the Senate. The 'appointment' is not made until the 'commission' is issued, and issuing the same is the last act, and in issuing the commission the Governor is performing an executive, and not a ministerial, act, and is therefore acting under his discretionary powers, and may or may not issue the commission, although the Senate may have advised it and consented that he should make the appointment." Harrington v. Pardee, supra, at 279-280.

Compare State v. Governor, 25 N.J.L. 331 (Sup. Ct. 1856) which involved the issuance of a commission to an elected officer.

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Opinion on Terms of Office—continued

We have been advised that some commissions have been dated as of the day the officer takes his oath and it has been suggested that all commissions should be automatically dated as of that date. It is well established, however, that the oath required by the New Jersey Constitution (Art. VII, §1, par. 1) simply "qualifies" any state officer appointed pursuant to the Constitution to enter upon the execution of his duties. In Haight v. Love, 39 N.J.L. 14 (Sup Ct. 1876) aff'd 39 N.J.L. 476 (E. & A. 1877), the Court of Errors and Appeals, in determining that the term of office of an appointed municipal tax collector began on the date of appointment and not the date of taking the oath, stated as follows:

"It is apparent that if [the term in question] did not begin to run until he was qualified, he could, in the absence of any restraining legislation, have prolonged his prior term indefinitely by his own failure to qualify. Public policy would forbid the adoption of a rule under which such a result is possible. **It would make the beginning of an official term to depend upon the will of the appointee, instead of the will of the appointing power. . . .**" 39 N.J.L. at 479 (Emphasis added).

Although there is therefore no basis for automatically dating commissions as of the day on which an officer takes his oath, it should be emphasized that the Governor, in his discretion may grant a commission at any time between confirmation and the administration of the oath, even on the same day as the oath itself.

We have also been advised that some commissions bear the date of confirmation of the officer and it has been suggested that commissions might automatically bear this date. It is our opinion that it is appropriate to grant a commission on the date of confirmation only if the Governor, in his discretion, decides to make the appointment on that date and thereupon grants the commission. Otherwise, if a commission were automatically issued immediately upon confirmation, this would place the final power of appointment in the Senate, contrary to the provisions of the New Jersey Constitution which confer upon the Governor the power to make appointments and to grant commissions.

Therefore, it is our opinion that the term of office of state officers appointed pursuant to the Constitution commence as of the date of the commission issued by the Governor, and that the commission may bear whatever date the Governor selects from the date of confirmation to the date on which the oath is taken, provided it is not prior to the expiration of the term of the incumbent to the office.

We further advise you that in determining the date of termination of any particular term of office, you should refer to the specific constitutional or statutory provisions which govern that office.

Where the applicable constitutional or statutory language indicates that an appointment shall be made to fill an unexpired term or provides a specific date of termination of a term of office, the appointment shall be only for the period thus indicated.

In all other situations, the date of termination of a term of office may be determined by the length of the term provided by law, commencing on the date of the commission issued by the Governor.

Very truly yours,
George F. Kugler Jr.
Attorney General

LIMITED RISE IN ELECTRIC RATES GRANTED BY PUC IN HALF OF STATE

Effective this month, rate increases of about nine percent over earlier this year will be paid for electricity by well over a half-million customers, as the result of an Oct. 8 rate decision by the state Public Utility Commission.

But despite the rise, the PUC order cut by 31 percent the increase in rates which had been asked by the two affiliated utility firms which service 235 municipalities in 12 northern and central counties of New Jersey. All home, commercial and industrial users are affected—in an area which makes up about half the state.

The two firms—Jersey Central Power & Light and New Jersey Power & Light Co.—serve the counties of Middlesex, Mercer, Ocean, Burlington, Monmouth, Passaic, Morris, Union, Sussex, Warren, Hunterdon and Somerset. Both utilities are owned by General Public Utilities Corp., a holding company.

Their joint application had asked for a rate increase of about $18½ million, but the decision announced by PUC President William E. Ozzard cut these requests by nearly $6 millions. The reduction for New Jersey Power amounted to 42 percent from the rate they requested, and for Jersey Central the cut was 28 percent, Ozzard noted.

But since both firms had been granted a large portion of the final increase in an interim decision effective last July 13, the current jump in individual bills over last month will be well below the total nine-plus percent allowed. Notice of the actual amount of increase is required to be sent to all customers.

Ozzard commented: "This rate case has been an extraordinarily long one in terms of the size of the rate hike requested."

"We were required to issue an interim decision in June so that the company would have sufficient earning power to allow them to continue to borrow the money they needed to continue expansion of essential services."

The rate of return allowed under the final ruling is 7.75 percent for Jersey Central and 7.57 percent for the smaller New Jersey Power, which also has less plant investment in generating facilities.

As of the close of 1968, the year on which the basic data for the rate case was based, Jersey Central was serving 379,000 customers in 130 municipalities, with New Jersey Power having 142,000 customers in 105 municipalities.

STATE NEWS OF PUBLIC INTEREST

CITIZEN AID ASKED IN CHECKING ON ABUSES OF THE ENVIRONMENT

Citizens can now call (609) 292-7172 to report abuses of the environment.

That's the phone number in Trenton for a new service inaugurated Oct. 22 by the State Department of Environmental Protection to aid in the investigation and correction of complaints from the public.

"This 24-hour service will increase the effectiveness of our surveillance of possible environmental damage, and provide a greater benefit to the public," says Richard J. Sullivan, state Commissioner of Environmental Protection.

He explains:

"Citizens can call any hour of the day or night to report air or water pollution incidents, suspicious dredging or filling operations, or any other incident which might harm the environment.

"It helps us by providing the department with more eyes and ears than we can afford to hire, and it helps the citizen by giving him a central place to call with any complaint about the environment."

During non-working hours, calls to (609) 292-7172 will be taken by an answering service, but if the caller reports an emergency situation, the answering service will immediately contact the responsible department official at his home. Non-emergency calls will be reported to the Commissioner's office the next morning.

$13,803,000 STATE AID ALLOCATED FOR 145 LOCAL ROAD PROJECTS

Transportation Commissioner John C. Kohl last month announced $13,803,000 in allocations for 145 county and municipal projects throughout the state under the State Aid Road System program.

The money, which is distributed on a 50-50 matching basis to counties, and a 75-25 basis to municipalities, will go for construction and improvement of major local and county roads and bridges which connect to and supplement the state highway system.

The Commissioner said that the Department received 265 applications for funds totaling $35,001,585. Ninety-six of the applications requesting $20,349,179 were received from county governments, and allotments of $9,398,000 were made for 62 of them.

On the municipal level, 169 applications totalled $14,652,406, and $4,405,000 will be made available for 83 jobs.

The fund distribution was under the 1967 State Aid Road System Act and is in addition to state distribution of $16.3 million under older formulas.

The Commissioner said that applications which failed to qualify this year for funds can be given consideration in the future.

"This widespread decision to participate in the program, with about twice the $15 million aviilable for distribution sought by applicants, speaks effectively for the appeal of the program," he noted.

13 SCHOOL DISTRICTS ARE PART OF SELF-IMPROVEMENT PROGRAM

A new Department of Education program to help local school systems improve their educational programs is being launched during the current year in 13 school districts.

It is designed to help a district assess its needs and to provide follow-up services to bring about improvement. Some 300 educators from throughout the state will serve as field consultants on the self-improvement program.

The districts that will pilot the program in 1970-71 are: South Orange-Maplewood, Monroe Township, East Brunswick Township, Metuchen, East Hanover Township, Florham Park, Hanover Park Regional, Hanover Township, Brick Township, West Milford, Alloway Township, Woodstown-Pilesgrove Regional and Upper Pittsgrove Township.

A district initially will conduct a self-study of its entire school system, after which a visiting team will review the study and provide expert help in the determination of needs. A follow-up team then will work with the district to produce improvement.

A one-year moratorium has been placed on the department's regular secondary school approval visits in order to place major efforts on the new program. Only new secondary schools and those with limited approvals will be visited on the regular schedule.

ANNUAL FARM STATISTICS REPORT AGAIN AVAILABLE

The 1969 edition of New Jersey agricultural statistics, which covers all important crop and livestock data for the year, has been published by the New Jersey Crop Reporting Service and single copies are available on request.

Circular 453 has six sections covering weather and field crops, vegetables, fruits and berries, livestock and dairy, poultry, and farm income and prices.

It covers the rank of New Jersey counties and of states in selected agricultural items, crop summaries, farm labor, index numbers of agricultural production and output per farm, certified nurseries, flowers and foliage plants, number of farms, land in farms and fertilized consumption.

Single copies may be obtained by writing: New Jersey Department of Agriculture, P.O. Box 1888, Trenton, N.J. 08625.

TAX STUDY GROUP ANNOUNCES SERIES OF PUBLIC MEETINGS

Governor William T. Cahill's Tax Policy Committee has opened an initial series of six public hearings in its overall study of the State's tax structure.

The non-partisan advisory committee of 43 members was appointed earlier this year by the Governor, with State Senator Harry L. Sears serving as chairman. William Miller is staff director.

The committee has been divided into five task forces, with each group holding separate hearings. The five areas of study are: property tax, with Leonard C. Johnson as chairman; service levels, costs and allocations, Robert N. Wilentz; public credit, John J. Magovern Jr.; fiscal needs and forecasts, former Governor Alfred E. Driscoll; and revenue resources and tax inequities, headed by Richard W. DeKorte.

Chairman Sears said the hearings are designed to give interested persons and organizations "full opportunity to express opinions on these difficult, vexing problems." He added that the committee anticipates "differing views" and that a second series of hearings would be held early next year after the committee has formulated tentative recommendations.

First hearing of the property tax unit was last month, with a second session Nov. 18 at the Haddon Hall in Atlantic City in conjunction with the annual meeting of the New Jersey League of Municipalities.

Other sessions, all starting at 10 a.m., are scheduled as follows:

Nov. 9—Public Credit, Room 212, State Office Building, 1100 Raymond Boulevard, Newark.

Nov. 12—Fiscal Needs, Assembly Chamber, State House, Trenton.

Nov. 24—Service Levels, Assembly Chamber, Trenton.

Dec. 2—Revenue Resources, Assembly Chamber, Trenton.

Persons or representatives of organizations wishing to testify should write or call: New Jersey Tax Policy Committee, 134 West State Street, Trenton, New Jersey 08625, telephone (609) 292-5100.

FOUR MORE DELAWARE VALLEY PLANTS CITED BY STATE FOR POLLUTION

Four more industries in the Delaware Valley have been cited by the State for discharging polluting industrial wastes into the Delaware River's tributaries. They have until Dec. 21 to clean up.

Orders issued by Environmental Protection Commissioner Richard J. Sullivan instruct the four plants to build or upgrade disposal facilities approved by the State or otherwise provide for wastewater discharges in an acceptable manner.

The plants were named in a continuing crackdown on industrial polluters along the Delaware and follow the action of the department three weeks ago ordering four Camden County industries to comply with pollution abatement regulations by Dec. 21, 1970.

Earlier, action against Delaware polluters took in industries in Burlington City, Paulsboro and Riverside. Those orders were issued Aug. 21.

The four latest industries named are the Youngs Rubber Corp. of Lawrence Township, Anchor Thread Co. of Hamilton Township, Houdry Process and Chemical Co. of Paulsboro and Griffin Pipe Products Co. of Florence Township.

The companies were given until Dec. 21 to correct pollution conditions or face further State action. Youngs Rubber discharges into Assunpink Creek, Anchor Thread empties its wastes into Crosswicks Creek, Houdry Process and Chemical discharges into Clomwell Creek and the Griffin Pipe Company empties directly into the Delaware.

Griffin Pipe, a Florence foundry, was cited by the courts last week for violation of the Air Pollution Control Code and ordered to show why an injunction should not be granted restraining it from further violations.

The Water Pollution Control Bureau said the newest industries named were discharging inadequately treated wastes into sewers or drains that did not meet water quality standards.

All of the plants have been under surveillance for the past six months, during which samples of their effluents were frequently taken.

LEINER BRINGS CIVIL SERVICE COMMISSION TO FULL STRENGTH

Henry R. Leiner of Cherry Hill was sworn in Oct. 6 as a member of the New Jersey Civil Service Commission following his appointment by Governor William T. Cahill.

James A. Alloway, President of the Commission, welcomed him and noted that it marked the first time in three years there had been a full Commission complement of five working members.

Commissioner Leiner assumed the three-year unexpired term of Mrs. Thelma Parkinson Sharp, who recently resigned.

Born in New York City, Leiner, 54, was raised in Camden and was graduated from Camden Catholic High School. Since 1942 he has been associated with Curtis Publishing Company, where he is vice-president, director of book sales. He is also co-publisher for Curtis Books, their paperback line.

The new Commissioner is past-president of the nursery school board of the League to Aid Retarded Children, former committee member of the Camden Boy Scouts of America, past-president of the 11th Ward Civic Association, and president of the Camden County Park Commission.

He resides with his wife, Grace Loretta, and son at 157 Valley Run Road, Cherry Hill. He has three married daughters and eight granddaughters.

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THE NEW JERSEY REGISTER

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THE NEW JERSEY REGISTER
A Publication of the State of New Jersey

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

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THURSDAY, DECEMBER 10, 1970

NOTICE OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

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

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Notice of Hearing

Notice is hereby given that W. W. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to powers conferred by N.J.S.A. 4:12A-1 et seq., began a public hearing at 10:30 a.m. on December 7, 1970 in the Museum Room of the War Memorial Building in Trenton; which hearing will continue on Monday through Thursday of each week until such date as all evidence and testimony have been received.

The hearing has been called pursuant to an order of the New Jersey Supreme Court for the purpose of receiving evidence and hearing testimony, under oath, "with respect to the question whether there is any public need within the scope of the statute for the continuance of regulation as to minimum prices at any level [and] . . . with respect to the matters involved in the questions submitted by [the New Jersey Supreme Court] to the division in the Court's memorandum of March 19, 1970 . . ."

Copies of the Court's memorandum may be obtained from the Director, Division of Dairy Industry, P.O. Box 1999, Trenton, New Jersey 08625.

At the hearing, all interested parties including consumers, dairy farmers, milk dealers, milk processors, milk subdealers, stores who sell milk or any other person having information pertinent to the foregoing matters are invited to attend and submit evidence and testimony, under oath, relative thereto.

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

NOTE: The above notice was published November 30, 1970 in four New Jersey newspapers of general circulation and copies of the notice were mailed to milk dealers and subdealer licensees of the Division on Nov. 25, 1970.

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Milk Marketing Order No. 57-3

On October 26, 1970, W. W. Moffett, Jr., Director of the Division of Dairy Industry in the New Jersey Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25, and in conformance with the Memorandum of Agreement between the United States Department of Agriculture and the Director of the New Jersey Office of Milk Industry (now Division of Dairy Industry), participated in a public hearing held in New York City on April 6-14, 1970, pursuant to the notice thereof issued on March 25, 1970.

After considering all of the evidence introduced at the hearing and the record thereof, and being in agreement with the findings and determinations made by the United States Department of Agriculture as contained in the Decision supporting the amendment to the Federal Order regulating the New York-New Jersey Milk Marketing Area, signed in Washington, D.C., on October 5, 1970, by Richard E. Lyng, Assistant Secretary, United States Department of Agriculture, the Director of the Division of Dairy Industry concurs with the findings and determinations as they pertain to the New York-New Jersey Milk Marketing Area.

The Director of the Division of Dairy Industry also concurs with the Order Amending Order No. 2 which regulates that handling of milk in the New York-New Jersey Milk Marketing Area, effective November 1, 1970, signed in Washington, D.C. on October 26, 1970, by Richard E. Lyng. Therefore, the Director of the Division of Dairy Industry, in cooperation with the United States Department of Agriculture, hereby finds and determines that:

Milk Marketing Order No. 57-3, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Statute.

It is therefore ordered, That on and after the effective date hereof, Milk Marketing Order No. 57-3, as amended, shall be further amended by the adoption of the Order Amending Order No. 2, promulgated by the United States Department of Agriculture, as it pertains to the New York-New Jersey Milk Marketing Area. The text of the complete Milk Marketing Order No. 57-3 is on file for public inspection at the office of the Division of Dairy Industry, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey. Effective date: November 1, 1970.

A copy of the above order was filed November 4, 1970 as R.1970 d.133A.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

BANKING

THE COMMISSIONER

Proposed Limit on Amounts of Real Estate Loans and Investments

James C. Brady, Jr., Commissioner of Banking, pursuant to authority delegated by Section 168 of the "Savings and Loan Act (1963)" as amended (N.J.S.A. 17:12B-168), proposes to adopt the following regulation concerning the limitation on amounts of real estate loans and investments for State chartered savings and loan associations:

The amount of any real estate loan or investment by a State association for "any one property," as that language is used in Section 168, containing more than one "dwelling unit," as hereinafter defined, shall not exceed $40,000.00 per dwelling unit and the present loan limitation of $35,000.00 for "any one property" or an amount equal to 2½% of a State association's assets, whichever is greater, is increased accordingly. The total amount owing to a State association upon all such loans and investments in excess of $40,000.00 per dwelling unit, as defined herein, shall not exceed 40% of the aggregate amount owing to it on all of its mortgage loans at the time any such loan or investment in excess of $40,000.00 per dwelling unit is made.

"Dwelling unit," as used in this regulation, is defined as a single unified combination of rooms designed for residential use by one family.

"State associations," as used in this regulation, is defined in Section 5 of the "Savings and Loan Act (1963)", (N.J.S.A. 17:12B-5).

In the promulgation of this regulation, consideration has been given to current economic conditions, particularly the increased costs of construction, and the significant need for multi-family housing in the State of New Jersey, and is further directed toward creating and maintaining substantial equality between State associations and Federal savings and loan associations to the end that no class or group of associations shall have any substantial competitive advantage over another.

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 December 31, 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

(d)

BANKING

THE COMMISSIONER

Proposed Rule Implementing Governmental Unit Deposit Protection Act

James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9-41, proposes to adopt a rule relating to the implementation of the Governmental Unit Deposit Protection Act, as follows:

1. PUBLIC DEPOSITORY; ACCEPTANCE OF DEPOSITS

No deposit may be accepted from a governmental unit by any public depository unless the public depository secures such deposit in accordance with the Governmental Unit Deposit Protection Act (hereinafter called The Act).

2. PUBLIC DEPOSITORY; FILING OF CERTIFIED STATEMENT

Every public depository shall file with the Commissioner of Banking, on forms furnished by the Commissioner, a certified statement signed by its president or vice president and one other officer indicating the average daily balance of either collected or uncollected public funds on deposit during the six month period ending on the next preceding valuation date (June 30 or December 31 of each year). The statement shall include information as to the capital funds of the depository and detailed information, including location pertaining to the eligible securities pledged to secure public funds. The statement shall be filed as of June 30 and December 31 of each year and at such other times as the Commissioner may require. In addition, a public depository which had public funds on deposit during the six month period prior to December 1, 1970 is required to file a certified statement for such period.

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Governmental Unit Deposit—continued

3. CERTIFIED STATEMENTS; TIME FOR FILING

A certified statement required to be filed pursuant to the Act or these regulations shall be filed with the Commissioner within twenty days of the date required by law, regulation or the Commissioner.

4. PUBLIC DEPOSITORY; COMPUTATION

a. A public depository which has public funds on deposit for more than fifteen calendar days but less than the full six month period preceding the semi-annual valuation date shall compute the aforesaid average based on the actual number of calendar days that public funds were on deposit in said depository and such figures shall be its average for the reporting period. In the event a public depository has no public funds on deposit on a valuation date, it shall indicate same on the certified statement and compute the aforesaid average, if any, for the reporting period. If a public depository holds public funds on deposit for less than fifteen calendar days during a reporting period, it need not compute the aforesaid average for that period.

b. While a public depository is not required to have securities pledged if it does not have public funds on deposit on a valuation date, it is required to use the aforesaid average, if any, computed on the preceding valuation date as its basis for securing public deposits should it resume accepting such deposits during the six month period subsequent to the preceding valuation date. If a public depository does not maintain its pledge of securities as a result of not having public funds on deposit on a valuation date, it shall file a certified statement with the Commissioner disclosing same at the time it resumes accepting deposits. If the public depository maintains its pledge based on the said reported average notwithstanding that it has no balance on a valuation date, it may resume accepting public funds without filing an additional certified statement.

c. If a public depository had no average daily balance of public funds on deposit at the time of the last valuation date, it shall compute the average daily balance of the public funds subsequently acquired for the first fifteen calendar days following acquisition of such deposits and submit a certified statement to the Commissioner disclosing such average and such other information as may be required in the certified statement. If the aforesaid fifteen day period overlaps a valuation date, the period shall commence on the first date deposits are received.

5. PUBLIC DEPOSITORY; PUBLIC FUNDS EXCEEDING 75% OF CAPITAL FUNDS

A public depository which receives and holds on deposit for any period exceeding fifteen calendar days public funds of a governmental unit or units which in the aggregate exceed 75% of the capital funds of the public depository as reported on the last valuation date shall file a certified statement with the Commissioner indicating the amount of such excess and a description of the eligible securities pledged to secure said excess. Such collateral shall have a market value at least equal to the amount of such excess and shall be in addition to the 5% security required to be maintained and as noted in the last semi-annual certified statement.

6. CERTIFIED STATEMENT; RETENTION

A public depository shall retain copies of its certified statement as filed with the Commissioner and any supporting workpapers for a period of three years. Such statements and workpapers shall be made available to examiners when the public depository is examined by the Commissioner or any supervising federal agency.

7. SCOPE OF TERMS SURPLUS AND UNDIVIDED PROFITS

As included within the definition of capital funds in section 1 of the Act:

a. The terms "surplus" and "undivided" profits shall, in the case of a State bank or national bank, include any reserve for contingency, reserve for securities and reserve for bad debts as computed for federal income tax purposes, but shall exclude any specifically allocated reserves or reserves for known specific charges.

b. The terms "surplus" shall, in the case of a savings bank, include undivided profits, any reserve for contingency, reserve for securities and reserve for bad debts as computed for federal income tax purposes, but shall exclude any specifically allocated reserve or reserves for known specific charges.

c. The term "undivided profits" shall, in the case of an association, include any reserve for contingency and included within the definition of capital funds in section 1 of the act, reserve for bad debts as computed for federal income tax purposes, but shall exclude any specifically allocated reserves or reserve for known specific charges.

8. SUBSTITUTION OF SECURITIES

Public depositories shall have the right to make substitutions of eligible securities between valuation dates without notification to and approval by the Commissioner, provided that any substituted securities have a market value as of the date of substitution which is at least equal to the market value of the securities so replaced as reported on the last valuation date. Any withdrawal of pledged securities without replacement as mentioned aforesaid requires the prior approval of the Commissioner. A letter to the Commissioner requesting such a withdrawal of securities shall indicate the securities to be withdrawn and the reason or reasons for such withdrawal. The Commissioner shall transmit in writing his approval or disapproval of such withdrawal to the public depository.

9. AGREEMENT OR RESOLUTION; CUSTODIAL DEPOSITORY AND COMMISSIONER

The depositories specified in section 4C, P.L. 1970, Chapter 236, shall be known as custodial depositories.

a. A custodial depository of a State bank, national bank or savings bank shall be required to have a written agreement with the Commissioner which will authorize such depository to hold securities as collateral for public funds under the terms and conditions enumerated therein.

b. A custodial depository of an association shall be required to have a written agreement or, in the case of the Federal Home Loan Bank, a resolution filed with the Commissioner, authorizing such depository to hold such securities as collateral for public funds under the terms and conditions enumerated in such agreement or resolution.

10. AGREEMENT OR RESOLUTION; PUBLIC DEPOSITORY AND CUSTODIAL DEPOSITORY

a. Each public depository which is a State bank, national bank or savings bank shall be required to have a written agreement with a custodial depository. Said agreement shall indicate that the securities pledged are to be held subject to the order of the Commissioner or his authorized Deputy and are held as security for public funds as required under the Act.

b. Each public depository which is an association shall be required to have either of the following:

(1) A written agreement with a custodial depository if the custodial depository is not the Federal Home Loan Bank; or

(2) If the custodial depository is the Federal Home Loan Bank, a resolution of the association, as provided in Section 524.5 of the regulations of the Federal Home Loan Bank System.

The aforesaid written agreement or resolution shall indicate that the securities pledged are to be held subject to the order of the Commissionr or his authorized Deputy and are held as security for public funds as required under the Act.

11. SECURITY; STATE AND OTHER PUBLIC DEPOSITS

The securing of public deposits as required under the Act shall not preclude any public depository from securing State or other public deposits which are otherwise required to be secured by law. The deposits which are otherwise required to be secured shall be excluded from the computation of the average daily balance of public funds as required hereinabove.

12. RECORDS MAINTAINED BY COMMISSIONER, ELIGIBILITY

The Commissioner of Banking shall maintain such records as he shall deem necessary in order to determine which public depositories have complied with the provision of the Act. After receipt of the periodic certified statement, the Commissioner shall give written notification to each reporting public depository of its eligibility to act as a depository for public funds.

Interested persons may present statements or arguments in writing, relevant to the proposed action before 5:00 p.m., Jan. 8, 1971 to:

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

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

James C. Brady, Jr.
Commissioner of Banking

(a)

BANKING

THE COMMISSIONER

Proposed Rule Concerning Short Term Investment of Cash in Fiduciary Accounts

James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-43, proposes to adopt a rule relating to the short term investment of variable amounts of cash held in various fiduciary accounts, as follows:

(A) Cash held for various fiduciary accounts may be invested on a short-term basis in a variable amount note of a single borrower by a bank defined in N.J.S.A. 17:9A-36(2). Participating accounts will thus be provided with a readily accessible medium for short-term investment of their cash balances.

Under this arrangement, the borrower delivers his note to evidence the amount of the loan outstanding from time to time. The note may be a demand obligation or have a fixed maturity (in which case it is understood that the borrower will renew the note at maturity) and may set forth provisions concerning the rate and payment of interest in the note or in a separate agreement to which reference is made in the note. The note must be payable to the order of the bank or to a nominee of the bank and may be repayable by the borrower in whole or in part at any time, and should contain columns for entering changes in the amount of the loan outstanding, the dates of such changes, and the initial of an employee of the bank authorized by the borrower to make such entries. While it is preferable that all entries affecting the balance of the note shall be recorded thereon, it is satisfactory for such entries to be recorded separately, provided adequate documentation is maintained in regard to all such entries. All notes must be kept in the custody of duly authorized employees of the bank.

The amount of the loan may be subject to daily fluctuations as the participants increase or decrease their participations. The net amount of any such increase or decrease depends initially upon the particular requirements of the participants. If it is desired to participate an account in the loan or to increase its existing participation therein, a "buy" order is prepared for the dollar amount of the planned participation. If it is desired to reduce or withdraw an account's participation, a "sell" order is prepared. All buy and sell orders must be combined at the end of each day's business when the net amount of any proposed increase or decrease in the loan is determined. On the following business day, this net figure must be communicated to the borrower by telephone. If the figure indicates a proposed increase in the loan, this communication is an offer to lend the amount of the increase which the borrower may either accept in whole or in part, or reject. If the figure indicates a proposed reduction in the loan, communication constitutes a demand for payment of the amount of the reduction. The resulting increase or decrease in the loan and the new balance due must be then recorded by making appropriate entries on the note. The balance so entered, when confirmed by the borrower in writing, should be understood to constitute conclusive evidence of the balance owing on the loan. The net amount of any increase (or decrease) in the loan must be promptly credited to (or charged against) the borrower's account with the bank. Interest must be paid monthly on the daily amount of the loan outstanding during the preceding month at a rate which is mutually agreed upon by the bank and the borrower and specified in the note or related agreement, but such rate shall not be less than that which will yield simple interest equivalent to the discount rate currently being paid by the borrower on his 180-day paper. If any change in the 180-day rate is established by the borrower, the rate of interest paid on the variable amount loan must be changed simultaneously, unless a rate higher than the 180-day rate has been agreed upon and is being paid.

Participations of each account in the loan must be reflected in the securities record of each account in the bank's trust department. A participation record for each account must be also maintained and a check must be made each time a change in the amount of the loan occurs to assure that these participation records are in balance with the outstanding amount of the note. The bank may not participate in the loan for its own account, nor may it acquire such a participation.

(B) Where collective investments of the type herein described are not specifically authorized by the governing instruments of the various participating accounts, such investments may be made pursuant to N.J.S.A. 17:9A-37 and in such case: (1) Participation in such investment shall be restricted to accounts in which the bank is acting in a fiduciary capacity specified in paragraphs (5), (6), (9) and (10) of N.J.S.A. 17:9A-28; (2) The written variable note duly executed by the parties and a written outline of the procedure, as above set forth, controlling participation in such investment or a written incorporation by reference of the above mentioned procedure shall constitute the written plan in accordance with the provisions of N.J.S.A. 17:9A-37(E); (3) The requirements of N.J.S.A. 17:9A-39(B) shall be deemed satisfied provided that the note is of a borrower whose commercial paper is rated at least A-1 by the financial periodicals rating commercial paper (e.g. Standard & Poor) and such note is either payable on demand or at the call of the bank; (4) The determination of whether such collective investment shall constitute a legal common trust fund or a discretionary common trust fund shall be determined in accordance with the provisions of N.J.S.A. 17:9A-36.

This regulation is issued to enable banks to establish and maintain common trust funds on an equal basis with common trust funds established and maintained by national banking associations.

Interested persons may present statements or arguments in writing, relevant to the proposed action before 5:00 p.m., Jan. 8, 1971 to:

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

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

James C. Brady, Jr.
Commissioner of Banking

(b)

BANKING

MORTGAGE FINANCE AGENCY

Proposed Rules Implementing New Jersey Mortgage Finance Agency Act

The New Jersey Mortgage Finance Agency, pursuant to authority of N.J.S.A. 17:1B-4, et seq., proposes to adopt rules and regulations designed to effectuate the general purposes of the New Jersey Mortgage Finance Agency Act.

The proposed rules and regulations govern the making of loans to mortgage lenders and the application of the proceeds thereof; and include rules and regulations governing the following:

(1) Procedures for the submission of requests or the invitation of proposals for loans;

(2) Standards and requirements as to allocations of loans among all or certain of the mortgage lenders or awards of loans and determining the amounts and interest rates thereof;

(3) Limitations or restrictions as to the number of family units, location or other qualifications or characteristics of residences to be financed by new residential mortgages;

(4) Restrictions as to the interest rates on new residential mortgages or the return realized therefrom by mortgage lenders;

(5) Requirements as to commitments by mortgage lenders with respect to new residential mortgages;

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(6) Schedules of any fees and charges necessary to provide for expenses and reserves of the agency; and

(7) Any other matters related to the duties and the exercise of the powers of the agency.

Copies of the complete text of the proposed rules and regulations may be obtained from:

New Jersey Mortgage Finance Agency
Taxation Building
West State and Willow Streets
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action to the Agency at the above address on or before January 6, 1971.

The New Jersey Mortgage Finance Agency, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed rules and regulations without further notice.

Robert A. Watson
Secretary
New Jersey Mortgage Finance Agency

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rule Concerning Learning Disabilities Teacher-Consultant

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to adopt as N.J.A.C. 8:11-72(j), a rule relating to learning disabilities teacher-consultant, as follows:

8:11-72(j) LEARNING DISABILITIES TEACHER-CONSULTANT

8:11-72(j)(1) AUTHORIZATION: This endorsement is required for service as a learning disabilities teacher-consultant in the elementary and secondary schools.

11-72(j)(2) REQUIREMENTS:

I. A standard New Jersey teacher's certificate.

II. Three years of successful teaching experience.

III. A master's degree from an accredited college.

IV. Completion of a graduate Certificate Program for the preparation of Learning Disabilities Teacher-Consultants approved by the New Jersey State Department of Education as meeting the requirements for this certificate.

NCATE Accredited Program—When candidates have completed their preparation for this endorsement in an out-of-state college or university, a master's degree in Learning Disabilities from a program accredited by the National Council for Accreditation of Teacher Education (NCATE) will be accepted as meeting the requirement.

Certification Review Committee—When candidates have developed a background of graduate study in psychology, education, and related areas that they consider to be equivalent to the completion of an approved graduate program in Learning Disabilities, they may submit their credentials for review. A Learning Disabilities Certification Review Committee will recommend to the Secretary of the State Board of Examiners the additional study, if any, that the applicant should be requested to complete.

Previously Employed Personnel—Persons who have been employed with full approvals of the State Department of Education as Learning Disabilities Teacher-Consultants in local school districts or in the State Department of Education under Section 8:28 of the Rules of the State Board of Education prior to the date this Rule becomes effective will be eligible for a regular Learning Disabilities certificate. Persons previously employed with interim approval may qualify for a regular certificate by fulfilling the requirements specified at the time the interim approval was granted.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action before 4 p.m. on January 5, 1971, to:

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

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

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

(b)

EDUCATION

THE COMMISSIONER

Proposed Rule Concerning Provisional Learning Disabilities Teacher-Consultant Endorsement

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to adopt as N.J.A.C. 8:11-73(e), a new rule relating to provisional learning disabilities teacher-consultant endorsement as follows:

8:11-73(e) PROVISIONAL LEARNING DISABILITIES TEACHER-CONSULTANT ENDORSEMENT

Because of the shortage of fully qualified Learning Disabilities Teacher-Consultants, provisional certificates may be issued to candidates who are otherwise eligible for provisional certificates under the Rules* and who present the qualifications indicated in I or II.

I. A regular New Jersey teacher's certificate and a master's degree in Elementary Education, Special Education, Speech Correction, Psychology, Reading, Student Personnel, or related fields.

OR

II. A bachelor's degree, a regular New Jersey teacher's certificate, three years of successful teaching experience and twelve semester hours of graduate credits acceptable to a college offering an approved graduate program in Learning Disabilities toward meeting the requirements of the certificate program in this field.

*Under the Rules of the New Jersey State Board of Education, provisional certificates are issued only to persons who are employed, or being offered employment, by a local public school board of education.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, before 4 p.m. on January 5, 1971, to:

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

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

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

(c)

EDUCATION

THE COMISSIONER

Proposed Rule Concerning Programs for Learning Disabilities

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to adopt as N.J.A.C. 8:11-88(a), a new rule relating to programs for learning disabilities as follows:

8:11-88(a) PROGRAMS FOR LEARNING DISABILITIES

I. Extent. For candidates who already possess a master's degree the certificate program consists of twenty-four semester hours of graduate credits, including the areas of study specified in Section II, below.

For students who do not possess a master's degree, the certificate program must lead to a master's degree and must include twenty-four semester hour graduate credits as specified in Section II.

II. Program of Studies. The approved certificate program must include provision for the areas of study listed below. Qualified teachers who have already earned a master's degree, or completed graduate studies in education, reading, speech correction, psychology, education in specific areas of the handicapped, or similar fields, should be given credit by the college for as much of their completed programs as is appropriate.

A. Required Studies. Work in the following areas of study must be required as part of the program, not necessarily as separate courses: education of the handicapped; learning theory; physiological bases of learning; orientation in psychological testing; remediation of basic skills, diagnosis and correction of learning disabilities. Course descriptions should make it clear that the program for all students will include study in each of these areas.

B. Electives. The program should also include opportunities to study, perhaps on an elective basis, in areas closely related to learning disabilities, such as group dynamics, methods and materials for teaching the emotionally and socially maladjusted; curriculum development in the teaching of the handicapped; teaching of reading; interviewing and counseling; educational psychology; and community resources.

C. Supervised Practicum. The program must include a college supervised practicum in diagnosis and remediation of learning disabilities in school and clinical situations. The definition and nature of this practicum, and the courses in which it will be provided, should be clear in the program description. The practicum should provide for a minimum of ninety clock hours of college supervised experience.

D. Teaching Experience. Prior to completion of the certificate program, the student must hold a regular New Jersey teacher certificate and submit evidence of three years of successful teaching experience.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, before 4 p.m. on January 5, 1971, to:

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

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

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

(d)

ENVIRONMENTAL PROTECTION

DIVISION OF PARKS, FORESTRY AND RECREATION

Proposed Ice Boating Regulations for Round Valley Reservoir

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:8-20, proposes to adopt the following rules regulating the operation of ice-boats on Round Valley Reservoir in Hunterdon County.

The text of the proposed rules reads as follows:

1. Ice boating is permitted and all use is restricted only to individuals who comply with safety standards established by the Eastern Ice Yachting Association.

2. A minimum of two ice boats are required at all times in order to provide a buddy system for safety.

3. All ice boaters must wear protective crash helmets equal to or better than those now required of motorcyclists by New Jersey Motor Vehicle law.

4. Ice boating shall only be permitted on such days and during such hours as designated by an authorized representative of the Department.

5. All craft and persons are prohibited from the restricted areas in the vicinity of the dam and pumping station.

6. Ice fishing, ice skating, snowmobiling, and all other winter sports activities are prohibited.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 31, 1970, to:

Robert Solan, Esq.
Chief, Bureau of Legal Services
Department of Environmental Protection
Labor & Industry Building—Room 811
John Fitch Plaza
Trenton, New Jersey 08625

The Department of Environmental Protection, after fully considering all statements or arguments relevant to the proposed rules may thereafter, upon its own motion or at the instance of any interested party, adopt the above rules, substantially as proposed, without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(e)

HEALTH

THE COMMISSIONER

State Health Aid Act Administrative Manual Adopted

On Nov. 10, 1970, James R. Cowan, M.D., Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-15, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision of the Administrative Manual for the State Health Aid Act of 1966, substantially as proposed in the Notice published September 10, 1970 at 2 N.J.R. 72(c).

An order adopting the above revised manual was filed and effective Nov. 25, 1970 as R.1970 d.141.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(f)

HEALTH

PUBLIC HEALTH COUNCIL

Certified Health Services Personnel and Program Standards Revised

On October 26, 1970, the Public Health Council in the State Department of Health, pursuant to authority of N.J.S.A. 26:2F-3, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision of the certified health services personnel and program standards, as proposed in the Notice published August 6, 1970 at 2 N.J.R. 63(b).

An order adopting the above revised rules was filed and effective October 26, 1970 as R.1970 d.130.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(g)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Skilled Nursing Home Service Rules

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in the New Jersey Medical Assistance and Health Service Act, P.L. 1968 c. 413 (N.J.S.A. 30:4D-1, et seq.), proposes to adopt a manual of rules and regulations governing skilled nursing home participation in the New Jersey Health Services Program.

The proposed manual is concerned with the provision of quality health care services available to eligible recipients of the New Jersey Health Services Program in skilled nursing homes. The manual establishes definitions, general policies, basic and additional services and procedures of admission, transfer, authorization and billing for skilled

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Skilled Nursing Home Rules—continued

nursing home eligibility to obtain reimbursement under the New Jersey Health Services Program.

Copies of the manual may be obtained from:

Bureau of Long-Term Care
Division of Medical Assistance and Health Services
36 West State Street
Trenton, New Jersey 08625
Telephone (609) 292-7483

Interested persons may present statements or arguments in writing relevant to the proposed manual, on or before January 6, 1971, to the Division of Medical Assistance and Health Services at the above address.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Assistance for Dependent Children Emergency Rule Readopted

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, has ratified and readopted the Division of Public Welfare emergency rule, known as Section 615A "Administrative Ceiling in ADC, Insufficient Earnings (N) Segment" of the Categorical Assistance Budget Manual.

This rule was originally adopted as an Emergency Regulation pursuant to authority of N.J.S.A. 52:14B-4(c) on September 18, 1970, and the full text of the rule was published in the New Jersey Register dated October 8, 1970 at 2 N.J.R. 84(a). The announced basis of the emergency, as stated in Circular Letter No. 831, and as published in the October 8, 1970 issue of the New Jersey Register, was the anticipated effect of the enjoining of the enforcement of Regulation 615 by the U.S. District Court decision in the case of Amos v. Engelman.

An order ratifying and readopting the above rule was filed and effective November 10, 1970 as R.1970 d.136.

The order ratifying and readopting the above rule states:

"Although a stay of the injunction was issued by the U.S. Supreme Court, the economic effects of the enjoinment of Regulation 615, in addition to the unexpectedly high increase in the number of new welfare recipients and the similarly unexpectedly high increase in welfare expenditures otherwise being experienced, have created a situation where it has become incumbent upon the Department of Institutions and Agencies to effectuate savings in expenditures in order to safeguard the well-being of those of our citizens who receive assistance under programs operated under the jurisdiction of the Division of Public Welfare. It is also necessary to achieve such savings without jeopardizing New Jersey's continued eligibility for federal funds as required by N.J.S.A. 44:10-3.

"Therefore, after careful consideration of all the factors involved, and of those comments submitted pursuant to the notice published in the New Jersey Register of October 8, 1970, it has been decided that Regulation 615A constitutes the appropriate measure to ameliorate the fiscal crisis facing New Jersey's welfare program. Regulation 615A will not cause a loss of federal funds. Although it will result in both reductions in and terminations of assistance payments to recipient families in the "N" segment of the New Jersey welfare program, this result is deemed to be less undesirable than the alternatives. A major consideration in reaching this conclusion is that, unlike other ADC recipients, "N" segment recipients do not depend solely upon assistance payments for their income. Consequently, this regulation will result in imposing on them a substantially lesser hardship than would otherwise have to be imposed on welfare recipients who depend entirely upon assistance payments for their survival."

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE
BUREAU OF CHILDREN'S SERVICES

Proposed Rules Concerning the Purchase of Adoption Services from Private Agencies

The State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-14 through 30:1-17, proposed at its October 28, 1970 meeting to adopt rules for the purchase of adoption services from private adoption agencies, for hard-to-place children under the jurisdiction of the Bureau of Children's Services.

The proposed rules and regulations read as follows:

In accordance with statute (N.J.S.A. 30:4C-4(g), (h), (i) and 30:4C-37), the following rules and regulations are established as a basis of payment for adoption services to privately sponsored agencies, which are approved for such purposes in accordance with the provisions of R.S. 9:3-17 et seq., or can demonstrate that they meet the standards of R.S. 9:3-17 et seq., for providing adoption service with respect to certain children identified below who are under the care, custody, or guardianship of the Bureau of Children's Services. Observance of these rules and regulations establishes a right to payment for services as limited below, but does not determine the amount of such payment with respect to a particular child or children.

Adoption services, for purposes of these rules and regulations, are defined as those services resulting in the actual placement of a child or children for adoption and the services essential during the period of supervision prior to consummation of the adoption as required by law.

The Bureau of Children's Services will purchase such services only for those children under its immediate supervision who are determined by such Bureau to be "hard-to-place." The term "hard-to-place" is defined as any child whom the Bureau of Children's Services has the statutory right and responsibility to place for adoption, for whom a suitable adoption home has not been located by normal processes including registration with the Adoption Resource Exchange and who is thereafter referred for such services by the Bureau's Adoption Services Unit.

In order to be eligible to receive referrals of children for adoption services and to receive for such services whatever amount of payment may be otherwise authorized, an adoption agency shall demonstrate to the satisfaction of the Bureau of Children's Services, through such methods and procedures as the Bureau may prescribe, that it complies with each of the following rules and regulations, which shall be interpreted as constituting minimum standards only:

I. Placement Procedure

A. The placing agency shall provide the Bureau of Children's Services with the name and address of the family being considered for placement of the child and provide any other information deemed necessary by the Bureau.

B. Both the placing agency and the Bureau of Children's Services must agree on the placement selected for the child being placed for adoption.

II. Agency Policy and Practice

A. The placing agency shall, through policy and practice, provide service to children, natural parents and adoptive parents without regard to race, color or national origin.

B. The placing agency shall demonstrate a willingness to review, evaluate, expand and change, as necessary, its policies, practices and services in accordance with community needs.

C. The placing agency shall demonstrate, through its policies and practices, a willingness to cooperate with other approved agencies to assure that all clients in need receive service. This shall include, but shall not be limited to, the study of homes for children not under the agency's care and the sharing of all information, with the client's permission, where appropriate.

III. Accountability

A. The placing agency shall maintain records on each child and family and shall furnish such records or reports on the child's adjustment and progress or on other factors as the Bureau of Children's Services may require.

B. When and as required by the Bureau of Children's Services, all data relating to costs of the placing agency operations shall be made available to the Bureau, or its authorized representative.

C. Payments by the Bureau shall not exceed the net cost of providing the service by the placing agency. The adoptive applicant shall be informed of the agency's cost of service and how it is met.

IV. Payment for Service

The Bureau of Children's Services will establish the rate of payment based on the availability of appropriations made for such purpose and on the cost of providing the service directly by the Bureau of Children's Services. Payment for service, as authorized, will be made only at the time that the adoption is granted by a court of competent jurisdiction.

Interested persons may present statements or arguments in writing, relevant to the proposed action, on or before December 31, 1970, to:

Inter-Agency Services Unit
Bureau of Children's Services
163 West Hanover Street
Trenton, New Jersey 08625

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

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

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Amendments to Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and N.J.S.A. 44:7-6, proposes to amend the Categorical Assistance Budget Manual, as follows (additions indicated in boldface **thus**; deletions indicated within brackets [thus]):

311. ALLOWANCES FOR THE CHRONICALLY ILL IN LICENSED PROPRIETARY NURSING HOMES, ELIGIBLE PUBLIC MEDICAL INSTITUTIONS, APPROVED INFIRMARY SECTIONS OF NON-PROFIT OR CHARITABLE HOMES AND INTERMEDIATE CARE FACILITIES.

a. When a client is receiving [patient] **purchased care** in one of the above institutions, allowances for clothing, personal incidentals, and applicable special circumstance items shall be recognized by the County Welfare Board in such client's budget. Payments for these costs shall be made in the following order:

1. from resources of the client, if any;
2. by actual money payment.

b. Special Clothing Requirements

Where a client, who is residing in such an institution or facility and who because of a physical or mental incapacity, is unable to do his own shopping for clothing and does not have a relative or interested person in whom he has confidence who could do this shopping for him, the clothing allowance as a basic requirement shall not be included in the client's budget. In all such cases, the clothing requirement shall be granted as a special circumstance requirement and the client's clothing needs shall be reviewed at regular intervals of not more than 6 months. However, the annual amount granted for clothing shall not exceed $100.

c. Intermediate Care Facilities

The monthly amount authorized for purchase of room, board, and services in an approved Intermediate Care Facility is specified in Appendix Section II, 4.9. (See also Manual of Administration 2253.2.)

Appendix Section I

4. PERSONAL NEEDS FOR ADULT CLIENTS IN BOARDING HOMES, NURSING HOMES AND ROOM AND RESTAURANT LIVING ARRANGEMENTS

* * * *

4.3 Client is purchasing care in a nursing home **or intermediate care facility.**

	Monthly Allowance
Personal incidentals	$9.00

(See also Section [311.87] **311.**)

Appendix Section II

4. REGULATIONS AND SCHEDULE OF MONTHLY ALLOWANCES FOR ROOM AND BOARD FOR ADULTS

* * * *

4.9 A client whose physical condition is such as defined in Manual of Administration Section 2253.2, may be purchasing room, board, and services in an approved Intermediate Care Facility. The monthly allowance for these arrangements shall not exceed $200, and shall be further governed by the provisions of 4.7 above.

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before December 31, 1970, to:

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

The Commissioner, upon his 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

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revision of Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and N.J.S.A. 44:7-6 proposes to revise the Division of Public Welfare Manual of Administration by adding the following (Additions indicated in bold face **thus**):

2253.2 Eligibility for Assistance in Institutions

d. Intermediate Care Facility

1) Eligibility

Applicants and recipients who are purchasing or who plan to purchase care in an Intermediate Care Facility may be eligible to receive assistance provided

a) the facility is an eligible Intermediate Care Facility in that it has been approved by the Department (Bureau of Community Institutions);

b) the client is an adult person who requires supervision, who is ambulant with or without assistance, who is reasonably oriented mentally, and who has been certified by a licensed physician to be free from communicable disease and not in need of nursing care on a continuing basis. This shall not be construed to prevent medical and nursing care of residents on an intermittent basis, in emergencies or during temporary illness;

c) the client, because of physical or mental limitations or both, requires living accommodations and care which as a practical matter, can be made available only through institutional facilities;

d) the client does not have such an illness, disease, injury or other condition as to require the degree of care and treatment which a hospital or skilled nursing home (as that term is employed in Title XIX) is designed to provide.

2) Maximum Allowable Rates

The appropriate maximum allowable rates for Intermediate Care Facilities are provided in Budget Manual Appendix II 4.

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before December 31, 1970, to:

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

The Commissioner, 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.

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

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(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Changes in Categorical Assistance Budget Manual

On October 29, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Categorical Assistance Budget Manual as proposed in the Notice published October 8, 1970 at 2 N.J.R. 84(b).

An order adopting the above amendments was filed November 5, 1970 as R.1970 d.134.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Proposed Amendment to Automobile Insurance Plan

Robert L. Clifford, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to amend the New Jersey Automobile Plan.

A summary of the proposed amendment, the full text of which is on file with the Department of Insurance, the administrative office of the New Jersey Automobile Plan, and the Division of Administrative Procedure, is as follows:

Effective January 1, 1971, the Plan will provide, at the request of the applicant and in addition to the coverage presently available, Comprehensive, (Fire, Theft and combined Additional Coverage on Motorcycles), and Collision coverage on an Actual Cash Value Basis, subject to $100.00 deductible applicable to each loss as to each automobile.

The proposed amendment further provides for the apportionment of such additional coverage among participating insurers and the rates which may be charged.

Interested persons may present written comments, suggestions and recommendations concerning this amendment and any other proposals respecting and additions and modifications to the amendment not later than Dec. 30, 1970, to:

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

A public hearing will be held on Wednesday, December 30, 1970 at 10 a.m. in Room 346, State House Annex, Trenton, New Jersey 08625, at which time and place comments, suggestions, recommendations, additions, and modifications to the amendment, 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 December 30, 1970 hearing. However, no notice of any such subsequent hearing will appear in the New Jersey Register.

The Commissioner of Insurance, upon his own motion or at the instance of any interested party, may thereafter adopt the amended rule as proposed without further notice.

Robert L. Clifford
Commissioner of Insurance

(c)

INSURANCE

THE COMMISSIONER

Proposed Regulation Concerning Insurance Contract Renewal

Robert L. Clifford, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and N.J.S.A. 17:1C-6(e), proposes to adopt a regulation concerning the renewal of contracts of insurance.

The proposed regulation reads as follows:

Agency Terminations

A. Scope of Regulation

The within regulation is not applicable to agency contracts relating to reinsurance, life insurance, annuities, accident and health insurance, title insurance, mortgage guarantee insurance, hospital service, medical service or dental service corporations, investment companies, mutual benefit or fraternal benefit associations, or to those contracts in which the agency agrees to represent exclusively the company or group of companies under common management. The existence of an agency contract shall be governed by the provisions of N.J.S.A. 17:22-6.14.

B. Insurers' Obligation to Renew Existing Policies

Upon the effective date of termination of an agency contract, which termination shall be on not less than 90 days' written notice, except in the case of an agency's insolvency, abandonment, misconduct, substantial indebtedness to the insurance company, or license revocation by the Commissioner, in which case termination shall be on not less than five (5) days' written notice, the insurance company shall renew all of its contracts of insurance then in force for such terminated agency for a period of six (6) months subject to the following terms and conditions:

1. The risk meets then current underwriting standards of the insurance company, provided, however, that such insurer shall give not less than sixty (60) days' written notice to the terminated agency of its intention not to renew for underwriting reasons.

2. All property and casualty insurers doing business in New Jersey shall file with the Department a copy of any amendment or modification to current personal lines underwriting guidelines which are to be effective subsequent to January 1, 1971. Such amendments or modifications shall not be arbitrary, capricious, or unfairly discriminatory and shall be filed with the Department not less than ten (10) days prior to the effective date thereof.

3. The insured is not indebted to the insurance company.

4. The insured does not constitute a moral hazard.

5. The insurance company is of unsound financial condition.

C. Procedure on Renewal-Commissions

Contracts of insurance which are required to be renewed hereunder shall be processed as follows:

1. The renewal may be processed through the terminated agent who shall be paid the company's average commission rate in force on the effective date of such agent's termination.

2. The renewal may be processed by the terminated agent, acting as broker and producer of record, through an active agent of the company. The active agent and terminated agent shall equally divide the commission then currently in force and payable by the company.

3. The renewal may be processed directly by the company with a reduction in premium to the insured in an amount equal to one-half the commission which would have been payable to the terminated agent on the effective date of termination.

4. The renewal may be processed as may be otherwise mutually agreed to between the company and the terminated agency.

Interested persons may present written comments, suggestions and recommendations concerning this regulation and any other proposals respecting any additions and modifications to the regulation not later than December 30, 1970 to:

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

A public hearing will be held on Wednesday, December 30, 1970 at 10 A.M. in Room 346, State House Annex, Trenton, New Jersey 08625, at which time and place comments, suggestions, recommendations, additions, and modifications to the 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 December 30, 1970 hearing. However, no notice of any such subsequent hearing will appear in the New Jersey Register.

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

Robert L. Clifford
Commissioner
Department of Insurance

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Self-Inspection of Commercial Vehicles

On November 2, 1970, Ronald M. Heymann, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-10, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule governing self-inspection of commercial vehicles as proposed in the Notice published October 8, 1970 at 2 N.J.R. 85(d).

An order adopting the above rule was filed and effective November 2, 1970 as R.1970 d.132.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS
STATE BOARD OF MEDICAL EXAMINERS

Proposed Podiatry Internship Rule

The State Board of Medical Examiners, pursuant to authority of N.J.S.A. 45:9-2, proposes to adopt a new rule concerning podiatry internship.

The following is the complete text of the proposed rule:

The requirement of N.J.S.A. 45:5-5.2(5) that the applicant for licensure "has served an internship in a duly licensed clinic, hospital, or institution, approved by the board" shall be deemed to have been met by the successful completion of an internship or residency program fully approved by the American Podiatry Association.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 31, 1970, to:

Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08625

After full consideration of all statements and arguments presented, the State Board of Medical Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the rule substantially as proposed without further notice.

John F. Kustrup, M.D.
Secretary
State Board of Medical Examiners

(f)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Notice of Hearing Concerning Passenger Railroad Station Platform Safety Regulations

Following extensive investigations by the Board of Public Utility Commissioners (Board) and by the Union County Grand Jury and public hearings before the Board on the circumstances attending the occurrence of serious accidents on the Main Line of Penn Central Transportation Company (successor to Penn Central Company) on the afternoon of June 8, 1968, at the said Company's passenger stations at Elizabeth, Union County, and at Trenton, Mercer County, the Board, on October 2, 1969, issued its Report and Order in Docket No. 686-380. The Board ordered said Company, among other things to install transducers or any other devices which will automatically actuate audible and visible signals to pedestrians on passenger station platforms that a train is approaching on the track adjacent to the platform; and to provide adequate clearance warning lines for waiting passengers with appropriate wording painted and maintained on all passenger station platforms.

The Board is of the opinion that the above-described requirements will contribute materially in promoting safety in railroad operation in New Jersey. However, the Board is not convinced that the possibilities of effectuating additional measures for promoting safety have been exhausted and recognizes that similar warning devices may be required of other passenger railroads operating in and through the State of New Jersey. In consequence, in an effort to resolve and conclude this matter, the Board pursuant to N.J.S.A. 48:2-13, N.J.S.A. 48:2-23, and N.J.S.A. 48:2-25, hereby orders Black River & Western Corporation, The Central Railroad Company of New Jersey (John E. Farrell, Trustee), Erie Lackawanna Railway Company, Morris County Central Railroad, Inc., The New York and Long Branch Railroad Company, Penn Central Transportation Company (George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees), Pennsylvania-Reading Seashore Lines, and Reading Company to appear before it at its offices at Room 208, 101 Commerce Street, Newark, New Jersey, at 10:00 a.m., prevailing time, on Tuesday, the 5th day of January, 1971, to show cause why an order should not be made by the Board to require the above-named respondents, in instances where not already comprehended by their present practices, to:

(1) Install transducers or any other devices which will automatically actuate audible and visible signals to pedestrians on passenger station platforms that a train is approaching on the track adjacent to the platform; and

(2) Provide adequate clearance warning lines for waiting passengers with appropriate wording painted and maintained on all passenger station platforms;

or why the Board should not make such other order relating to the matters summarized above as the Board may, after said hearing, find to be just and reasonable.

The Board hereby directs its Secretary to mail to each of the respondent railroad companies a certified copy of this Order, which mailing shall constitute service of the Order hereby made and notice of the hearing hereby called.

Dated: November 12, 1970

William E. Ozzard
President
Board of Public Utility Commissioners

(g)

TRANSPORTATION

DIVISION OF LOCAL GOVERNMENT AID

Changes in Title 16 of New Jersey Administrative Code

On November 17, 1970, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:13-17 and 52:27B-20 and Chapters 8, 14 and 15 of Title 27 of the New Jersey Statutes Annotated, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to Chapter 13 (Federal Aid Secondary), Chapter 14 (State Aid Road System), Chapter 15 (County Operations), Chapter 16 (Municipal Operations), Chapter 17 (Municipal Construction), Chapter 19 (Construction Equipment Damage Program), and Chapter 20 ("Topics" (Traffic Operations Program to Increase Capacity and Safety)) of Title 16 of the New Jersey Administrative Code, substantially as proposed in the Notice published September 10, 1970 at 2 N.J.R. 77(a).

An order adopting the above amendments was filed and effective November 18, 1970 as R.1970 d.140.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(h)

TRANSPORTATION

DIVISION OF MAINTENANCE AND EQUIPMENT

Equipment Rental Rules

On November 17, 1970, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-21, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Equipment Rental Rules of Title 16 of the New Jersey Administrative Code, substantially as proposed in the Notice published October 8, 1970 at 2 N.J.R. 86(b).

An order adopting the above amendments was filed and effective November 18, 1970 as R. 1970 d.139.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

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(a)

TRANSPORTATION

DIVISION OF MAINTENANCE AND EQUIPMENT

Snow Removal Rules

On November 17, 1970, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-21, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Snow Removal rules of the Division of Maintenance and Equipment, substantially as proposed in the Notice published October 8, 1970 at 2 N.J.R. 86(c).

An order adopting the above amendments was filed and effective November 18, 1970 as R.1970 d.138.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Contributory Insurance Rate

On October 30, 1970, Christopher F. Carson, Secretary of the Public Employees' Retirement System, pursuant to authority of N.J.S.A. 43:15A-17, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision of N.J.A.C. 17:2-22 "Contributory Insurance Rate," as proposed in the Notice published October 8, 1970 at 2 N.J.R. 86(d).

An order adopting the above revised rule was filed and effective November 2, 1970 as R.1970 d.133.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TREASURY

STATE INVESTMENT COUNCIL

Proposed Revision of Rules Concerning Classification of Funds

Frank K. Kelemen, Chairman of the State Investment Council, pursuant to authority of N.J.S.A. 52:18A-89, proposes to revise Council Regulation 16:3-5.140 concerning "Classification of Funds," as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

ARTICLE 5. CLASSIFICATION OF FUNDS

Reg. 16:3-5.100 In general.

Funds having similar investment characteristics and objectives under their respective enabling acts shall be grouped together.

Reg. 16:3-5.110 Pension and annuity group.

The pension and annuity group shall include:

(a) Consolidated Police and Firemen's Pension Fund Commission.
(b) Police and Firemen's Retirement System.
(c) Public Employees' Retirement System.
(d) State Police Retirement System.
(e) Teachers' Pension and Annuity Fund.

Reg. 16:3-5.120 Static group.

The static group shall include:

(a) Eighteen Thirty-Seven Surplus Revenue Fund.
(b) Trustees for the Support of Public Schools.

Reg. 16:3-5.130 Demand group.

The demand group shall include:

(a) Escheat Reserve Fund—Unclaimed Bank Deposits.
(b) Higher Education Assistance Fund.
(c) Motor Vehicle Liability Security Fund.
(d) New Jersey Insurance Development Fund.
(e) State Disability Benefits Fund.
(f) Unsatisfied Claim and Judgment Fund.
(g) Workmen's Compensation Security Fund—Mutual.
(h) Workmen's Compensation Security Fund—Stock.

Reg. 16:3-5.140 Temporary reserve group.

The temporary reserve group shall include:

(a) General Investment Fund.
(b) General Trust Funds.
(c) Housing Assistance Fund.
(d) Local Emergency Aid Fund.
(e) Motor Vehicle Security Responsibility Fund.
(f) New Jersey College of Medicine and Dentistry—Grant Fund.
[(f)] (g) New Jersey Educational Facilities Authority.
[(g)] (h) New Jersey Housing Finance Agency.
[(h)] (i) 1964 Higher Education Construction Fund.
[(i)] (j) Outstanding Checks Account.
[(j)] (k) Pension Increase Fund.
[(k)] (l) Public Building Construction Fund.
[(l)] (m) Revolving Housing Development and Demonstration Grand Fund.
[(m)] (n) School Building Aid—Capital Reserve Fund.
[(n)] (o) State Employees' Social Security Deduction Fund.
[(o)] (p) State Health Benefits Fund.
[(p)] (q) State of New Jersey—Alternate Benefit Program.
[(q)] (r) State 1960 Institution Construction Fund.
(s) State Lottery Fund.
[(r)] (t) State 1964 Institution Construction Fund.
[(s)] (u) State Recreation and Conservation Land Acquisition Fund.
[(t)] (v) State Transportation Fund.
[(u)] (w) State Water Development Fund.
[(v)] (x) Unclaimed Personal Property Trust Fund.
[(w)] (y) Unemployment Compensation Auxiliary Fund.
[(x)] (z) Veterans' Loan Guaranty and Insurance Fund (Veterans' Guaranteed Loan Fund).
[(y)] (aa) Water Conservation Fund.

Reg. 16:3-5.150 Trust Group.

The trust group shall include:

(a) New Jersey College of Medicine and Dentistry Funds. (1) Endowment Funds
(b) Supplemental Annuity Collective Trust.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before December 31, 1970, to:

Director
Division of Investment
State House
Trenton, New Jersey 08625
Telephone: (609) 292-5106

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

Norman E. Hardy
Deputy State Treasurer
Department of the Treasury

(d)

TREASURY

STATE INVESTMENT COUNCIL

Maximum Mortgage Investment Limitation

On November 13, 1970, Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to certain State Investment Council Regulations concerning maximum mortgage limitations substantially as proposed in the Notice published October 8, 1970 at 2 N.J.R. 86(e).

The amended regulations include:

ARTICLE 10.
TITLE II FEDERAL HOUSING ADMINISTRATION HOSPITAL MORTGAGES
Reg. 16:3-10.120 Limitations.
ARTICLE 19.
TITLE II SECTION 203 (B) FEDERAL HOUSING ADMINISTRATION MORTGAGES
Reg. 16:3-19.130 Legal Papers.
ARTICLE 20.
TITLE III SECTION 501 (B) VETERANS ADMINISTRATION MORTGAGES
Reg. 16:3-20.130 Legal Papers.
ARTICLE 28.
TITLE II FEDERAL HOUSING ADMINISTRATION INSURED MORTGAGES — MULTI-FAMILY
Reg. 16:3-28.120 Limitations.
ARTICLE 29.
TITLE II FEDERAL HOUSING ADMINISTRATION INSURED CONSTRUCTION MORTGAGES—MULTI-FAMILY
Reg. 16:3-29.120 Limitations.

An order adopting the above amended rules was filed and effective November 13, 1970 as R.1970 d.137.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

TREASURY

STATE INVESTMENT COUNCIL

Qualifications of Mortgage Bankers

On October 30, 1970, Richard L. Stoddard, Acting Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to certain regulations of the State Investment Council concerning the qualifications of mortgage bankers, as proposed in the Notice published September 10, 1970 at 2 N.J.R. 77(b).

An order adopting the above amendments was filed and effective October 30, 1970 as R.1970 d.131.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(f)

TREASURY

DIVISION OF TAXATION MOTOR FUELS TAX BUREAU

Proposed Regulation Concerning the Taxation of Gasoline Jobbers Under the Motor Fuels Tax Act

Sidney Glaser, Acting Director of the Division of Taxation, Department of the Treasury, pursuant to authority of N.J.S.A. 54:39-10, proposes to amend N.J.A.C. 18:18-1G(9)a, to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

N.J.A.C. 18:18-1 DEFINITIONS — The following terms, whenever used or referred to in these Regulations, shall have the meanings given unless a different meaning clearly appears from the context:

* * * * * *

G. GASOLINE JOBBER means a motor fuels wholesale dealer who regularly makes 95% or more of his gasoline sales to not less than 25 retail dealers, fleet operators or other large consumers, including farm accounts and who maintains fixed gasoline storage facilities having a capacity of 50,000 gallons or more either owned or rented under lease for a term of not less than 1 year.

* * * * * *

(9) Gasoline Storage Facilities — A Gasoline Jobber must maintain, in this State, at all times throughout the year, fixed storage facilities for gasoline, having a minimum capacity of 50,000 gallons.

(a) In determining the 50,000 gallons or more requirement, the storage tank facilities owned or leased for a term of not less than one year, and maintained by a gasoline jobber located on premises used for the making of retail gasoline sales [by the jobber] may be included; provided, the jobber can furnish, upon request, proof that such ownership or lease arrangement is bona fide, the result of an arm's length transaction, and that such facilities are used primarily and directly for the furtherance of the gasoline jobber's business.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before December 31, 1970 to:

Motor Fuels Tax Bureau
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625
Telephone (609) 292-4840

The Department of the Treasury, Division of Taxation, 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.

Sidney Glaser
Acting Director
Division of Taxation

(g)

TREASURY

DIVISION OF TAXATION TRANSFER INHERITANCE TAX BUREAU

Proposed Changes in Transfer Inheritance Tax Rules

Sidney Glaser, Acting Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1, proposes to adopt certain new rules and amend certain existing rules of the Transfer Inheritance Tax Bureau concerning the taxation of decedents under the Transfer Inheritance Tax Act (N.J.S.A. 55:33-1, et seq.), as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

N.J.A.C. 18:26-54. DIVIDENDS AND REFUNDS ON LIFE INSURANCE POLICIES

Dividend accumulations, post mortem dividends, terminal dividends and premium refunds on contracts of life insurance although payable at the same time are not considered part of the life insurance proceeds of the policy and are taxable to the beneficiary as transfers taking effect at or after the death of the insured.

N.J.A.C. 18:26-69 PENSIONS

A. Federal—The proceeds of any pension, annuity, retirement allowance, return of contributions, or benefit payable by the Government of the United States pursuant to the Civil Service Retirement Act to a beneficiary or beneficiaries other than the estate or the executor or administrator of a decedent [is] are exempt.

B. State

(1) All payments at death under the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System of New Jersey and the Police and Firemen's Retirement System of New Jersey, and such other State, County, and Municipal Systems as may have a tax exemption clause as broad as that of the three major State Systems aforementioned whether such payments on death either before or after retirement are made to the employee's estate or to his specifically designated beneficiary, are exempt from the New Jersey Inheritance Tax.

[The proceeds of the additional life insurance which members of the various systems may purchase voluntarily, are subject to tax if payable to a member's estate but exempt if payable to a designated beneficiary.]

The benefit payable under the Supplementary Annuity Plan of the State of New Jersey is not considered a benefit of the Public Employees' Retirement System and is taxable whether paid to a designated beneficiary or to the estate.

(2) The benefits paid to decedent's widow by the New Jersey State Firemen's Association per N.J.S.A. 43:17-[illegible] are exempt from taxation.

(3) The death benefits paid by the Social Security Administration or Railroad Retirement Board to the spouse of a decedent are also exempt. For purposes of filing a return these amounts need not be reported nor are they to be deducted from the amount claimed as a deduction for funeral expenses.

In all other cases the death benefit involved should either be reported as an asset of the estate or deducted from the amount claimed for funeral expenses.

Cross reference: N.J.S.A. 54:34-4(h).

N.J.A.C. 18:26-86 LOANS SECURED BY LIFE INSURANCE POLICIES

A loan made to a decedent as the insured by an insurance company against a life insurance policy is not considered a debt of the decedent but rather an advancement on the cash value of the policy and the deduction is not allowable.

A loan made by a third party to a decedent secured by

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the assignment of a life insurance policy on the life of the decedent and satisfied from the proceeds of the policy is also not allowable. However, the right of the beneficiary to reimbursement from the estate for the amount of the loan is a proper claim by way of subrogation against the decedent's estate and is an allowable deduction unless a contrary intention is indicated.

N.J.A.C. 18:26-132 CONSENT TO TRANSFER (IN GENERAL)

A. Except as otherwise indicated in these regulations, no executor, administrator, trustee, individual, firm, association, partnership, organization or corporation including any banking institution, trust company or safe deposit company organized under the laws of New Jersey; National Bank operating in this state; Building and Loan Savings and Loan Associations engaged in New Jersey; or credit unions chartered hy the United States operating in this state, may release or transfer any real property or any tangible or intangible personal property which is subject to the Transfer Inheritance Tax, all or any part of which belongs to a resident [or non-resident] decedent, whether held in the name of the decedent or otherwise, without first obtaining the written consent to such transfer or release from the Director.

B. No waivers are required in estates of non-resident decedents.

There is, however, the necessity of definitely establishing to the satisfaction of the trustee, individual, firm, association, partnership, organization or corporation (its transfer agent) including any banking institution, trust company or safe deposit company organized under the laws of New Jersey; National Bank operating in this State; Building and Loan or Savings and Loan Associations engaged in New Jersey; or credit unions chartered by the United States operating in this State that the decedent was legally domiciled in a jurisdiction other than New Jersey. The proper procedure is for the personal representative of the estate to file with the proper party as aforesaid an affidavit establishing in some detail the facts as to domicile.

These should include place of residence and voting; social and business affiliations, where the last five income tax returns were filed prior to death; date of commencement and length of actual residence in place claimed as legal domicile; whether decedent formerly resided in New Jersey and, if so, what facts are relied upon to establish abandonment of New Jersey and intention not to return.

If from the proofs submitted to him the proper party as aforesaid is convinced that decedent was legally domiciled outside of New Jersey he may transfer the stock or obligation of the corporation or any other tangible or intangible personal property without the written consent of the Director, Division of Taxation, keeping the affidavit in his permanent files as authority for the action taken.

C. In the absence of the express approval of the Director, waivers are not issued until the passage of ten business days following the receipt of payment.

Cross reference: N.J.S.A. 54:35-19.

N.J.A.C. 18:26-139 TRANSFERS NOT SUBJECT TO WAIVER

A. Checking to Savings Account—Funds of a decedent on deposit in a checking account in any bank may be transferred to an interest bearing account in the same bank in the name of the decedent or his estate without obtaining a waiver; however, such transfer requires that the banking institution promptly file a notice with the Transfer Inheritance Tax Bureau, Trenton, New Jersey, containing the following information:

1. Decedent's name;
2. Date of death and domicile;
3. Name and address of executor or administrator of estate; and,
4. The account number sought to be transferred and the balance on deposit as of the date of death.

In any event, the bank is required to retain the same control over the substituted account as the original account until the New Jersey Inheritance Tax is provided for and paid.

B. From One Fiduciary To Another—Bonds and/or stock of a New Jersey Corporation or a national bank located in New Jersey, or any money deposited in any trust company, bank, or other institution in the name of one fiduciary as executor, administrator or trustee or guardian, may, upon the death of such fiduciary, be transferred without a New Jersey Transfer Inheritance Tax waiver to, or on the order of, the legally appointed substitute for the deceased fiduciary.

C. From Joint Fiduciaries to Successors—Bonds and/or stock of a New Jersey corporation or a national bank located in New Jersey or any money deposited in any trust company, bank, or other institutions in the names of two or more fiduciaries as executors, administrators, trustees or guardians, may, upon the death of one or more of such fiduciaries to be transferred without a New Jersey transfer inheritance tax waiver to, or on the order of, the surviving fiduciary or fiduciaries.

D. Partnership Interest—The written consent of the Director is not required for the transfer of real or personal property, tangible or intangible, owned by a bona fide partnership in which a decedent had an interest.

E. Assets Held by a Non-resident Custodian—A waiver is not required in order to transfer any assets held by a non-resident custodian on behalf of a resident or non-resident decedent.

F. Tangible or Intangible Personal Property—A waiver is not required in order to transfer all other tangible or intangible personal property, including but not limited to:

1. Wages
2. Salaries
3. Vacation and sick leave pay
4. Payment under pension, profit sharing, bonus sharing, bonus plans or stock purchase plans
5. All automobiles
6. Mortgages
7. Accounts Receivable
8. Household goods
9. Personal effects
10. Funds [credited to the account of a decedent in accordance with] **held in an account in the name of a funeral director in trust for a decedent in accordance with the provisions of N.J.S.A. 2A:102-13 (advance funeral payment)**
11. Funds to a decedent's credit in a Credit Union plan organized under N.J.S.A. 17:13-26 et seq., in addition to any matching sums paid under any type of Credit Union plan in the form of a life insurance where said matching sum is directed to be paid to a decedent's estate or his executor or administrator.

However, funds held under the Federal Credit Union Act must be reported and a waiver obtained.

Any property, the transfer of which is not subject to first obtaining a waiver, must, nevertheless, be reported on a decedent's return.

Cross reference: N.J.S.A. 54:35-19.

N.J.A.C. 18:26-142 BLANKET WAIVER

Notwithstanding any other provision contained in these regulations, regarding the release of funds; any banking institution, trust company or safe deposit company organized under the laws of this State; national bank operating in this State; building and loan or savings and loan association in this State; or credit union chartered by the United States and operating in this state; corporation or person may release any amount up to 50% of the entire amount of funds on hand held on deposit, which belong to or stand in the name of a resident decedent or in the joint names of such decedent and one or more other persons, to:

1. An executor
2. Administrator
3. Legal representative of the decedent
4. Surviving joint tenant
5. Cestui que trust; or
6. The estate of a minor where title to said funds are held in the name of a custodian for said minor, without the written consent of the Director, upon the application of such proper party to the institution, association, organization, corporation or person above mentioned.

A. The provisions of this regulation apply to each institution, association or organization, corporation or person listed above with whom a decedent has any funds on deposit, including Certificates of Deposit, limited to no more than 50% of the funds in the entire account whether such account is held in the decedent's name only or jointly with another so that where the decedent holds an account jointly, only one half of the funds may be released, not the half claimed by a joint owner and an additional half of the funds belonging to the decedent.

B. In addition to the amount permitted to be released by an institution, association, organization, corporation or person abovementioned, in this regulation such institutions, associations, organizations, corporations, or persons may, without the written consent of the Director:

1. Pay any and all checks drawn on any account owned by a decedent individually, jointly, or otherwise, when said checks are issued prior to death and presented for payment within 10 days following the decedent's date of death; except that in the event an executor, administrator, or other proper party abovementioned in this regulation, shall apply for a release of 50% of the funds on deposit after 10 days from the decedent's death, the institution, association, organization, corporation, or person abovementioned in this regulation holding such funds shall after having deducted the amount of any checks issued prior to and presented for payment within 10 days of the decedent's death, release 50% of the balance in a decedent's account to the proper party upon application and without the written consent of the Director.

2. Pay any checks in any amount for which there are sufficient funds held in deposit, drawn on any account owned by a decedent individually, jointly or otherwise, representing full or partial payment of any N.J. Transfer Inheritance Taxes and made payable to the Treasurer, State of New Jersey.

3. Liquidate the loan of any decedent who has pledged the pass book representing a savings account as collateral for a loan, where upon the death of such a decedent the loan is in default and then make 50% of the remaining funds available under the blanket waiver, but

C. Securities of a New Jersey Corporation registered in the name of a decedent and issued by any bank, or savings and loan association situate in this State, are not subject to the Blanket Waiver rule provided for in this regulation; therefore, the written consent of the Director must be obtained in order to transfer or release such assets.

D. The Director reserves the right to direct, at any time that any sum or sums not yet paid over shall be withheld by the informant pending further order of the Director where that course is deemed imperative to protect the interest of the State.

Cross reference: N.J.S.A. 54:35-19.

N.J.A.C. 18:26-143 FUNDS HELD IN A BANKING INSTITUTION

Except as otherwise indicated in these regulations, unless a waiver is first obtained, no banking institution, trust company or safe deposit company organized under the laws of the State of New Jersey; national bank operating in the State of New Jersey; building and loan or savings and loan association organized under the laws of the State of New Jersey; credit unions chartered by the United States operating in the State of New Jersey; or corporation, or person may release or transfer any funds, securities, deposits or other assets belonging to or on deposit to the credit of a decedent whether held,

1. In the name of such decedent individually, as co-depositor, jointly, trustee, agent, cestui que trust, or in any other capacity, excepting when held as custodian for a minor pursuant to N.J.S.A. 46:38-1 et seq., [or in any other capacity]; or,

[2. As co-trustee with one or more persons in trust for a beneficiary under N.J.S.A. 46:38-1 et seq., upon the death of either of the trustees or the named beneficiary; or,]

[3.] 2. As rental security deposits under the provisions of N.J.S.A. 46:8-19 et seq.

A. Bank Accounts—Where funds are held on deposit in any banking institution to the credit of a person and payable on the death of such person, to a named beneficiary, upon the death of named beneficiary, no waiver is required to transfer or release such funds to the beneficiary upon the death of the principal.

B. Double Dollar Accounts—Where, upon the death of a decedent having funds on deposit to his credit, individually, in a joint account with right of survivorship of trustee account, in a banking institution located in New Jersey, there is credited to the account the proceeds of a life insurance contract, the consent of the Director is required to release the amount on deposit after crediting thereto the proceeds of the life insurance policy. In order to determine the taxability thereof, the type of account is to be indicated on the return.

Cross reference: N.J.S.A. 54:35-19.

N.J.A.C. 18:26-145 SAFE DEPOSIT BOXES

No safe deposit company, trust company, bank, or other institution may deliver or transfer any securities, deposits, or other assets contained in a safe deposit box within its control or possession which belongs to or stands in the name of a resident decedent or in the joint names of a resident decedent and one or more other person unless, after inspection, a release is obtained from the District Supervisor of the Transfer Inheritance Tax Bureau operating in the district where the safe deposit box is located.

A. Resident—Entry Prior to Inventory - Will - Deed to Cemetery Lots - Life Insurance Policy

1. A safe deposit box rented in the name of the decedent, individually or as a joint renter, is automatically sealed by the death of the decedent by law; however, the box may be opened in the presence of an officer or authorized employee of the bank and a proper representative of the estate for the purpose of ascertaining whether the contents include the decedent's last will and testament, a deed of a cemetery lot, or the insurance policies made payable to designated beneficiaries. If the contents include any of the above items, such items only may be delivered to the proper party in interest or the representative of the decedent's estate by the bank official present at the time of entry but there shall be completed at that time memorandum by the bank reciting the date of entry, a list of items removed and the address of the representative of the estate. The box is then resealed until inventoried by the District Supervisor.

2. Empty Box to Be Released — No inspection by the District Supervisor is required where, after entry to the safe deposit box for the purpose of locating and obtaining any of the items mentioned in paragraph (1) above, the box is found to be empty, in which event the written consent of the Director of the Division of Taxation is not required in order to effect the release and surrender of the box, provided a notice, in duplicate, containing the following information is filed with the District Supervisor having jurisdiction in the county of which the decedent died a resident, within ten days of the opening of the box.

a. Name of decedent, date of death, county of which decedent died a resident.
b. Box number, name of bank where located.
c. Name or names in which box was registered.
d. Name of official employee of bank present at opening of box.
e. Purpose for which box was entered.
f. Name, relationship to decedent and address of representative of estate, permitted access to box.
g. Certification that the box was found empty.
h. Date, and by whom, last entry was made.

3. Inventory by District Supervisor—The inventory of the contents of a safe deposit box must be made by the District Supervisor or other representative of the Transfer Inheritance Tax Bureau operating in the district where the box is located in the presence of a proper representative of the decedent's estate. Following the completion of the inventory, a release of the box is delivered by the District Supervisor to the bank, unless the contents include currency or negotiable securities, not necessitating waivers. In instances of that nature the District Supervisor shall exercise his judgment as to whether or not the box must be resealed pending the completion of the Inheritance Tax proceeding or the establishment of security for the payment of the Transfer Inheritance tax liability.

B. Deputies — A safe deposit box rented in the name of [decedent] **a person**, with right of access by a person named as deputy, may be released upon the death of the deputy without notice of release or inspection, provided the contract of rental includes a provision that said box shall not be used as a receptacle for the deputy's property.

C. Partnership—The contents of a safe deposit box rented in the names of a partnership is not subject to inspection upon the death of a partner and a release is not necessary.

D. Corporation—The contents of a safe deposit box rented in the name of a corporation is not subject to inspection upon the death of an officer or employee of the corporation having right of access thereto and a release is therefore not necessary.

E. Fiduciaries

1. Single—No inspection or release from the District Supervisor is necessary where a safe deposit box is rented in the name of one fiduciary as executor, administrator or trustee and the contents of this box are to be placed

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Transfer Inheritance Tax Rules—continued

under the control of a legally appointed substitute for the deceased fiduciary, or,

2. Joint—Where a safe deposit box is rented in the names of two or more fiduciaries as executors, administrators or trustees and the contents are placed under control of the surviving fiduciary or fiduciaries, no inspection or release from the District Supervisor is necessary.

F. Non-Resident Decedent—A box rented in the name of a non-resident decedent may be released without inspection or release; however, a bank official [may] must call for proof establishing the domicile of the decedent as of the date of death as set forth in Reg. 18:26-132B.

Cross reference: N.J.S.A. 54:35-20

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before December 31, 1970, to:

Transfer Inheritance Tax Bureau
Division of Taxation Building
West State and Willow Streets
Trenton, New Jersey 08625
Attention: Estelle M. Cohen
Telephone: (609) 292-5185

The Division of Taxation, Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as set forth without further notice.

Sidney Glaser
Acting Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF THE STATE LOTTERY STATE LOTTERY COMMISSION

Proposed Rules for State Lottery

The State Lottery Commission, pursuant to authority of N.J.S.A. 5:9-7(a), proposes to adopt rules and regulations for the establishment and operation of the New Jersey State Lottery.

The proposed rules and regulations set forth the types of lottery to be conducted, the prices of lottery tickets, the number and sizes of prizes to be awarded to holders of winning tickets, the manner of selecting winning tickets, the manner of payment of prizes to holders of winning tickets, the frequency of the selection of winning tickets, the licensing of agents to sell tickets, the method to be used in selling tickets, and the consignment of tickets to licensed sales agents.

Copies of the complete text of the proposed rules and regulations may be obtained from:

Office of the Director
Division of the State Lottery
West State and Willow Streets
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action to the State Lottery Commission at the above address, on or before January 1, 1971.

The State Lottery Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed rules and regulations without further notice.

Ralph F. Batch
Executive Director
State Lottery Commission
Division of the State Lottery

(b)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Interim Zoning Regulations Amended

On November 5, 1970, the Hackensack Meadowlands Development Commission, pursuant to authority of Chapter 404, Laws of 1968, (N.J.S.A. 13:17-1, et seq.) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted certain technical and clarifying amendments to the Interim Zoning Regulations, substantially as proposed in the Notice published October 8, 1970 at 2 N.J.R. 87(a) as follows:

Pg. 10—Sec. 5-118, line 4, delete "3" and insert "13".

Pg. 12—Sec. 6-103 (F), at the end of subsection, insert "; provided that a landfill operation which is being conducted as a necessary component of and incidental to the immediate construction of a specific building or structure, shall not be subject to the provisions of this Section."

Pg. 12—Sec. 6-104 (B), delete paragraph (c) and insert:

"(c) Multiple-family dwelling and single-family attached dwellings: 50 feet
(d) Other permitted uses and special exceptions: 75 feet"

Pg. 13—Sec. 6-202 (A), delete "except single family and two family dwellings."

Pg. 14—Sec. 6-203 (B), at the end of the Subsection, insert "; provided that a landfill operation which is being conducted as a necessary component of and incidental to the immediate construction of a specific building or structure, shall not be subject to the provisions of this Section."

Pg. 14—Sec. 6-204, delete subsection (A) and (B) and insert:

"(A) Minimum lot area
(1) Single-family detached and two-family dwelling: 5000 sq. feet
(2) Multiple-family and single-family attached dwellings: 1000 sq. feet per dwelling unit, but not less than 5000 sq. feet
(3) Other permitted and special exception uses: 15,000 sq. feet
(B) Minimum lot width:
(1) Single-family detached dwellings: 50 feet
(2) Two-family dwellings: 50 feet
(3) Multiple-family and single-family attached dwellings: 50 feet
(4) Other permitted uses and special exceptions: 75 feet."

Pg. 14—Sec. 6-205 (B) (2) (a), delete and insert:

"(a) Residential buildings: 10% of the lot width, but not less than 6 feet. Residential buildings which have the entrances to 2 or more units facing the side yard shall have a minimum side yard of 10 feet on the side of the building on which such entrances are located."

Pg. 15—Sec. 6-205 (B) (2) (b), delete "and conditional uses" and insert:

"uses and special exceptions"

Pg. 16—Sec. 6-303 (B), at the end of the Subsection, insert "; provided that a landfill operation which is being conducted as a necessary component of and incidental to the immediate construction of a specific building or structure, shall not be subject to the provisions of this Section."

Pg. 19—Sec. 6-402, at the end of this Section, add "(L) Warehouse for the storage of materials, goods or products and business offices accessory thereto."

Pg. 19—Sec. 6-403 (B), at the end of the Subsection, insert "; provided that a landfill operation which is being conducted as a necessary component of and incidental to the immediate construction of a specific building or structure, shall not be subject to the provisions of this Section."

Pg. 22—Sec. 6-503 (B), at the end of this Subsection, insert "; provided that a landfill operation which is being conducted as a necessary component of and incidental to the immediate construction of a specific building or structure, shall not be subject to the provisions of this Section."

Pg. 28—Sec. 7-602, at the end of the Section, add: "(C) Any applicant for a zoning certificate, special exception or variance, pursuant to this Resolution, shall upon request of the Office of Chief Engineer, submit proof that the proposed use is safe and not detrimental to the use or development of neighboring property in accordance with applicable district regulations."

Pg. 62—Sec. 13-202 after Subsection (D) add:

"(E) If the zoning lot is subject to the State's riparian interest as shown on a map issued by the Natural Resource Council, Department of Environmental Protection (formerly Resource Development Council, Department of Conservation and Economic Development) pursuant to the provisions of Chapter 404 of the Laws of 1968, a copy of one of the following:
(1) A copy of a duly executed riparian instrument releasing the State's interest.
(2) A copy of a duly executed permit authorizing the applicant to proceed with the placement of certain improvements.
(3) A final judgment rendered by a court of competent jurisdiction declaring that the State has no interest in the subject property."

Pg. 65—Sec. 13-209, line 6, delete "zoning administrator" and insert "Chief Engineer".

Pg. 67 — Sec. 13-403, at the end of the Section, add the following paragraph:

"Notwithstanding the provisions of this section, in cases of variances from the area and bulk requirements of this resolution, the Chief Engineer shall give notice, as required by law, but a public hearing on the matter shall not be required. Provided, however, that comments in writing, relative to an application may be submitted to the Office of Chief Engineer within 10 days of the receipt of notice. The Chief Engineer shall, in his discretion, call a public hearing on any matter he deems of sufficient importance or on which there has been substantial adverse comment filed relative thereof."

Pg. 68 — Sec. 13-405, line 2, delete "11-504 (A)" and insert "13-404".

Pg. 69—Sec. 13-407, after the first sentence of the Section, add the following sentence:

"In cases where a hearing is not required, the Chief Engineer shall render a written decision in not less than 10 nor more than 60 days from the date of receipt of notice."

Pg. 80—Sec. 14-109, at the end of the definition of "Landfill Operations" insert "; provided that the amount of lumber or wood shall not exceed 5% of volume."

Pg. 81 — Sec. 14-109, delete the definition of "Motor Freight Terminal" and insert in lieu thereof:

"Motor Freight Terminal:
A building or area in which the semi-trailers, including tractor and/or trailer units, and other trucks are parked, stored, and serviced, and where there may also be the assembly and/or storage of materials and goods."

Pg. 84 — Sec. 14-109, at the end of this Section insert:

"Warehouse:
A building in which materials and goods are stored and/or assembled."

Copies of the complete text of the Interim Zoning Regulations are available upon request from:

Hackensack Meadowlands Development Commission
Office of Chief Engineer
Box 85
Lyndhurst, New Jersey

An order adopting the above amendments was filed November 6, 1970 as R.1970 d.135.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

GOVERNOR'S MANAGEMENT COMMISSION RECOMMENDS REORGANIZATION OF EXECUTIVE BRANCH

On November 9, 1970, Governor William T. Cahill received the final report on the Executive Branch of New Jersey State government from the Governor's Management Commission. The 316-page report was prepared by a team of executives from leading New Jersey business firms, which also financed the study.

The report contains a detailed department-by-department analysis of the Executive Branch, together with recommendations for a complete reorganization which would consolidate the 17 existing executive departments into six new departments. Four of these new departments would be Administration, Planning and Control, Public Services, and Development, all headed by Secretaries. The Attorney General's department and the Secretary of State's function would be retained. However, the Secretary of State's administrative responsibilities would be transferred to other agencies. All statutory authority now vested in existing departments or other units of the Executive Branch would be vested in the six new departments.

Under the proposed plan, the Departments of Institutions and Agencies, Law and Public Safety, Treasury, Agriculture, Banking, Insurance, Public Utilities, Civil Service, State, Environmental Protection, and Labor and Industry would be either abolished entirely or substantially reconstituted and 11 new agencies created.

The objectives of the proposed reorganization include:

Reducing the Governor's span of control to manageable proportions,

Providing stronger management at the top level of government,

Eliminating duplication and promoting efficiency by realigning operating units into logical patterns of functional responsibility,

Centralizing certain interdepartmental functions,

Establishing centralized control of planning and program management,

Centralizing personnel control and decentralizing personnel administration,

Establishing effective work performance standards and management information systems, and

Providing for adequate program management at all levels of government where the State is involved.

The report is available at $25 per copy from:

Governor's Management Commission
109 West State Street
Trenton, New Jersey 08608

FEDERAL AID FOR LOCAL COMMUNITIES INFORMATION RETRIEVAL SYSTEM DEMONSTRATED

Local government officials were able to get on-the-spot information about federal aid for their communities through a modern information retrieval system demonstrated recently by the New Jersey Department of Community Affairs.

The system, consisting of an electronic typewriter connected through a telephone hookup to a computer in Boston, was displayed at the Department's exhibit booth at the Annual Conference of the New Jersey State League of Municipalities in Atlantic City from November 17-20.

Local officials were able to present their questions to a computer operator who fed the computer by typing a few key words that described who is applying for aid (city, school non-profit organization, etc.), what type of aid is needed (grant, loan, scholarship, etc.), what it is needed for (construction, planning, training, etc.) and the specific problem area (education, housing, recreation, etc.).

The system then did the rest. Through the telephone system, the information was referred to a master computer in Boston which, in a matter of seconds, sent back on the typewriter a list of the appropriate federal assistance programs. The officials could then ask additional questions for more specific information about each program.

Community Affairs Commissioner Edmund T. Hume expressed the hope that local government officials attending the conference would make an effort to utilize the computer at least once to determine whether it could be of assistance.

"It has long been apparent that many communities are not fully aware of the myriad federal assistance programs that could help them meet a wide variety of local needs," Hume said. "Through the use of this computer system, we are hopeful that local officials will be able to receive quick answers about available federal aid and information on how to receive it."

Hume said the Department decided to demonstrate the computer over the four-day convention in an effort to gauge its effectiveness. He said all local officials who used it will be asked to complete questionnaires on whether the system proved to be helpful and whether the Department should consider implementing this or a similar system as a regular State service to local governments.

The information system, a product of Applied Urbanetics, Inc., a Washington-based systems design firm, contains updated information about more than 1,300 federal aid programs.