

NEW JERSEY REGISTER



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(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Embargo on Importing of Horses

On July 20, 1971, the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and 4:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule establishing an embargo on horses imported into New Jersey from various states. This emergency rule supersedes a previous embargo placed on movement of horses from Texas only into New Jersey, which was effective July 16, 1971. That previous embargo was filed with the Division of Administrative Procedure July 19, 1971, as R. 1971 d.120 (Exempt, Emergency Rule).

The complete text of the emergency rule is as follows:

No horses from the states of Texas, Arkansas, New Mexico, Oklahoma and Louisiana will be permitted to be imported into New Jersey. This embargo is effective July 20, 1971, and until further notice.

An order adopting this embargo was filed and effective July 21, 1971, as R.1971 d.122 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Correction of Adopting Board's Name Regarding Termination of Hog Cholera Quarantine

Take notice that, in the Notice published July 8, 1971, at 3 N.J.R. 129(a), a reference was incorrectly made that the State Board of Health released certain areas in New Jersey from the hog cholera quarantine issued May 5, 1971. This should have read that the State Board of Agriculture made this release from the hog cholera quarantine rather than the State Board of Health.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Changes in Vaccination Period and Service Fee to Veterinary Practitioners For Brucella Vaccination

On July 2, 1971, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-76 through 4:5-93 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. (Vaccination) regarding changes in the vaccination period and service fee to veterinary practitioners for Brucella vaccination, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 98(a).

An order adopting these revisions was filed and effective July 2, 1971, as R.1971 d.105.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

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

On July 1, 1971, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 and 4:12A-20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the regulations concerning 60-day notice of intent to effect change in source of milk supply, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 98(b).

An order adopting these regulations was filed and effective July 1, 1971, as R.1971 d.103.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

NEW JERSEY REGISTER

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(a)

CIVIL SERVICE

THE COMMISSION

Revision of Rules on Evaluation

On July 13, 1971, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of its rules on evaluation, substantially as proposed in the Notice published June 10, 1971, at 3 N.J.R. 101(b).

An order adopting these revisions was filed and effective July 19, 1971, as R.1971 d.116.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

THE COMMISSION

Amendments to Rules On Execution of Relief

On July 13, 1971, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to its rules pertaining to execution of relief, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 101(a).

An order adopting these amendments was filed and effective July 19, 1971, as R.1971 d.117.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

THE COMMISSION

Revisions in Powers and Duties of Chief Examiner

On July 13, 1971, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions in its rules pertaining to the powers and duties of the Chief Examiner, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 100(b).

An order adopting these revisions was filed and effective July 19, 1971, as R.1971 d.118.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

CIVIL SERVICE

THE COMMISSION

Revise Definition of Veteran

On July 13, 1971, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions in its rules defining the term veteran, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 100(a).

An order adopting these revisions was filed and effective July 19, 1971, as R.1971 d.119.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Regulations for Construction and Maintenance Of Hotels and Multiple Dwellings

On June 24, 1971, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:-27D-21 and 55:13A-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the regulations for the construction and maintenance of hotels and multiple dwellings, substantially as proposed in the Notice published December 25, 1969, at 1 N.J.R. 28(a).

These amendments concern definitions, building limitations, fire protection construction requirements, means of egress, special uses and occupancies, light, heat, ventilation and glazing control, electrical equipment and wiring, fire detection and extinguishing equipment, acoustic control and maintenance provisions within the regulations.

Copies of the complete text of the amended rules may be obtained from:

Department of Community Affairs
Bureau of Housing Inspection
363 West State Street
Post Office Box 2768
Trenton, New Jersey 08625

An order adopting these amendments was filed and effective June 29, 1971, as R. 1971 d.101.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(f)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

Proposed Standard Specifications For Sealing Abandoned Wells

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 53:4A-4.1, proposes to adopt standard specifications for sealing abandoned wells. These specifications concern single-cased

wells, including rock wells, and double- or multiple-cased wells.

Copies of the text of these specifications may be obtained from:

Robert L. Solan
Chief, Bureau of Legal Services
Department of Environmental Protection
Room 809, Labor and Industry Building
John Fitch Plaza
Trenton, N. J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 26, 1971, to Robert L. Solan at the above address.

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

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES

Proposed Rules for Delineation Of Prohibited Areas for Water Division

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:4A-1, proposes to adopt certain rules and regulations which delineate certain areas in the State of New Jersey as "Protected Areas" where diversion of water exceeds natural replenishment.

The areas delineated are:

In Essex County:

The Cities of East Orange and Newark; the Towns of Belleville, Bloomfield, Irvington, Montclair and Nutley; the Borough of Glen Ridge and the Township of Cedar Grove.

In Hudson County:

The whole of Hudson County.

In Hunterdon County:

The City of Lambertville; the Boroughs of Frenchtown, Hampton, Milford and Stockton; and the Townships of Delaware, Holland and Kingwood.

In Morris County:

The Towns of Boonton and Dover; the Boroughs of Butler, Kinnelon, Lincoln Park, Netcong, Riverdale, Victory Gardens and Wharton; the Townships of Boonton, Den-ville, Jefferson, Montville, Pequannock and Rockaway.

In Passaic County:

The whole of Passaic County, beyond the Borough of Hawthorne which was delineated effective February 1, 1961.

In Sussex County:

The whole of Sussex County, beyond Sparta Township, northwest of the New York, Susquehanna and Western Railroad which was delineated effective June 15, 1964.

In Union County:

The City of Elizabeth, the remainder thereof lying east-erly of the main line of Penn Central Railroad.

In Warren County:

The whole of Warren County, beyond the Town of Hackettstown and a border strip one mile wide in the sur-rounding municipalities of the Townships of Allamuchy,

Independence and Mansfield which was delineated effec-tive May 18, 1961.

In areas so delineated, no person, corporation or agency of the public shall hereafter divert or obtain water from subsurface or percolating sources in excess of 100,000 gallons per day for any purpose, unless such person, cor-poration or agency of the public shall first obtain a permit for such withdrawal from the Division of Water Resources. Such permit may be refused, or if granted, may include such stipulations as may be necessary to conserve the surface and percolating waters of the State and prevent their exhaustion.

This action completes the delineation of the entire State of New Jersey as Protected Area under N.J.S.A. 58:4A-1.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 26, 1971, to:

Robert L. Solan
Chief, Bureau of Legal Services
Department of Environmental Protection
Room 809
Labor and Industry Building
John Fitch Plaza
Trenton, N. J. 08625

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

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES

Proposed Rules for Delineation of Flood Hazard Areas

Charles M. Pike, Director of the Division of Water Re-sources in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-50 et seq., pro-poses to adopt rules and regulations for the delineation of flood hazard areas.

Detailed technical investigations were made in order to develop sound criteria and procedures for the delineation of flood plains, flood hazard areas and floodways in con-junction with the State Flood Plain Management Program. The general procedure involves the selection of the design flood, the determination of the water surface elevations associated with the design flood, and the correlation of the elevations to the topography, thereby delineating the flood plains, flood hazard areas and floodways of this State.

Copies of the full text of the proposed rules and regula-tions may be obtained from:

Division of Water Resources
P.O. Box 1390
Trenton, New Jersey 08625

Written comments regarding the proposed rules and regulations may be filed on or before September 1, 1971, with the Division of Water Resources at the above address.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing to be conducted by the Water Policy and Supply Council

of the Division of Water Resources in their 11th floor hearing room of the Labor & Industry Building, Trenton, New Jersey, on Wednesday, September 1, 1971, at 10:00 a.m.

After full consideration of all submissions, the Water Policy and Supply Council in the Division of Water Resources, 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.

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

Proposed 1972 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 1972 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.

Copies of the full text of the proposed Fish Code may be obtained from:

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

Interested persons may present statements or arguments in writing or orally in person relevant to the proposed action at a public hearing to be held in the Auditorium, First Floor, State Health—Agriculture Building, John Fitch Plaza, Trenton, New Jersey, on Tuesday evening, September 14, 1971, at 8:00 p.m.

Written comments regarding the proposed action may be presented to the New Jersey Fish and Game Council on or before September 14, 1971, at the above address.

After full consideration of all submissions respecting the proposed action, 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.

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

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules Establishing Surface Water Quality Criteria

On June 30, 1971, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.

S.A. 13:1D-1 et seq. (P.L. 1970, c. 33) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rules and regulations establishing surface water quality criteria, substantially as proposed in the Notice published February 4, 1971, at 3 N.J.R. 24(a).

An order adopting these rules and regulations was filed and effective June 30, 1971, as R.1971 d.102.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

Revisions of Public Shooting And Fishing Grounds Regulations

On July 19, 1971 Russell A. Cookingham, Director of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of the public shooting and fishing grounds regulations as proposed in the Notice published June 10, 1971, at 3 N.J.R. 106(a).

An order adopting these revisions was filed and effective July 22, 1971, as R.1971 d.124.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELL FISHERIES

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

On July 19, 1971 Russell A. Cookingham, Director of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:4-63.3 and 23:4-63.4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of the rules on importation and possession of exotic or native mammals, birds, reptiles or amphibians, substantially as proposed in the Notice published June 10, 1971, at 3 N.J.R. 107(a).

An order adopting these revisions was filed and effective July 22, 1971, as R.1971 d.125.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Proposed Personnel and Program Standards Manual for Family Planning Services

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-1 et seq., proposes to adopt a Personnel and Program Standards Manual for Family Planning Services. The manual is concerned with personnel, medical procedures, additional services and facilities provisions of the medical standards for family planning services.

Copies of the text of the proposed manual may be obtained from:

Dr. Bernard N. Millner
Director, Parental and Child Health Services
State Department of Health
P.O. Box 1540
Trenton, N. J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 25, 1971 to the Department of Health at the above address.

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

James R. Cowan
Commissioner
Department of Health

(b)

HEALTH

DIVISION OF COMMUNITY HEALTH SERVICES

Proposed Revisions to Administrative Manual for the State Health Aid Act

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-1 et seq., proposes to revise paragraphs 1.3.2., 1.3.3. and 1.3.4. of Chapter I of the Administrative Manual for the State Health Aid Act. The text of these revisions is as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

CHAPTER I

Paragraph 1.3.2.

When a Certified Health Service is selected that requires Public Health Nurse or School Nurse time, compliance with the Certified Health Service "Provide public health nursing administration" is mandatory.

[An exception to this may be allowed when the following Certified Health Services are selected to be conducted on a one-time basis:

- Provide a tuberculosis detection program;
- Provide diabetes control services;
- Provide eye health screening services;
- Provide an audiometric screening program.

The program plan for the Certified Health Service will be reviewed by the District Consultant Public Health Nurse and Central Program personnel to determine if the exception will be permitted].

Paragraph 1.3.3.

[Subsequent to January 1, 1971 Home Health Agencies in New Jersey may be certified as such on the basis of nursing standards less stringent than those prescribed for State Health Aid participants; State Health Aid will require the higher standards relating to qualified direction and supervision for nursing personnel. For Home Health Agencies performing Certified Health Services this requirement will be mandatory after June 30, 1971].

Subsequent to January 1, 1972 all local health agencies participating in State Health Aid must comply with the program standards of the Certified Health Service, "Establish the administrative apparatus to manage the activities of the local health agency." These program standards are not beyond what is essential for the maintenance of a local health agency employing a full-time Health Officer.

Paragraph 1.3.4.

When a local health agency or other agency providing nursing [direction] Supervision loses the services of its nurse [Director] Supervisor, State Health Aid may be continued for not longer than six months. If the [Director] Supervisor of Nursing is not replaced within that time, State Health Aid for those Certified Health Services requiring nursing time will be discontinued. Balances in these services may be transferred to other Certified Health Services.

Paragraph 1.5.2.

For Calendar Year [1971] 1972 this "annual expenditures for health purposes" will be interpreted to mean that sum expended by a local health agency for health purposes excluding any sum paid to the local health agency as State Health Aid.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 25, 1971, to:

John Harrison, V.D.M.
Director, Health Aid Services
Division of Community Health Services
New Jersey State Department of Health
P.O. Box 1540
Trenton, New Jersey 08625

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

James R. Cowan
Commissioner
Department of Health

(c)

HEALTH

DIVISION OF COMMUNITY HEALTH SERVICES

Proposed Revisions Regarding Certified Health Services

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-1 et seq., proposes to revise certain rules pertaining to the certified health services of the State Health Aid Act. These revisions concern administration, maternal, child health and chronic illness functional activities and two new certified health services on comprehensive ambulatory health care for infants and children, and alcoholism.

The proposed revisions are as follows: (Additions indicated in boldface thus; deletions indicated in brackets [thus]):

Functional Activity — ADMINISTRATION

Certified Health Service—Provide Public Health Nursing Administration

Program Standard 4

Establish a professional advisory body composed of at least three licensed physicians and a registered nurse, qualified as a public health nurse director or supervisor which establishes medical policies and maintains liaison with the medical society and individual physicians.

Personnel Standards

[Director of Public Health Nursing Service]

Public Health Nurse Supervisor(s)

Functional Activity—MATERNAL AND CHILD HEALTH

Certified Health Service—Provide Family Planning Information and Services to Those Who Voluntarily Participate in a Program

Program Standards

Provide family planning services based upon the recommendations contained in the current New Jersey State Department of Health publication "New Jersey Standards for Family Planning Services, Personnel and Program Standards."

Functional Activity—CHRONIC ILLNESS

Certified Health Service—Provide Diabetes Control Services

Program Standard 4

Follow-up positive screenees to ensure confirmative diagnostic tests and therapy to include diagnosis and therapy of foot problems, if indicated.

Personnel Standards

Physician; Public Health Nutritionist and/or Diet Counselor; Public Health Nurse and Podiatrist as needed.

COMPREHENSIVE AMBULATORY HEALTH CARE FOR INFANTS AND CHILDREN

Certified Health Service

Provide comprehensive ambulatory health care for children in the Child Health Conference.

Program Standards

1. Expand the role of the child health conference beyond the care of healthy children of preschool age, to include the care of these children and older children, in illness and in health.

2. Provide through agreement with a community health facility, i.e. hospital or health center, for 24 hour emergency coverage for patients registered with the program.

3. Provide for examination, immunization, laboratory studies, diagnosis, and treatment to all registered infants and children without age group limitation.

4. Provide follow-up at the program site or through a referral system that will utilize other community medical resources.

5. Provide for consultation services with a nutritionist, health educator, social worker, or other ancillary medical personnel, as required.

6. Provide for home visits by public health nurses and community health aides, as needed.

Personnel Standards

Physician; Public Health Nurse(s)

ALCOHOLISM CONTROL

Certified Health Service

Provide an educational program for alcoholism control.

Program Standards

1. Identify and establish objectives and priorities.

2. Involve local leadership in community action:

a. Develop local interest and support in problems of alcoholism control.

b. Maintain liaison and coordinate activities with other control agencies, official and voluntary.

3. Provide and support programs of public and professional information and education:

a. Develop educational materials.

b. Provide consultation and support to other control agencies.

c. Establish a speakers bureau.

4. Promote and support prevention and treatment activities approved by the New Jersey State Department of Health.

Personnel Standards

Health Officer; person(s) experienced in alcoholism control activities.

A hearing on the proposed provisions will be held by the Public Health Council on September 13, 1971, at 9:30 a.m. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey. Interested persons may present statements or arguments in writing relevant to the proposed action prior to the hearing to:

John Harrison, V.D.M.

Director, Health Aid Services

Division of Community Health Services

New Jersey State Department of Health

P.O. Box 1540

Trenton, New Jersey 08625

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

James R. Cowan

Commissioner

Department of Health

(a)

HEALTH

DIVISION OF LABORATORIES AND EPIDEMIOLOGY

Proposed Revisions to Chapter 10 Of the State Sanitary Code

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-7, proposes to revise Regulations 7.4, 8.2, 9.6, 9.9 and 10.2 of Chapter 10 of the State Sanitary Code. Regulations 7.4, 8.2(d), 8.2(e) and 9.6(k) would be additions to Chapter 10 of the State Sanitary Code, while it is proposed that the present Regulations 9.9 and 10.2 be deleted and new regulations for 9.9 and 10.2, described below, be adopted in place thereof.

The text of the proposed revisions is as follows:

Regulation 7.4

Any known or presumed case of transfusion-associated hepatitis brought to the attention of a blood bank shall be reported to the Department on forms provided for this purpose. Similarly, all prospective donors found to test positive for Australia antigen shall be considered ineligible for subsequent donations so long as they continue to be identified on current lists of interdicted donors supplied by the Department and shall be reported to the Department on forms provided for this purpose.

Regulation 8.2

(d) The donor shall not be an inmate of any institution in the State, whether it be for penal, correctional or custodial care, mental illness, chronic illness, mental deficiency, etc., without the express permission, in writing, of the Department. This provision shall in no way be construed as limiting eligibility of resident students of colleges in the State or personnel of short-term care hospitals to serve as blood donors.

(e) The donor shall not be listed in the latest revision of publications supplied to the blood bank by the Department identifying him or her as one who is interdicted from serving as a donor.

Regulation 9.6

(k) Serological test for hepatitis used and result.

Delete Regulation 9.9 and replace with the following:

The collection, processing, storage and distribution of frozen blood and plasma components shall be in accord with the regulations of the U.S. Public Health Service and the recommendations of the American Association of Blood Banks and meet with the approval of the State Department of Health.

All units of blood or plasma found to test positive for Australia antigen shall not be issued for transfusion or for the preparation of components or fractions. Sale or exchange of such material positive for Australia antigen shall not be made without the express permission, in writing, of the Department.

Blood banks providing frozen blood and plasma components shall:

(a) supply an information circular with each product explaining its proper indications and usage (thawing, dosage, lability, side reactions, hazards, etc.);

(b) provide accurate expiration dates and hours on the container label for all blood and plasma components;

(c) not accept back for redistribution frozen blood, or frozen or labile plasma components, if the units have been thawed or expired.

Delete Chapter 10 Regulation 10.2 and replace with the following:

Regulation 10.2 Serological Tests

(a) Syphilis — Every specimen shall have a serological test for syphilis which is acceptable to the State Health Department. The blood shall not be used for transfusion purposes unless the results of the test(s) are clearly negative. The label on the unit of blood shall indicate the type of serological procedure and the results in each case.

(b) Hepatitis — Every specimen shall have a serological test for hepatitis which is acceptable to the State Health Department. The blood shall not be used for transfusion purposes unless results of the test(s) are clearly negative, except where delay occasioned by testing may result in a serious threat to the health and well-being of the recipient. The label on the unit of blood shall indicate the type of serological procedure and the results in each case. In instances where untested units are to be used in an emergency, the treating physician shall attest in writing to his knowledge of and consent for the abbreviated procedure.

A hearing on the proposed new regulations will be held by the Public Health Council on September 13, 1971, at 10:00 a.m. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

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

Martin Goldfield
Assistant Commissioner
Division of Laboratories and Epidemiology
New Jersey State Department of Health
P.O. Box 1540
Trenton, New Jersey 08625

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

James R. Cowan
Commissioner
Department of Health

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Proposed Revisions of Manual of Operation Standards for Long-Term Care Facilities

The State Board of Control, pursuant to authority of N.J.S.A. 30:11-1 et seq., proposes to adopt a revised Manual of Operation Standards for Long-Term Care Facilities. The proposed manual shall be applicable to all existing and new facilities licensed or approved as a long-term care institution under the provisions of N.J.S.A. 30:11-1 et seq.

Copies 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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 25, 1971 to the Office of the Commissioner at the above address.

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

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions in Hospital And Special Hospital Manuals

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the New Jersey Health Services Program Hospital and Special Hospital Manuals concerning non-covered inpatient hospital services as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

202.9 Services Rendered After Day Medically Necessary

Inpatient hospital services rendered after the day it is medically necessary, except when special circumstances prevent the discharge or transfer of the patient. [Authorization must be obtained from the Local Medical Assistance Unit for reimbursement of additional hospital stay.]

NOTE: The Contractors may reimburse a hospital up to 12 calendar days following the period established as being medically necessary if special circumstances (social necessity) prevent the discharge or transfer of the patient to his/her home, sheltered boarding home or intermediate care facility, and the hospital has taken effective action to stimulate placement of the patient.

Effective action is defined as telephone notification to the County Welfare Board, Bureau of Children's Services District Office or other responsible officials, within one working day of the time that the stay has been determined to be no longer medically necessary. This telephone contact must be then confirmed in writing.

A copy of the written notification must be submitted with all claims for which reimbursement is claimed for special circumstances (social necessity).

Payment for special circumstances (social necessity) is specifically precluded for:

a. Patients awaiting placement in an Extended Care Facility. Exception: Payment for three calendar days of inpatient hospital services after the date the hospital utilization review committee notifies the attending physician and patient that further stay is not medically necessary is allowed if effective action as defined above is demonstrated.

b. Patients awaiting placement in a Skilled Nursing Home.

c. Patients for whom a claim has been denied for lack of medical necessity.

d. Patients who were not eligible recipients as of the date of admission.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1971, to:

Division of Medical Assistance
and Health Services
36 West State Street
Trenton, New Jersey 08625

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Changes in Medical Assistance Manuals Regarding Definition of a Qualified Physical Therapist

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to amend Section 200.3, Home Health Manual; Section 209.1(b), Hospital Manual; Section 200.3, Inde-

pendent Clinic Manual; Section 211.2, Physician's Manual; and Section 209.1, Special Hospitals Manual, defining "Qualified Physical Therapist" as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

"A qualified physical therapist is [a graduate of a program of physical therapy approved by the Council on Education of the American Medical Association, or its equivalent, and where applicable, is licensed or registered by the State.] one who:

1. Has graduated from a physical therapy curriculum approved by—

a. The American Physical Therapy Association; or
b. The Council on Medical Education and Hospitals of the American Medical Association; or

c. The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

2. Prior to January 1, 1966—

a. Has been admitted to membership by the American Physical Therapy Association; or

b. Has been admitted to registration by the American Registry of Physical Therapist; or

c. Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

3. If he is currently licensed or registered to practice physical therapy pursuant to State law, he:

a. Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

b. Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

4. If trained outside the United States—

a. Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

b. Is a member of a member organization of the World Confederation for Physical Therapy; and

c. Has completed one year's experience under the supervision of an active member of the American Physical Therapy Association; and

d. Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association."

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1971, to:

Division of Medical Assistance
and Health Services
36 West State Street
Trenton, New Jersey 08625

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments to Podiatry Services Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposed to amend the New Jersey Health Services Program Podiatry Manual as follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

211. MULTIPLE VISITS—OUT OF OFFICE

Podiatry services rendered in a residential or medical facility (i.e., Hospital, Nursing Home, Extended Care Facility, etc.) must be based on referral by the attending physician.

Multiple visits to patients in the same health facility or congregate living arrangement will be reimbursed on an out-of-office visit basis for the [first patient seen] initial visit to each patient, and on an office visit basis for each [additional covered person receiving services on the same occasion] subsequent visit to each patient receiving services.

213.2F QUANTITY OF MEDICATION

The quantity of medication prescribed should provide a sufficient amount of medication necessary for the duration of the illness or an amount sufficient to cover the interval between visits, but may not exceed a 60-day supply.

[Commonly used sustaining drugs required continuously] Any drug used continuously (i.e., daily, three times daily, every other day, etc.) for 14 days or more is considered to be a sustaining drug or maintenance medication and should be prescribed in sufficient quantities to treat the patient for up to 60 days.

In long term Medical Care Facilities (i.e., Skilled Nursing Home, Infirmary Section of Home for the Aged, or Public Medical Institution), if the quantity of sustaining drug or maintenance medication is not indicated in writing by the prescriber, the pharmacy provider must dispense a minimum of 100 tablets or capsules, a pint, or a 30 day supply, whichever is less.

EXCEPTIONS: 1. Oral antibiotics, oral penicillin and oral penicillin derivatives may not be prescribed for more than a ten (10) day supply.

204.3 ROUTINE FOOT CARE

Routine foot care includes the cutting or removal of corns, warts [other than those on the plantar surface of the foot] or calluses, the trimming of nails, routine hygienic care, and any other routine-type care of the feet. "Routine hygienic care" includes hygienic and preventive maintenance care of the feet, of the type which is ordinarily within the realm of self-care, such as observation and cleansing of the feet, use of skin creams to maintain skin tone of both ambulatory and bedfast patients, prevention and reduction of corns, calluses and warts [other than those on the plantar surface of the foot,] and any services performed in the absence of localized illness, injury or symptoms involving the foot. "Other routine type care" includes any other part of foot care, in addition to those examples of non-covered routine hygienic care specified above, which are ordinarily expected to be within the realm of self-care.

The importance of preventive or hygienic care for pa-

tients with a systematic illness such as peripheral vascular disease, diabetes, or with severe physical disability is recognized. These will be considered on an individual basis by the Podiatry Consultant.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1971, to:

Division of Medical Assistance
and Health Services
36 West State 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 this action substantially as proposed without further notice.

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to General Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq., proposes to delete in its entirety the General Assistance Budget Manual 2.300A (Revised May 1, 1967) and adopt in place thereof a new General Assistance Budget Manual 2.300A. The new manual establishes the public assistance allowances for individuals and families, methods for evaluating the resources available to such persons, and procedures for determining the amount of the assistance.

Copies of the text of the proposed manual may be obtained from:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 26, 1971 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 person, may thereafter adopt the manual substantially as proposed without further notice.

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions in Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise certain portions of the Manual of Administration for the Division of Public Welfare concerning relationships between the Bureau of Children's

Services District Offices and the County Welfare Boards.

The proposed revisions pertain to a statement of understanding (Section 2883.), general principles (Section 2883.1), emergency placement by County Welfare Board (Section 2883.2), guardianship (Section 2883.3), WIN program (Section 2883.5), requests to return unattached child to New Jersey (Section 2883.6), request to return runaway ADC child (Section 2883.7) and referrals between BCS and CWB (Section 2883.8) regarding the rules governing the relationships between the Bureau of Children's Services District Offices and the County Welfare Boards.

Copies of the complete text of these revisions 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 August 26, 1971, to 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 revisions substantially as proposed without further notice.

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to Manual of Administration on Public Assistance

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Section 2003.2 (Public Assistance in New Jersey Includes Seven Programs) of the Manual of Administration of the Division of Public Welfare.

The complete text of the revisions is as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

2003. Public Assistance Defined

[.2 Public Assistance in New Jersey Includes Seven Programs

There are six categorical programs: Assistance for the Blind, Assistance for Dependent Children, Disability Assistance, Medical Assistance for the Aged, Old Age Assistance and the Cuban Refugee Program. The seventh program is General Assistance, which provides for those needy persons who are not eligible for categorical assistance. This Manual, however, provides official State policy and procedure for only five categorical programs: Assistance for the Blind, Assistance for Dependent Children, Disability Assistance, Old Age Assistance and Cuban Refugee Program. Separate manuals are maintained for Medical Assistance for the Aged. General Assistance is governed by separate regulations issued in a different format.

The statutes governing AB, ADC, DA and MAA provide that with certain specified exceptions these programs shall be subject to the same principles and policies as are stated in the statute governing OAA (Title 44, Chapter 7 of the Revised Statutes). This is accomplished by references to R.S. 44:7 appearing in each of the other statutes;

and by defining "old age assistance" to include all other programs of categorical assistance established or to be established.]

.2 Public Assistance Programs in New Jersey

a. Categorical

There are four categorical programs in New Jersey: Old Age Assistance, Disability Assistance, Assistance for Dependent Children and Assistance for the Blind.

b. Other Programs

There are three other programs available in New Jersey for those individuals or families meeting specific requirements.

1) Assistance to Families of the Working Poor

The program of Assistance to the Families of the Working Poor (AFWP) provides financial assistance and other services under specific eligibility provisions to families with children in which both parents who are ceremonially married to each other are present in the home and are the natural or adoptive parents of such children but where there is inadequate income or resources for the support of the family.

2) Medical Assistance for the Aged

Medical Assistance for the Aged provides payment for hospitalization, nursing home care or home health care because of continuous confinement at home to aged persons who might otherwise forego such services or become financially dependent in the course of obtaining them.

3) General Assistance

The General Assistance program provides for those needy persons who are not eligible for any assistance program administered by the county welfare board.

There are separate manuals for each of these programs.

c. Related Programs

There are four related programs.

1) The Medical Assistance program (Medicaid)

The Medical Assistance Program (Medicaid) established by Chapter 413, P.L. 1970, and administered by Division of Medical Assistance and Health Services, provides for the payment of claims for and evaluation of health services. Eligibility is limited to persons who are receiving or who are eligible to receive categorical assistance, Assistance to Families of the Working Poor, and to persons related as spouse or children to recipients of categorical assistance. Certain children under the supervision of BCS are also eligible for the program.

2) Food Stamp Program

The Food Stamp program is a joint responsibility of the United States Department of Agriculture and the Division, the purpose of which is to increase the food purchasing power of low income households and thus improve the dietary adequacy of such families.

3) Work Incentive Program

The Work Incentive program (WIN) is a joint responsibility of the State Department of Labor and Industry and the Division, the purpose of which is to place in employment or train for employment appropriate recipients of the ADC program.

4) Cuban Refugee Program

The Cuban Refugee program is a Federally-funded program for individuals who left Cuba on or after January 1, 1959 and who meet specified eligibility requirements. (See 2980.)

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before August 26, 1971, to:

Division of Public Welfare
129 E. 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 revisions substantially as proposed without further notice.

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to Manual of Administration Regarding Federal Assistance Program for Cuban Refugees

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt revisions to the Manual of Administration of the Division of Public Welfare regarding the Federal Assistance Program for Cuban Refugees.

The proposed revisions update the policy and procedures relating to the Federal Assistance Program for Cuban Refugees and pertain to Section 2980 through 2989 of the Manual of Administration.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 26, 1971, to 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 revisions substantially as proposed without further notice.

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Changes in Pharmaceutical Services Manual

On July 9, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted changes in the Pharmaceutical Services Manual, substantially as proposed in the Notice published June 10, 1971, at 3 N.J.R. 108(b).

An order adopting these changes was filed and effective July 16, 1971, as R.1971 d.114.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Changes in Physician's Services Manual

On July 9, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted changes in the Physician's Services Manual, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 109(a).

An order adopting these changes was filed and effective July 16, 1971, as R.1971 d.115.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

INSURANCE

THE COMMISSIONER

Advisory Opinion Regarding Chapter 152, P.L. 1971 (A-2168)

On June 24, 1971, Robert L. Clifford, Commissioner of Insurance, pursuant to authority of N.J.S.A. 52:14B-8, rendered an advisory opinion to the presidents, agents and brokers of various insurance companies within New Jersey regarding Chapter 152, P.L. 1971 (A-2168). This opinion is for the sole purpose of informing the industry of current Departmental thinking and should not be considered a final determination by the Insurance Department.

The full text of the advisory opinion follows:

As used in the Act, "broker of record" contemplated one other than an agent of an insurer. In other words, one who acts principally on behalf of the insured and is his representative. In the event of cancellation of a policy by the insured, either by direct request or constructively by non-payment of premium, the "broker of record" is deemed to have earned his full commission at the time coverage was bound.

The termination of an agent who is salaried without commission, or has agreed to exclusively represent one company, or has been terminated for insolvency, abandonment, gross and willful misconduct, failure to pay over to the company moneys due it or revocation of license by the Commissioner, does not abrogate the company's obligation to renew the insured who meets the company's current underwriting standards.

In the event an insured of such terminated agent meets current underwriting standards and requests renewal, the company shall renew through an active agent of the company. This business should be segregated from the regular account of the active agent in a way similar to the segregation of "assigned risk" business. If this procedure is adopted, there should be no adverse effects on the active agent's loss ratio.

It is contemplated that procedures may be adopted to permit companies to write such insureds directly. However, until such procedures are adopted, direct writing of a terminated agent's business is prohibited, prior bulletins of the Insurance Department notwithstanding.

Notice of non-renewal to an insured of a terminated agent, for all lines of business is 60 days; 20 days notice of non-renewal must be given to private passenger policyholders of an active agent; 30 days notice of non-renewal must be given all other policyholders of an active agent; 10 days notice of cancellation is required in the event of non-payment of premium for all kinds of insurance; 20 days notice of cancellation is required for private passenger automobiles in the event of license revocation or suspension; 30 days notice of cancellation is required for all kinds of insurance other than private passenger and for reasons other than set forth above. From the foregoing, it is apparent that the Department will seek uniform 60-day non-renewal legislation. Similar legislation governing cancellations would also be in order.

All non-renewals, regardless of the agent's status, must set forth the factual basis and underwriting standard upon which such non-renewal is based.

Private Passenger Automobile Policies which are of the direct bill or machine type result in the application being prepared by the insured. Incorrect or inadequate underwriting information so furnished may be grounds for termination of coverage by the company in a proper case. However, as there are certain inherent difficulties in utilizing the postal service, the insured should be given a reasonable opportunity to clarify underwriting information or respond to the company's inquiries. The procedures of a company should not be designed with a view to circumventing the clear legislative intent of Ch. 152.

Inter-relationships between Ch. 152 and the "assigned risk plan" purportedly result in an inequitable assignment to the company in certain unique situations. I am of the opinion that such situations will be rare and the alleged injury to the company inconsequential. If I am proved wrong, prompt steps will be taken to amend the plan.

Robert L. Clifford
Commissioner
Department of Insurance

NOTE: This Notice is published for public information purposes only and has not been processed by the Division of Administrative Procedure according to the filing procedures established for proposed or adopted rules by the applicable provisions of the Administrative Procedure Act of 1968.

(a)

INSURANCE

THE COMMISSIONER

Certification of Previous Directive Pertaining to Cancellation Notices

On July 2, 1971, W. Morgan Shumake, Acting Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:29C-1 et seq., certified to Honorable Raymond H. Bateman, President of the Senate, and Honorable Barry T. Parker, Speaker of the House, that the need for orderly continuation or replacement of necessary fire and casualty insurance coverage, excluding accident and health coverage, continues to exist. To facilitate such orderly continuation or replacement, he further certified the continuing need for the Directive of the Commissioner of Banking and Insurance dated July 3, 1968, ordering that all fire and casualty policies of insurance, except accident and health policies, shall provide for the issuing company to give:

1. Thirty days' written notice to the assured of the cancellation of any policy.
2. Thirty days' written notice of cancellation of any policy to any mortgagee mentioned in said policy; and
3. Thirty days' written notice to the assured of said company's intent not to renew any policy.

Notices of cancellation providing less than thirty days' notice issued by any company doing business in New Jersey to be effective on or after July 3, 1971, will be null and void and the provisions of the Directive shall obtain.

W. Morgan Shumake
Acting Commissioner
Department of Insurance

NOTE: This Notice is published for public information purposes only and has not been processed by the Division of Administrative Procedure according to the filing procedures established for proposed or adopted rules by the applicable provisions of the Administrative Procedure Act of 1968.

(b)

LABOR AND INDUSTRY

DIVISION OF LABOR

BUREAU OF MIGRANT LABOR

Proposed Regulations Regarding Field Sanitation

Ronald M. Heymann, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:9A-39, proposes to adopt Chapter 102 of Title 12 of the New Jersey Administrative Code pertaining to the furnishing of drinking water and toilet facilities to seasonal farm workers while working in the fields.

This Chapter concerns rules and regulations pertaining to definitions, drinking water, privies or other toilet facilities and facilities for the washing of hands.

Copies of the text of the proposed regulations may be obtained from:

Department of Labor and Industry
Bureau of Migrant Labor
P.O. Box 2039
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 25, 1971 to the Department of Labor and Industry at the above address.

Interested persons may also present statements or arguments orally or in writing at a public hearing to be held in Room 1304, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10:00 a.m., on Wednesday, August 25, 1971.

Any person wishing to present statements or arguments at the hearing 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 transcript of testimony will be made by a certified court reporter and any person desiring a record of the transcript may make arrangements with the reporter to purchase a copy.

Following full consideration of all submissions respecting

the proposed action, the Department of Labor and Industry, upon its own motion or at the instance of any interested party, may thereafter adopt the regulations substantially as proposed without further notice. The Commissioner proposes to adopt these regulations to become effective September 5, 1971.

Ronald M. Heymann
Commissioner
Department of Labor and Industry

(a)

LAW AND PUBLIC SAFETY

DIVISION OF STATE POLICE

Proposed Rules Governing Security Systems for Firearms Dealers

Colonel David B. Kelly, Superintendent of the New Jersey State Police in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 2A:151-1, et seq., proposes to adopt the following rules governing security systems for firearms dealers.

The full text of the proposed rules reads as follows:

SECURITY SYSTEMS FOR FIREARMS DEALERS

FOREWORD

Chapter 54, Title 13 of the New Jersey Administrative Code, promulgated by the Superintendent of State Police, Department of Law and Public Safety, pursuant to authority delegated in N.J.S.A. 2A:151-1 et seq., and filed with the Office of the Secretary of State on August 19, 1969, requires each retail dealer of firearms and each registrant as a wholesale dealer and/or manufacturer of firearms to install a security system for the prevention and detection of the theft of firearms and ammunition from the business premise.

DEFINITIONS

The word dealer as hereinafter used shall include retail as well as wholesale dealers and shall also include manufacturers of firearms.

A. THE SECURITY SYSTEM PLANS SELECTED BY A DEALER SHALL BE REVIEWED FOR APPROVAL BY THE SUPERINTENDENT OF STATE POLICE.

The dealer shall submit a plan of the selected security system to the Superintendent of State Police. Upon approval of such plan by the Superintendent, the dealer shall install such system within 180 days of the date of such approval.

A plan that is not approved will be returned to the applicant along with the reasons for such rejection. The applicant shall submit a revised plan within 60 days of the date of rejection of the original plan.

All security systems shall be subject to inspections by a member of the Division of State Police. If at any time the system is found to be defective, the dealer will be required to make the necessary repairs or adjustment without undue delay to correct the defect.

Failure of a dealer to comply with any of the security standards may result in the revocation of the license of such dealer.

B. SYSTEMS TO DETECT UNLAWFUL ENTRY AND PROTECTION OF FIREARMS IN A BUSINESS PREMISE.

The following general list of approved security systems has been formulated as a guide to the firearms dealer,

any one of which may be acceptable upon investigation and approval by the Superintendent of State Police.

1. Audible Signaling.

An alarm system designed to activate a bell, gong, horn or siren located on the outside of the business premise which is audible for a minimum distance of 500 feet.

(System must be equivalent to the minimum standards as outlined in Section C).

2. Silent Alarm.

Silent alarm system capable of automatically transmitting an alarm to a constantly attended central station alarm company and/or to a police department headquarters providing full-time service. (System must be equivalent to the minimum standards as outlined in Section C).

3. Watchman or Security Guard.

A watchman or security guard on duty during non-business hours.

4. Vault or Safe.

All firearms secured in a vault or safe during non-business hours.

5. Other Systems.

A system other than those listed above proposed by a dealer which is acceptable by the Superintendent of State Police.

C. MINIMUM REQUIREMENTS FOR INSTALLATION OF A TAPE, CONTACT OR INVISIBLE RAY ALARM SYSTEM. (Grade III Installation, Underwriter's Laboratory, Inc.)

Such system must:

(1) Completely protect all accessible windows (except stationary show windows), doors, transoms, skylights and other openings leading from the premises;

or

(2) Protect with contacts only, all movable accessible openings leading from the premises and provide one or more invisible rays or channels of radiation, with the minimum overall length of the rays or radiation equivalent to the longest dimensions of the area or areas to detect movement through the channel at a rate of one step per second;

or

(3) Protect with contacts only, all doors leading from the premises and provide a system of invisible radiation to all sections of the enclosed area so as to detect movement. The system shall respond to the movement of a person walking not more than four consecutive steps at a rate of one step per second.

D. INTERNAL SECURITY OF FIREARMS AND AMMUNITION.

In addition to the alarm system, a dealer shall be required to provide for the internal security of firearms and ammunition. The following is a list of approved internal security methods for the safeguarding of firearms and ammunition during non-business hours. A dealer may select the method(s) which is most compatible with his type of operation:

1. Shotguns and rifles secured in a rack equipped with a locking device such as a metal bar or a steel cable.

2. Firearms and ammunition secured in a metal cabinet equipped with a locking device.

3. Firearms and ammunition secured in a heavy gauge mesh wire cage equipped with a locking device on the door(s).

4. Firearms and ammunition secured in a safe or vault.

5. Metal bars on all windows and on glass portion of door(s).

6. Other method proposed by a dealer which is approved by the Superintendent of State Police.

The method(s) selected by a dealer shall be included in the Security System Form SBI-61.

Any other building(s) where firearms and/or ammunition are stored shall be subject to the same security requirements as applicable to a business premise.

E. REPORT CONCERNING THEFT OF FIREARMS.

1. Dealers are required to complete form SBI-62 and such other forms as shall be required by the Superintendent of State Police, reporting the loss of firearm(s) and/or ammunition, as a result of a burglary, robbery, or any other cause, from the business premise. The dealer shall forward the completed form to the Superintendent of State Police within forty-eight (48) hours of the loss or theft of firearm(s) and/or ammunition. The police department where the business is located shall be notified by the dealer of the theft or loss of firearm(s) and/or ammunition as soon as such loss or theft is discovered.

2. A complete description, including the type, make, model, barrel-length, calibre and serial number of the stolen/missing firearm(s) shall be given to the investigating police department.

3. Failure of the dealer to comply with any of the above requirements may result in the revocation of the license of such dealer.

F. REGULATIONS DURING A CIVIL DISTURBANCE OR DECLARED EMERGENCY PERIOD.

1. In the interest of the public health, safety and welfare, firearms dealers shall discontinue the sale of firearms and ammunition upon notification by the Superintendent of State Police or the Chief of Police of the Municipality where the firearms dealers' business is located, that a civil disturbance or other emergency exists. Those businesses affected shall not resume the sale of firearms or ammunition until such time as the Superintendent of State Police or the Chief of Police of the Municipality determines that the civil disturbance or other emergency no longer exists.

2. All dealers located in the area affected by such disturbance or emergency shall be required to comply with one of the following:

a. Arrange with the chief police officer of the municipality for appropriate security of firearms and ammunition.

b. Removal of all firearms and ammunition from the business premises to a secure location.

3. Failure of the dealer to comply with any of the above requirements may result in the revocation of the license of such dealer.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before August 31, 1971 to:

Colonel D. B. Kelly
New Jersey State Police
Division Headquarters
P.O. Box 68
West Trenton, New Jersey 08625
Telephone: (609) 882-2000

After full consideration of all written and oral submissions respecting these proposed regulations, the New Jersey State Police, upon their own motion, may thereafter adopt the regulations substantially as proposed without further notice.

Colonel D. B. Kelly
Superintendent
New Jersey State Police
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS

STATE BOARD OF MEDICAL EXAMINERS

Rule Regarding Degree Designation

On June 9, 1971, John F. Kustrup, Secretary of the State Board of Medical Examiners, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule regarding degree designation, substantially as proposed in the Notice published May 6, 1971, at 3 N.J.R. 85(a).

An order adopting this rule was filed and effective July 2, 1971, as R.1971 d. 106.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS

STATE BOARD OF MEDICAL EXAMINERS

Rule on Endorsement of Certificates Of the National Board of Medical Examiners, Podiatric Examiners and Osteopathic Examiners

On June 9, 1971, John F. Kustrup, Secretary of the State Board of Medical Examiners, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule on endorsement of certificates of the National Board of Medical Examiners, Podiatric Examiners and Osteopathic Examiners, substantially as proposed in the Notice published May 6, 1971, at 3 N.J.R. 85(c).

An order adopting this rule was filed and effective July 2, 1971, as R.1971 d.107.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rules Concerning Applicants For Bus Driver Licenses

On July 7, 1971, Raphael J. Marini, Director of Motor Vehicles, pursuant to authority of N.J.S.A. 39:3-10.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning applicants for bus driver licenses, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 111(c).

An order adopting these rules was filed July 13, 1971, as R.1971 d.113 to be effective August 2, 1971.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Regulations Governing Collection And Disposal of Solid Waste

On July 1, 1971, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:13A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted regulations governing the collection and disposal of solid waste, substantially as proposed in the Notice published September 10, 1970, at 2 N.J.R. 76(f), but with subsequent, substantive changes not detrimental to the public, according to the Public Utility Commission.

The complete text of the regulations follows:

The following shall be incorporated in the Board's Regulations contained in volume entitled "State of New Jersey, Department of Public Utilities, Board of Public Utility Commissioners, Regulations Effective July 1, 1968," as

"Chapter IX Solid Waste Collection and Solid Waste Disposal."

14:491 Pursuant to authority of N.J.S.A. 48:13A-4, every public utility (utility) shall be applicable to solid waste collection and solid waste disposal utilities.

14:491 Pursuant to authority of N.J.S.A. 48:13A-4, every utility engaged in solid waste collection and/or solid waste disposal shall be subject to the regulations as set forth herein in addition to the Board's Rules of Practice and Administrative Orders heretofore promulgated as applicable to all utilities.

14:492 Pursuant to the authority of N.J.S.A. 48:13A-6,

(a) No person shall engage in the business of solid waste collection or solid waste disposal as defined by statute unless he is the holder of 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 with a municipality or other political subdivision or commercial or industrial entity unless he is the holder of a certificate of public convenience and necessity issued by the Board.

14:493 Pursuant to the authority of N.J.S.A. 48:13A-6, no certificate shall be issued for solid waste collection or disposal until the proposed collection or disposal utility has been registered with and approved by the State Department of Environmental Protection as evidenced by its issuance of a certificate of registration.

14:494 Pursuant to the authority of N.J.S.A. 48:13A-6, each applicant for a certificate shall file an application with the Board and furnish among other things the following:

(a) the names and addresses of all persons who have either financially or operationally a legal or beneficial interest in the applicant's business,

(b) a statement of his experience, training or education in the solid waste collection and/or solid waste disposal industry together with all supporting data in order to enable the Board to determine his qualifications to engage in such business,

(c) proof of financial responsibility including with each application a statement of financial condition,

(d) a copy of the schedule of rates charged for the collection and/or disposal of solid waste including copies of contracts in force for said service. New utilities shall furn-

ish a schedule of proposed rates and charges for the character of service proposed to be rendered,

(e) a copy of the certificate of registration 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 business of solid waste collection and/or disposal.

14:495 Pursuant to the authority of N.J.S.A. 48:13A-6,

(a) Upon receipt of an application, the Board may process the application with or without public hearings to determine whether a certificate shall be issued to the applicant; however, no order of denial shall be entered until applicants are offered a hearing with regard thereto.

(b) The Board may impose such conditions as it finds to be proper and necessary when issuing a certificate of public convenience and necessity either in the form of a certificate or by its order.

(c) The Board may deny, after hearing, any request for authority to issue or transfer a certificate of public convenience and necessity which by such issuance or transfer could result in duplicate authority being granted to engage in the business of solid waste collection and/or disposal.

14:496 Pursuant to the authority of N.J.S.A. 48:13A-6, every person engaged in 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 for such purpose upon request at the Board's offices.

14:497 Pursuant to the authority of N.J.S.A. 48:2-16, every solid waste collection or disposal utility shall be divided into three classes for accounting classification purposes on the basis of gross annual intrastate operating revenues from solid waste collection or disposal operations:

Class I — Solid waste collection or disposal systems having three year average annual gross intrastate operating revenues of \$250,000 or more.

Class II — Solid waste collection or disposal systems having three year average annual intrastate gross operating revenues of \$50,000 or more but less than \$250,000.

Class III — Solid waste collection or disposal systems having three year average annual intrastate gross operating revenues of less than \$50,000.

14:498 Pursuant to the authority of N.J.S.A. 48:13A-7,

(a) The Board upon complaint or on its own initiative may, after hearing, upon notice, by order in writing, direct any solid waste disposal or solid waste collection utility to furnish proof that its rates for service do not exceed just and reasonable rates for such service.

(b) Should the Board find after hearing that the rates are excessive, it may order the utility earning such excessive rates to make an adjustment in its rates, contracts or agreements to a sum which shall result in just and reasonable rates.

(c) Rates for service which have for their objective the making effective of initial rates or of revisions, changes or alterations of existing rates and which are not filed because of the need for additional revenue from services covered by existing rates and which do not propose increases in charges to customers shall be filed in accordance with the Board's Rule of Practice 14:6-15.

(d) Rates for service or petitions which have as their objective the making effective of revisions, changes or alterations of existing rates which propose to increase the charges for the service either directly or by the alteration of any classification practice, rule or regulation

as to result in such an increase shall be filed in accordance with the Board's Rule of Practice 14:6-16.

14:499 Pursuant to the authority of N.J.S.A. 48:13A-11 and 48:2-21, tariffs showing territory served, standard terms and conditions, rate schedules for various types of service and contracts shall be filed in accordance with the Board's Administrative Orders 14:280.

14:500 Pursuant to the authority of N.J.S.A. 48:13A-8,

(a) Should any solid waste collection or solid waste disposal utility fail to render service pursuant to its filed tariff, the Board may order any utility engaged in such business to extend its collection or disposal service into the area where service has been discontinued, and the Board shall permit just and reasonable rates to be charged for such service in the extended area as found by the Board in the same manner as its determination for initial rates (14:498(c) above).

(b) No solid waste collection or disposal utility shall discontinue service to any customer without first filing a petition with the Board, which petition shall give the reasons for such discontinuance. Such proposed discontinuance shall not become effective until approved by the Board.

(c) Where service to a customer is interrupted and it appears that the interruption will continue for more than one day or one pick up, a report shall be made to the Board forthwith giving a full account and statement of the reasons for such interruption and the estimated duration.

14:501 Pursuant to the authority of N.J.S.A. 48:13A-10, no solid waste collection or solid waste disposal utility shall agree with any other utility or person to limit bidding or withdraw from the specific territory or endeavor to eliminate competition.

14:502 Pursuant to the authority of N.J.S.A. 48:3-7, 48:3-9 and 48:3-10,

(a) No sale or transfer of assets of a solid waste collection or solid waste disposal utility or any change in majority control of such utility shall be consummated without prior authorization of the Board. Filings for authority shall be in accordance with Board's Rules of Practice 14:6-10 and 14:6-14.

(b) Petitions for authority to issue stock, bonds, notes, other evidence of indebtedness or to execute mortgages shall be filed in accordance with Board's Administrative Order 14:6-13.

14:503 Pursuant to the authority of N.J.S.A. 48:3-7, no solid waste disposal or solid waste collection utility shall be consolidated or merged with another solid waste disposal or solid waste collection utility or be dissolved without prior approval of the Board. Filings should be in accordance with Board's Rule of Practice 14:6-18.

14:504 Pursuant to the authority of N.J.S.A. 48:2-16, every utility engaged in solid waste collection and solid waste disposal shall file an annual report on forms to be prescribed by the Board for filing, showing its 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 the authority of N.J.S.A. 48:2-16, every utility engaged in 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 Pursuant to the authority of N.J.S.A. 48:13A-6, any utility engaged in solid waste collection or solid waste

disposal 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 Pursuant to the authority of N.J.S.A. 48:13A-8, every utility engaged in solid waste collection and solid waste disposal shall furnish a performance bond in conjunction with every contract (as heretofore described in 14:492(b)) it enters into as the Board may prescribe.

14:508 Pursuant to the authority of N.J.S.A. 48:2-12 and 48:2-32, the Rules of Practice adopted by the Board for other public utilities shall apply to proceedings involving utilities engaged in solid waste disposal and solid waste collection.

An order adopting these regulations was filed July 8, 1971, as R.1971 d.109.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

DIVISION OF CONSTRUCTION

Amendments to Regulations On Construction Requirements

On July 22, 1971 John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the regulations concerning construction requirements as proposed in the Notice published June 10, 1971, at 3 N.J.R. 113(a).

An order adopting these amendments was filed and effective July 22, 1971, as R.1971 d.126.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE INVESTMENT COUNCIL

Proposed Revisions in Rules Of State Investment Council

Frank K. Kelemen, Chairman of the State Investment Council, pursuant to authority of N.J.S.A. 52:18A-89, proposes to revise Reg. 16:3-4.100 (Purchases Subject to Regulations; United States Treasury obligations), Reg. 16:3-6.100 (Permissible Investments), Reg. 16:3-6.110 (Applicable Funds), Reg. 16:3-6.120 (Pension and Annuity Group, Static Group, Demand Group), Reg. 16:3-7.110 (Pension and Annuity Group; Static Group), and Reg. 16:3-8.100 (Permissible Investments for Pension and Annuity).

The revisions are as follows (additions indicated in bold-face thus; deletions indicated in brackets [thus]):

Reg. 16:3-4.100 Purchases subject to regulations; United States Treasury obligations.

Notwithstanding the provisions of any law pertaining to legal investments, the Director shall not make any com-

mitment to purchase securities for any fund unless such securities are of the class of securities in which such fund may be invested pursuant to these regulations; except that United States Treasury obligations and United States Government Agency obligations may be purchased for any pension and annuity, static, trust, demand or temporary reserve group fund without regard to any limitation [;] . [and for any trust group fund provided that the maturity purchased does not exceed five years.] In that connection, the approved list of United States Government Agencies is as follows:

- (a) Federal Intermediate Credit Banks
- (b) Federal Home Loan Banks
- (c) Federal National Mortgage Association
- (d) Federal Land Banks
- (e) Banks for Cooperatives

ARTICLE 6. GOVERNMENT AGENCIES

[Reg. 16:3-6.100 Permissible investments.

Subject to the limitations contained in this article, the Director may invest and reinvest moneys of any fund described in 16:3-6.110 in any or all obligations of the following, provided that such obligations are legal investments for savings banks in this State:

- (a) Federal Intermediate Credit Banks,
- (b) Federal Home Loan Banks,
- (c) Federal National Mortgage Association,
- (d) Federal Land Banks, and
- (e) Banks for Cooperatives.]

[Reg. 16:3-6.110 Applicable funds.

Except as provided in 16:3-6.120, the Director may purchase any of the obligations described in 16:3-6.100 for any pension and annuity, static, demand, temporary reserve or trust group fund provided that any such obligations shall have a maturity of not more than five years from date of delivery.]

[Reg. 16:3-6.120 Pension and annuity group, static group, demand group.

Notwithstanding the provisions of 16:3-6.110, the Director may purchase Federal Land Bank or Federal National Mortgage Association obligations having a maturity of not more than fifteen years from date of delivery for any pension and annuity, static or demand group fund; provided further, that the aggregate investment in such obligations having a maturity of more than five years from date of delivery shall not exceed 10% of the assets of any one such fund.]

Reg. 16:3-7.110 Pension and annuity group; static group.

The Director may purchase any of the obligations described in 16:3-7.100 for any pension and annuity, [or] static group, [fund.] or trust group fund.

ARTICLE 8. CORPORATE SECURITIES— INDUSTRIAL OBLIGATIONS

Reg. 16:3-8.100 Permissible investments for pension and annuity [group.] or trust group.

Notwithstanding the limitations contained in Article 7, the Director may invest and reinvest the moneys of any pension and annuity [group fund] or trust group fund in industrial obligations which are legal for investment by life insurance companies organized under the laws of this State provided:

- (a) the issue has been registered with the Securities and Exchange Commission, except that this requirement may be waived by the State Investment Council;
- (b) the obligor is incorporated under the laws of the

United States or any State thereof or of the District of Columbia;

(c) the obligor is not in default as to the payment of principal or interest upon any of its outstanding obligations;

(d) the obligor:

- (1) has a capitalization of at least \$50 million;
- (2) has a total funded debt (pro forma) which does not exceed 40% of capitalization;
- (3) has paid dividends on common stock in at least eight of the ten years next preceding the date of such purchase (includes dividends paid by predecessor companies);

(e) the total amount of debt issues purchased or acquired of any one corporation shall not exceed 5% of the outstanding debt of the company, and not more than \$10 million of any one issue may be purchased at the time of issue, except that these requirements may be waived by the State Investment Council;

(f) not more than 2% of the assets of any one fund shall be invested in the obligations of any one company, including convertible debentures [; and] **excepting that this restriction shall not apply to the College of Medicine and Dentistry of New Jersey—Endowment Funds; and**

(g) not more than 2% of the assets of any one fund shall be invested in the common stock of a company, including the common stock equivalent of convertible debentures, and the total amount of common stock or common stock equivalent of convertible debentures shall not exceed 5% of the common stock, or of any other class of stock which entitles the holder thereof to vote at all elections of directors, of any one company.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before August 25, 1971, to:

Division of Investment
Department of the Treasury
State House
Trenton, New Jersey 08625

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

Frank K. Kelemen
Chairman
State Investment Council
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Revisions in Sales Tax On Motor Vehicles

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24, proposes to adopt certain new rules and revise certain existing rules concerning the sales taxation of motor vehicles under the Sales and Use Tax Act (N.J. S.A. 54:32B-1 et seq.). The text of the revisions is as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

Supplement to N.J.A.C. 18:24-40(f)(1)

c. In all cases of sales to non-residents, New Jersey Motor Vehicle dealers are required to forward a completed copy of Form ST-10 to the New Jersey Division of Taxation.

N.J.A.C. 18:24-40(c)(2)

(2) Where charges are made for the following items in conjunction with the sale of a motor vehicle, they must be [concluded] included in the amount upon which the tax is computed:

- a. Federal Excise Taxes.
- b. Delivery or freight charges for delivery of a vehicle from a manufacturer or distributor to a dealer are included whether they are separately stated upon the customer's invoice or not; but delivery charges from the dealer to his customer, if separately stated upon the customer's invoice, are not included.
- c. Warranty charges.
- d. Charge for preparation of or additional work upon a motor vehicle.
- e. Charges for additional accessories or equipment placed in or attached to the motor vehicle by the dealer are included even though the charges may be separately stated upon the customer's invoice.

N.J.A.C. 18:24-40(i)(1)(d).

d. In computing the tax, the basis for tax as computed in paragraph 3, shall be multiplied by [.03] .05 to effectuate the [three] five per cent [3%] 5% tax imposed pursuant to N.J.S.A. 54:32B-6.

N.J.A.C. 18:24-40(i)(2)b.

b. Retail dealers of motor vehicles who withdraw such vehicles from inventory or stock for company purposes, such as demonstrators or other company use, prior to the sale thereof, shall be required to pay a tax on such uses. The tax shall be computed and paid monthly by the motor vehicle dealer and included in his regular monthly report of taxes due on the sale of taxable property and services. The basis for tax shall be determined monthly by multiplying two and one-half per cent (2½%) times the total invoice cost to the dealer of the vehicle. In computing the tax, the basis for tax shall be multiplied by [.03] .05 to effectuate the [three] five per cent [3%] 5% tax imposed pursuant to N.J.S.A. 54:32B-6.

N.J.A.C. 18:24-40(i)(3)a.

(3) THE RENTING AND LEASING OF MOTOR VEHICLES.

a. The total charge for the rental or lease of a motor vehicle to the customer is subject to the [3%] 5% New Jersey Sales and Use Tax pursuant to N.J.S.A. 54:32B-3(a) with adjustment as set forth below.

N.J.A.C. 18:24-40(i)(3)c.

c. The tax must be calculated at the rate of [3%] 5% on either 85% or 66⅔% depending on whether the vehicle leased or rented is an automobile or a truck. The invoice must show the total charge prior to the reduction, the percentage reduction and the net total charge subject to tax. It must also contain a calculation showing multiplication by [.03] .05 times the net charge to effectuate the imposition of the [3%] 5% tax due.

N.J.A.C. 18:24-40(i)(3)d.

d. It is improper for a renting or leasing agency to indi-

cate that the effective rate of tax in the case of automobiles is [2.55%] 4.25% and in the case of trucks is [2%] 3.33%.

Interested persons may present statements or arguments in writing, orally or in person or by telephone relevant to the proposed action on or before August 26, 1971 to: Division of Taxation, Taxation Building, West State and Willow Streets, Trenton, New Jersey 08625, attention Frederick English, telephone: (609) 292-5995.

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

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules Governing Sale Of Ice Cream Products, Ice Milk, Ice Popsicles, Ice Cream Popsicles, Ices, Sherberts and Similar Products

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24, proposes to adopt new rules governing the sales taxation of ice cream products, ice milk, ice cream popsicles, ice popsicles, ices, sherberts and similar products under the Sales and Use Tax. Such rules will be included in Chapter 24 of Title 18 of the New Jersey Administrative Code.

The complete text of the proposed rules is as follows:

Ice Cream Products, Ice Milk, Ice Cream Popsicles, Ice Popsicles, Ices, Sherberts and Similar Products.

(A) Scope of Rule—This section is intended to clarify the application of the Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.) to ice cream products, ice milk, ice cream popsicles, ices, sherberts and similar products.

(B) Definitions—For the purpose of this Rule:

(1) Ice Cream and Ice Milk—Generally a product or food containing milk, cream and/or butterfat, flavoring, coloring and sweetening.

(2) Ice Popsicles, Ices and Sherberts — Generally a frozen product consisting of flavoring, coloring, sugar and water.

(C) The sale of ice cream, ice milk, and ice cream novelties, such as, but not limited to, ice cream popsicles, ice cream bars, ice cream sandwiches, brownie bars, and dixie cups, are taxable when sold for immediate consumption on or near the location of the retailer, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises. For example: In the following instances the sale of ice cream products will generally be taxable:

- Sales by street vendors
- Sales from Lunch Carts in Industrial Plants
- Sales from rolling or mobile diners
- Sales at Carnivals or Fair Concessions
- Sales by vendors at Athletic Events.

Bulk sales of ice cream consisting of one (1) pint or more purchased for home consumption are non-taxable. So far as prepackaged ice cream novelties are con-

cerned, the question of taxability will depend upon whether they are sold as part of a meal (taxable), or for consumption at tables or counters furnished by the seller (taxable), or for immediate consumption on or near the location of the seller (taxable).

For example: the sales of such prepackaged products at a grocery store where goods are not ordinarily sold for immediate consumption on or near the location of the seller, would be non-taxable. When sold at a soda fountain, eating stand, or other place where ice cream is ordinarily sold for immediate consumption at or near the location, the sale would be taxable.

(D) The sale of ice popsicles, ices and sherberts are always taxable as a confectionery.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, or or before August 26, 1971, to:

Jay G. Destribats
Chief, Legal Section
Division of Taxation Building
State and Willow Streets
Trenton, New Jersey 08625
Telephone: (609) 292-5995

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

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules Governing the Taxability Of the Use of Commercial Advertising Film Negatives, etc., Stored in New Jersey

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24(1), proposes to adopt new rules governing the taxability of the use of Commercial Advertising Film Negatives, etc., Stored in New Jersey. Such rules will be included in Chapter 24 of Title 18 of the New Jersey Administrative Code.

The complete text of the rules is as follows:

Commercial Advertising Film Negatives, etc., Stored in New Jersey.

(A) Scope of Rule — This section is intended to clarify the application of the Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq.) to the use of Commercial Advertising Film Negatives, etc., Stored in New Jersey.

(B) Taxability

(1) Where, after the original commercial advertising motion picture negative is finally edited and completed outside of the State of New Jersey, and after one or more duplicate negatives and/or one or more fine grain master positives are made outside the State, the original negative, with or without said dupes or fine grain masters, is or may be brought into New Jersey for various purposes, the person bringing the same into the State is subject to the New Jersey compensating use tax on the use of each of such original negatives, duplicate negatives or fine grain master

positives at the time each of them is brought into the State, regardless of the nature or extent of the subsequent use of each of said original negatives, dupe negatives or fine grain master positives.

(2) Under the circumstances described in paragraph (1) above, whether original negative, duplicate negative, or fine grain master positive, the State compensating use tax shall be computed upon the raw stock cost of the film, plus the cost of laboratory development of each original negative, duplicate negative or fine grain master positive brought into the State. The raw stock cost of the film is the price paid for the quantity of film brought into the State as if unexposed. The cost of laboratory development process is performed in and by the user's own laboratory and/or affiliated laboratory, the cost of laboratory development may be determined from its own records or in lieu thereof, the cost shall be the compensation charge for similar development by another outside laboratory in the same area at the time of development. Where the duplicate negative or fine grain master positive is made by an outside laboratory which also furnishes the raw stock film, the cost with respect to such duplicate negative or fine grain master positive shall be the laboratory's total charge therefor.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, or or before August 26, 1971, to:

Division of Taxation
Taxation Building
West State and Willow Streets
Trenton, New Jersey 08625
Attention: Herman N. Goldberg
Telephone: (609) 292-5995

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

Sidney Glaser
Director
Division of Taxation
Department of the Treasury

(b)

TREASURY

DIVISION OF PENSIONS

NEW JERSEY STATE POLICE RETIREMENT SYSTEM

Revised Regulations

On June 28, 1971, Elmer G. Baggaley, Secretary of the State Police Retirement System, pursuant to authority of N.J.S.A. 53:5A-30 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:5-6 (Appeal from Board Decisions), N.J.A.C. 17:5-8 (Computation of Benefits), N.J.A.C. 17:5-11 (Loan Revaluation), and N.J.A.C. 17:5-32 (Interfund Transfers; Other State Systems) as proposed in the Notice published May 6, 1971, at 3 N.J.R. 90(b).

An order adopting these revisions was filed and effective July 6, 1971, as R.1971 d.108.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TREASURY

NEW JERSEY STATE LOTTERY COMMISSION

Rule Concerning Special Lottery Agents

On July 13, 1971, the New Jersey State Lottery Commission, pursuant to authority of N.J.S.A. 5:9-7(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rule concerning Special Lottery Agents, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 115(d).

An order adopting this rule was filed and effective July 13, 1971, as R.1971 d.111.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

NEW JERSEY STATE LOTTERY COMMISSION

Revisions of Rules for the Millionaire Lottery

On July 13, 1971, the New Jersey State Lottery Commission, pursuant to authority of N.J.S.A. 5:9-7(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of the rules for the Millionaire Lottery, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 116(a).

An order adopting these revisions was filed and effective July 13, 1971, as R.1971 d.112.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

DELAWARE RIVER BASIN COMMISSION

Notice of Environmental Statement Regarding Eddystone Generation Station Units 3 and 4

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's Rules of Practice and Procedure (Section 2-3.5.2), notice is hereby given of the availability of a draft environmental statement dated June 1971 which discusses the environmental impact of a proposed expansion of the Philadelphia Electric Company's Eddystone Generating Station located at the confluence of Crum Creek and the Delaware River in Eddystone, Delaware County, Pa. The draft environmental statement has been prepared by Philadelphia Electric Co.

The existing Eddystone Generating Station consists of two coal-fired, steam-electric generating units with a combined electrical capacity of 726,000 kilowatts and four combustion turbine generating units with a combined electrical capacity of 76,000 kilowatts. The proposed expansion includes construction of two oil-fired, steam-electric generating units, each rated at 400,000 kilowatts, for cycling use.

Copies of the draft environmental statement may be examined at the following locations:

- Library at Delaware River Basin Commission,
25 State Police Drive, Trenton, N.J.
- Office of Water Resources Association of the Delaware River Basin,
21 South 12th Street, Philadelphia, Pa.
- Office of Delaware County Planning Commission,
Curran Building, Second and Orangs Streets, Media, Pa.
- Library at Delaware Valley Regional Planning Commission,
Penn Square Building, 1317 Filbert Street, Philadelphia, Pa.
- Pennsylvania State Planning Board,
503 Finance Building, Harrisburg, Pa.

Copies of the draft environmental statement are available for distribution to persons or agencies upon request. Comments on the subject statement may be submitted to the Delaware River Basin Commission by public or private agencies or individuals concerned with environmental quality. In order to be considered by the Commission, comments must be submitted no later than September 7, 1971.

W. Brinton Whitall
Secretary

Delaware River Basin Commission

NOTE: This Notice is published for public information purposes only.

(d)

PORT OF NEW YORK AUTHORITY

Revision to Schedule of Charges Regarding Public Vehicular Parking Rates at Port Authority Bus Terminal

On June 30, 1971 the Commissioners of The Port of New York Authority adopted a revision to the schedule of charges regarding public vehicular parking rates at the Port Authority Bus Terminal. The complete text of the resolution is as follows:

Resolved, that the resolution of this Committee establishing rates for the public vehicular parking area at the Port Authority Bus Terminal, adopted on January 31, 1962 (appearing at page 24 of the Committee Minutes of that date), as subsequently amended, be and the same is hereby amended to read as follows, effective July 15, 1971:

"Resolved, that the following schedule of rates, which rates include 6 per cent New York City parking tax, be and the same hereby is established for the public vehicular parking area at the Port Authority Bus Terminal:

up to 1 hour	\$1.50
up to 2 hours	2.25
up to 3 hours	2.75
up to 4 hours	3.00
up to 10 hours	3.25
up to 11 hours	3.75
up to 13 hours	4.25
up to 24 hours	4.75
Over 24 hours — \$.50 for each hour or part to a maximum of \$4.75 for each 24 hour period."	

A copy of the resolution was filed and effective as R.1971 d.123. (Exempt, Exempt Agency).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

STATE CITES FAR HILLS BOROUGH ON RIVER POLLUTION CHARGE

The state Department of Environmental Protection last month instituted court action against the Borough of Far Hills, in Somerset County, to force municipal compliance with water pollution abatement orders first issued more than five years ago.

The complaint charges that the borough discharges 20,000 gallons of inadequately treated domestic wastewaters daily into the North Branch of the Raritan River at a point upstream from where the Elizabethtown Water Company withdraws water from the river for domestic use.

The Bureau of Water Pollution Control is asking that secondary treatment facilities be constructed, supplemented by intermittent sand filters. The deadline for installation is July 1, 1972.

The borough is presently served by a series of three septic tanks and a chlorinator, but wastes are discharged directly into the river rather than by means of conventional septic disposal through ground percolation, the charge states.

The department's complaint filed by state Deputy Attorney General Steven Gordon notes that an administrative order issued April 7, 1966 directed the borough to improve markedly its waste treatment facilities.

HEALTH COMMISSIONER SUSPENDS LICENSE OF NEWARK BLOOD BANK

Dr. James R. Cowan, State Commissioner of Health, on July 9 suspended the license of the blood bank known as Universal Biologicals, Inc., 411 Springfield Ave., Newark, a subsidiary of Miami-based North American Biologics.

The action was taken based on numerous alleged violations of Chapter 10 of the State Sanitary Code which governs the operations of blood banks.

Dr. Cowan said the suspension was issued quickly because the blood bank's operations at the time constituted a threat to human health. He also stated he is acting to revoke the license which the firm holds from the State of New Jersey. The revocation procedure requires a formal notice and the licensee must be given an opportunity to reply.

Dr. Martin Goldfield, Assistant Commissioner of the Department of Health for Laboratories and Epidemiology, said the firm was charged with 34 classes of violations of regulations relating to blood banking.

He said that, among other things, the firm was charged with bleeding individuals more frequently than is permitted, with taking volumes of blood in excess of what the regulations permit, with failing to make accurate checks to safeguard the health of donors who were repetitively bled, and with continuing to bleed individuals whose blood pressure was outside set limits.

The firm was also charged with failing to report to the Department of Health individuals whom it found to be infected with syphilis.

ANNOUNCE AGRICULTURAL LICENSE FEE INCREASES

Costs of certain licenses issued by the state Department of Agriculture have been increased, following passage of two new legislative acts.

Operators of garbage-feeding hog farms, meat and poultry slaughtering, rendering and handling plants, and controlled atmosphere storage facilities for apples; and dealers who buy cattle, sheep, swine, fruit, vegetables, eggs, live poultry, hay, grain or straw from New Jersey farmers must pay an increased fee for annual licenses.

Fee for a garbage-feeding hog farm operator, originally \$10, is now \$25 for farms with less than 100 head of swine and \$50 for farms with 100 or more.

Primary slaughtering and processing plants must pay \$50 instead of \$25, and secondary plants serving as renderers, plus disposal plants and plants manufacturing animal food, now must pay \$25 as against \$10 and the handler-distributor fee was likewise increased from \$10 to \$25.

A controlled atmosphere storage operator's license was increased from \$5 to \$10 per room; and dealers in agricultural products from \$15 to \$30.

All future applications must comply with the new fee schedule.

FEDERAL FOOD DISTRIBUTION NOW IN AGRICULTURE DEPARTMENT

Distribution of food commodities made available by the Federal government for schools and other institutions has been transferred to the state Department of Agriculture by executive order of Gov. William T. Cahill.

The function, formerly under the Division of Purchase and Property in the Treasury Department, is now in the Division of Markets in the Department of Agriculture, still under Ellsworth C. Reiss, coordinator of the program, and his staff of 15.

The program serves about 1,800 agencies in New Jersey, 1,570 of them schools. Also benefiting from the program are state, county and municipal institutions, and private organizations such as the YMCA, the Salvation Army, day-care centers and summer camps.

The majority of the food items are used in school lunch programs. Reiss anticipates that commodities valued at \$6,300,000 will be received in New Jersey during fiscal year 1971-72. Recipient agencies pay six percent of the market value to cover the cost of warehousing and administration.

The program maintains two warehouses, in Vineland and Jersey City, which handle about 50 commodities. Orders are placed monthly by each recipient agency and the 30-day supplies are picked up by them.

GOLD NAMED DEPUTY DIRECTOR FOR LICENSING IN ABC DIVISION

Richard C. McDonough, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, last month announced the appointment of Samuel Gold as Deputy Director in charge of the licensing bureau of the agency, which has headquarters in Newark.

Gold was appointed to the Division as an investigator in 1934, soon after repeal of the prohibition law. He successively attained the rank of inspector, senior inspector, administrative inspector, supervisor, assistant to the director and assistant deputy director.

CAHILL QUERIES N.Y. PORT AUTHORITY OVER TRADE CENTER HOTEL CONTRACT

Governor William T. Cahill on July 19 vetoed the minutes of the July 8, 1971 meeting of the Port of New York Authority and the Port Authority Trans-Hudson Corporation, the first time he had ever taken such an action.

The Governor objected to a resolution which authorized the Port Authority to contract with Western International Hotels Company for the design, construction, leasing and operating of an 800-room hotel at the World Trade Center. The cost of the design and construction would be \$38 million and would be borne equally by the Port Authority and the hotel company. Under terms of the contract, the lease would be for 30 years with an option to renew for an additional 20 years.

It further authorized the Port Authority to issue bonds of approximately 2.6 per cent of the total estimated cost for architectural and engineering services to be provided by Minoru Yamasaki & Associates, Inc. and Emery Roth and Sons.

As there was no indication in the minutes when the hotel company would be required to pay its share of the capital, the Governor objected to the possibility that the Port Authority might be required to provide all the funds necessary for the project at this time, with the hotel company repaying the Port Authority over the life of its contract.

In vetoing the minutes, the Governor notified the Port Authority Commissioners, "you are aware of my firm commitment to the people of the State of New Jersey to cause the Port of New York Authority to utilize its resources to develop public mass transportation facilities within the Port District."

The Governor said that before approving the minutes he wanted to be satisfied that the construction of the hotel "will not adversely affect the ability of the Port Authority to meet its responsibility in the field of public mass transportation within the Port District, to which the Port Authority has so recently and willingly committed itself at the urging of Governor Rockefeller and myself."

MARBURGER COMMENDS RUTGERS HIGH SCHOOL SCHOLARS PROGRAM

State Education Commissioner Carl L. Marburger has commended Rutgers Newark College of Arts and Sciences for establishing its new high school scholars program and has called upon local school officials to consider ways of cooperating.

The Rutgers program, which will get under way next month, will enable academically-gifted high school seniors to take fully-accredited college courses as full-time or part-time students. According to Dr. Norman Samuels, associate dean at the Newark college, some 110 students already have been accepted in the program, 30 of them full-time and 80 part-time.

Commissioner Marburger, in commending the college for its "sense of innovation," said the program provides an opportunity for exceptionally talented and motivated students to accelerate their intellectual growth and to earn their college degree in less than the normal time.

Marburger pointed out that the state Department of Education for some time has been encouraging high schools in New Jersey to cooperate with local colleges and universities by allowing students to arrive late or leave early to take advantage of college-level courses. This practice has been adopted in many high schools, he added.

ASKS FEDERAL INVESTIGATION OF FOOD INSPECTION PROCEDURES

Dr. James R. Cowan, State Commissioner of Health, called last month for a Congressional investigation of food inspection services.

"I have contacted both Senators Case and Williams and requested that they initiate immediate action to commence study of all national food inspection procedures to ascertain that they provide adequate protection for all consumers," he said July 23, 1971.

"The tragic death caused by botulism toxin in soup processed in New Jersey and the recurring cases of severe illness and death caused by salmonellosis certainly point out the need for serious reform in our food protection activities.

"What is needed is a clear definition of the roles and responsibilities of the various levels of government. We should consolidate our efforts and move away from costly duplication of services and responsibilities which only result in incomplete inspection and gaps in protective services.

"Perhaps the answer would be the creation of a new single service inspection agency, properly funded, which would consolidate all existing food inspection activities currently being engaged in by such agencies as the Food and Drug Administration, U.S. Department of Agriculture, General Services Administration, and the other various federal, state and local agencies, in this field.

"Here in New Jersey we are moving toward that consolidation. Last month I announced the creation of a new Consumer Health Services office within the Department of Health which combined our efforts in food, milk and sanitation under the leadership of one director.

"Governmental reorganization alone, of course, is not the total answer to this problem. While it is unrealistic to suggest that a government inspector be stationed at every single food processing plant throughout the nation, 24 hours a day, to insure compliance with the law, it is not unrealistic that we strongly reemphasize that constant quality control on the part of the food processor is an absolute necessity and, if necessary, we will recommend legislation imposing severe penalties for failure to comply with standards. At the same time, we must increase our efforts to educate the public in proper methods of food handling and preparation.

"While death associated with improper food processing is relatively rare in this country, we would, nevertheless, be remiss if we failed to redouble our efforts in the interests of public safety. I pledge the full resources of the Department of Health in achieving that goal."

HEAD OF STATE LAW LIBRARY SECTION RETIREES; MRS. GARWIG NAMED TO POST

Mrs. Rebecca Schlam Lutto, head of the Law Section of the New Jersey State Library, retired at the end of June.

During 20 years service with the library, Mrs. Lutto developed its collection of legislative histories of New Jersey statutes, and published a guide for attorneys who must do similar research. She also maintained an index to all bills introduced in the New Jersey Legislature.

The new Section Head is Mrs. Marjorie Eich Garwig, with the State Library since 1967.

She is a graduate of Douglass College and Rutgers University Graduate School of Library Service and attended a summer course in law library administration at the University of California at Berkeley.

ROSSER TO HEAD NEW DIVISION IN STATE EDUCATION DEPARTMENT

State Education Commissioner Carl L. Marburger announced the appointment of John Rosser as director of the Department of Education's newly-formed Division of Field Services.

Rosser has been serving the last two and a half years as director of the Educational Improvement Center, located in Pitman and serving New Jersey's eight southern counties.

Establishment of the Division of Field Services is part of the reorganization of the Department of Education announced last month by Dr. Marburger.

The new division will include the offices of Pupil Transportation, School Planning Services, Teacher Education and Certification, Nutritional and Emergency School Lunch Services, Surplus Property, Adult and Continuing Education and High School Equivalency.

As director of EIC, Rosser has guided the development of the center virtually from its inception. EIC has become a model educational agency with a staff of 35 that provides a variety of services and assistance to the schools in the South Jersey region in planning, research, program and curriculum development, in-service training, evaluation, and dissemination of information on new and innovative programs. The activities of EIC are supported by Federal funds and conducted in cooperation with the State Department of Education.

A native of Bristol, Pa., Rosser was graduated from West Chester (Pa.) State College in 1953 and served two years in the U.S. Army in Korea before beginning his career as a teacher and coach at Woodrow Wilson High School in Levittown, Pa.

He became principal of Kingsway Regional High School, Gloucester County, in 1961 when that school was established. In 1963, when Eastern Camden County Regional High School was formed, he became the principal there. He then served four years as assistant superintendent of schools in Willingboro before becoming EIC director.

Rosser received a master's degree from Rutgers University and currently is completing a doctoral program in educational technology at Temple University. He lives at 18 Riverview Place, Willingboro.

NEW JERSEY TELEVISION CHIEF NAMED TO CABLE SYSTEMS STUDY

Dr. Lawrence T. Frymire, executive director of New Jersey's Public and Educational Television operation, has been named to a new legislative commission to study the regulation of community antenna (cable) television systems in the Garden State.

The Commission will review existing state and federal laws on cable TV systems as well as pending bills on the subject in the State Legislature. It will propose laws to regulate the systems in the future.

The Legislature earlier this year enacted a law imposing a one-year moratorium on granting of cable television franchises pending the legislative inquiry. This followed municipal scandals involving alleged bribes to local officials for the granting of local cable franchises.

Dr. Frymire heads the operation of the New Jersey Public Broadcasting Authority, operators of WNJT-TV Channel 52 in Trenton. The Authority will add three other TV stations in 1972 and later a sophisticated closed circuit, in-school educational system.

NEW APPOINTMENT REFLECTS CONSERVATION INTEREST

As an initial step aimed at broadening conservation services to citizens of the state, Frank Kondracki Jr. of Somerville has been appointed executive secretary to the Somerset-Union Soil Conservation District.

Kondracki's position is the first of its kind and is the result of cooperation between the State Soil Conservation Committee and the Somerset and Union County freeholders.

Pressures of urbanization and other land-use changes have increased the need for conservation assistance in the two-county area, and recognizing the need, the conservation district supervisors and freeholders provided the basic funding for the full-time resource specialist.

The move is the first step in a state plan to provide administrative staffing for all soil conservation districts to make conservation assistance more readily available.

Kondracki will be responsible for assisting individual landowners, municipal and county planning boards, conservation commissions and other groups with environmental problems. Technical conservation assistance will also be provided by Federal and State resource agencies working with the District.

Employed by the New Jersey Department of Agriculture through a special funding arrangement, Kondracki acts as a field representative of the State Soil Conservation Committee with duties and priorities determined by the local district supervisors.

He holds a bachelor's degree in agricultural engineering from Rutgers, and a master's degree in the same field from the University of Missouri.

Kondracki was brought up on a farm in central Jersey and was active in family farm operations and 4-H during and for two years after high school. He is married and father of one child.

PUBLIC HEALTH COUNCIL NAMES NEW OFFICERS

Dr. Harry J. Robinson, of Short Hills, was elected chairman of the Public Health Council of the state Department of Health last month, succeeding Mrs. J. Duncan Pitney, of Mendham, who continues as a member of the Council. The chairman is elected for one year.

William S. Little, Ridgewood, was elected vice chairman and Michael S. Kachorsky, Manville, was reelected secretary. Dr. Harry Mickey, South Orange, who practices medicine in Maplewood, took his seat as a newly-appointed member of the Council. Other members are John J. Cane, D.D.S., Phillipsburg; James Corea, Merchantville; and Sylvia S. Riskin, Passaic.

Members of the Council are appointed by the Governor with the consent of the Senate. Terms are for seven years and members are non-salaried. The council has responsibility for the body of sanitary and health regulations known as the State Sanitary Code; it must either approve or disapprove major reorganizational changes recommended by the Commissioner of Health; and it is advisory to the Commissioner, James R. Cowan.

Dr. Robinson is Senior Vice President for Scientific Affairs for Merck, Sharp and Dohme Research Laboratories, West Point, Pa. Little is Senior Vice President of Becton, Dickinson and Company, Rutherford.

Kachorsky is municipal engineer for the Borough of Manville and for the Township of Montgomery and carries on a consulting practice in civil and sanitary engineering.

STATE NEWS OF PUBLIC INTEREST

STATE GRANT TO NEWARK TO AID IN DEMOLISHING UNSAFE DWELLINGS

Approval of a \$375,000 State urban renewal grant to help the City of Newark finance the cost of demolishing up to 600 unsafe and dilapidated dwellings was announced last month by Community Affairs Commissioner Edmund T. Hume.

He said the State grant will enable Newark to receive more than \$1.3 million in Federal funds under two separate programs—demolition and interim assistance—from the U.S. Department of Housing and Urban Development (HUD). Under the Federal programs, the locality must contribute one-third of the total project cost.

The State grant, which will help defray the city's local share costs, was made from an \$800,000 State-aid appropriation for Urban Renewal in the Community Affairs Department's 1972 fiscal year budget.

The housing to be razed comprises the entire Central Ward and sections of the North, West and South Wards in Newark and will involve approximately 500 to 600 hazardous abandoned dwellings.

"I am truly pleased to be able to authorize this State urban renewal grant to assist the City of Newark in its efforts to renew many old and decaying neighborhoods through vigorous code enforcement and new construction," said Commissioner Hume.

"The demolition program is a vital part of that effort, for it eliminates unsafe, dilapidated and structurally unsound housing that threatens the health, safety and welfare of neighborhood residents.

"It will go a long way towards speeding the redevelopment of the area, including provision for decent and affordable housing for the people of Newark.

"In addition, the interim assistance program will make it possible to turn idle and dangerous vacant lots into practical vest-pocket parks and playgrounds on a temporary basis, providing desperately needed recreational facilities for the residents, and particularly the children, of these neighborhoods.

FIRST TRAILER TESTING UNIT IS NOW IN REGULAR USE

The nation's first mobile unit for General Educational Development (G.E.D.) testing was opened officially July 15 at Cape May Courthouse, although it had been in use since late in June.

Located at the Vocational Technical Center in Cape May's county seat, the 57-foot-long trailer accommodates 24 persons for testing and is air conditioned for year-round use. Persons who pass the G.E.D. test are awarded a State High School Equivalency Certificate.

More than 13,000 persons took the high school equivalency examination in New Jersey last year. Until the arrival of the mobile unit, all testing was conducted at 23 colleges in the state authorized by the American Council on Education.

The mobile unit and its schedule are the responsibility of Mrs. Catherine Havrilesky, director of the state Department of Education's Office of High School Equivalency in Trenton.

ALLOWAY NAMED TO FEDERAL COUNCIL ON GOVERNMENTAL PERSONNEL POLICY

President Richard M. Nixon has appointed James A. Alloway, President of the New Jersey Department of Civil Service, as a member of the Advisory Council on Intergovernmental Personnel Policy under the provisions of the Intergovernmental Personnel Act of 1970.

This Act is designed to reinforce the Federal system by strengthening the personnel resources of state and local governments; to improve intergovernmental cooperation in the administration of grant-in-aid programs; to provide grants for state and local personnel administration; to provide grants to state and local governments for training of their employees; and to fund and assist in other specified activities.

The Act provides that the President appoint an Advisory Council of 15 members composed primarily of officials of the Federal government and state and local governments, eight of whom shall be state and local government officials. The council also includes members from educational and training institutions and organizations, public employee organizations, and the general public.

Commissioner Alloway, upon being informed of his appointment, stated: "This appointment is an honor to me and I feel a recognition by the President of our efforts in New Jersey in moving forward in the field of public personnel administration.

"New Jersey for many years had been in the forefront in various movements which worked for the improvement of the quality of public personnel administration under the merit system. I believe that under the leadership of Gov. William T. Cahill we have regained the impetus to again move to the forefront."

Commissioner Alloway was appointed President of the Department of Civil Service in June 1970 by Governor Cahill. Previously, he had served for three years as Director of the Division of Local Finance, Department of Community Affairs. Before coming with the state, he served successively as Business Administrator of Edison, Elizabeth and Woodbridge. Recently, he was appointed Chairman of the Governor's Employee Relations Policy Council.

PETE SEEGER HAS TWO SHOWS NEXT MONTH ON CHANNEL 52

Pete Seeger, internationally famous folk singer, recently taped two appearances for the State's new public broadcasting station, to be shown on Channel 52's folk music show, "The Oleanna Trail."

The first show, highlighting songs by the long, lean Seeger, will be seen Wednesday, Sept. 1 at 10:00 p.m. and repeated on Saturday, Sept. 4 at 7:00 p.m.

The second, "A Conversation with Pete Seeger," will be Wednesday, Sept. 8 at 10:00 p.m. and Saturday, Sept. 11 at 7:00 p.m.

Seated at a table at WNJT at a dinner break during the taping, Seeger talked of life, of herbs, folk festivals, camping, rioting and music.

He suggested that "perhaps television should throw out all regular programming but the news for a few weeks to re-evaluate American life, to find out where we are and where we have come from."

The bearded folk singer is relaxed in manner.

"He's an easy person to work with," says Fred Starner, host of "The Oleanna Trail." "He's got the energy of three or four people half his age. He's 53. He's a bundle of dy-

namic and creative energy but he's not gushing. He's very natural. His purpose in life is to communicate. His is music with an ulterior motive."

The folk singer thinks of himself as a "do it yourselfer." He attended Harvard University but left before graduation for unsuccessful attempts at art and journalism. Finally, he turned to folk music.

Seeger says he's always loved to sing to the public. However, he adds, "I never thought of making a living out of it." But song has become his way. "It's been his whole life style for 30 years," Starner says.

The folk singer has appeared in concerts and on television in France, Holland, Japan and other countries and has made numerous appearances on university campuses.

With his long-necked, five-string banjo and his bristling beard, Seeger appears quite comfortable as he sings and saunters down "The Oleanna Trail."

The title of the show comes from a song about a Utopia where, as Seeger chants, "the land is free."

YOUTH DRUG-AID CENTER OPENS IN POINT PLEASANT BEACH AREA

A community referral, information and counseling center for young people who have questions or problems related to drug use is in operation as a state pilot project at Point Pleasant Beach, according to Dr. James R. Cowan, state Commissioner of Health.

Project Point, which is staffed seven days a week, is a joint effort of municipal officials of the adjacent Point Pleasant Beach and Point Pleasant Borough in Ocean County. The two municipalities are providing the trailer center and will pay for its maintenance.

The Division of Narcotic and Drug Abuse Control of the state Department of Health, of which Dr. Cowan is the acting director, is providing some staff, augmented by local personnel. Don Brandon, consultant with the Division, is coordinator of the project.

Dr. Cowan said: "This is imaginative anticipation of the need to provide informative answers and referrals to young people who have a drug related problem or who simply seek information. It will be available at a time when thousands of young people are attracted to New Jersey's shore communities. The officials of the two municipalities are to be commended for their effective action. I hope other shore municipalities will take similar action."

The referral center, a 50-foot air-conditioned trailer, is staffed with knowledgeable persons who advise as to resources and services available in the area. There is also a telephone "hot line" (892-8841) which can be called by any who feel the need for counselling. Project Point is not a treatment center.

Dr. Cowan earlier this year invited officials of the shore area to meet with members of his department to explore ways to help such youthful visitors to the shore. He said this pilot referral service is one constructive result, with a side benefit being the training it will provide the volunteers who staff the center.

Dr. Cowan said the project is due to the support of both Mayor Michael J. Valenti of Point Pleasant Borough and of Mayor Elmer Stikeleather of Point Pleasant Beach and of the cooperative action of Detective Sgt. Robert Kling of the Point Pleasant police force, Councilman John Watson of Point Pleasant Beach and the Police Chiefs of both municipalities, Harold Leard at the beach and William H. Beecroft in the borough.

STATE NEWS OF PUBLIC INTEREST

SAFER BREAKAWAY SIGNPOST IS WORK OF STATE HIGHWAY ENGINEER

A coupling device which permits large signs struck by automobiles to collapse without serious damage to the vehicles or injury to their occupants will be a standard installation for New Jersey highway projects in the future.

Commissioner John C. Kohl said the device, key component of a breakaway signpost, was developed by the Transportation Department's design staff and has been approved by the Federal Highway Administration.

Full-scale testing of the breakaway post at the Cornell Aeronautical Laboratory in Buffalo, N.Y. has demonstrated its effectiveness, he said.

"I am most gratified by the Federal Highway Administration's action in approving our breakaway unit," Commissioner Kohl said. He added that information on the device will be made generally available for highway safety improvements.

"Even on the most ideally engineered highways, vehicles, either through driver error or mechanical failure, occasionally go out of control and strike fixed objects. Last year throughout the nation 6,500 persons lost their lives in motor vehicle collisions with fixed objects," the Commissioner said.

"Elimination of some of these hazards through application of the breakaway design concept is an invaluable contribution to highway safety."

He commended Richard A. Strizki, an engineer in the department's research division, who developed the device after he was assigned the project two years ago.

A motion picture of the breakaway signpost being tested was made at the Cornell site. The film has been shown to many groups, Strizki providing the commentary. Arrangements for showings may be made by writing to him at the Transportation Department, 1241 Parkway Avenue, Trenton 08625.

The device will break when struck from any angle and will withstand winds up to 80 miles and gusts of over 100 miles an hour. On impact, the breakaway post is carried forward by the vehicle and as the car continues ahead a wire cable which connects the top of the two posts supporting the sign swings the broken post away from the car's path.

The Commissioner said that the breakaway unit, for which a patent is pending, will be installed wherever possible in current highway construction projects. It will be included in all future contracts and every effort will be made to extend its use throughout the state highway system, he added.

Strizki says the breakaway concept is adaptable not only to sign supports, but also to lighting poles, traffic signals and similar structures.

Strizki, 37, has served principally as a bridge design engineer since he joined the department in 1963. He was graduated from Lafayette College, where he received a B.S. degree in civil engineering. Prior to joining the state he was employed as a stress analyst and design engineer by aeronautical firms. The family, with four sons and a daughter, lives in Ringoes.

EXECUTIVE DIRECTOR NAMED FOR ENVIRONMENTAL OFFICE

Appointment of George C. Friedel, 33, of Parsippany, as executive director of the Office of Management and Budget in the Department of Environmental Protection was announced recently by Commissioner Richard J. Sullivan.

Friedel, a professional in the field of management, will supervise the department's budget and personnel bureaus in the division of administration and be responsible for training, program planning review, data processing, capital expenditures and coordination of Federal grants.

Prior to assuming the state position, he was division director, research and development, of the American Management Association, in New York City, a post he had held since 1969. For five years previously he specialized in aeronautical management work at Thiokol Chemical Corp., Denville, and for west coast aircraft firms.

A 1959 graduate of the United States Military Academy, Friedel served his Army tour at the Nike Air Defense Base, Franklin Lakes. In 1970 he received a master's degree in management engineering from Newark College of Engineering.

The new executive director is married, has three children and holds memberships in several professional organizations.

DIRECTOR NAMED FOR COLLEGE INSTRUCTION OF PRISON INMATES

Robert R. Walton Sr., an English instructor at Mercer County Community College, has been appointed Director of Institution Networks for the college by President Richard K. Greenfield.

Walton will develop and direct the recently-funded educational network linking MCCC long-range with four correctional institutions in New Jersey—Trenton State Prison, Rahway Prison, Leesburg Prison, and Jones Farm. Grant funds total \$247,625.

The network already provides college-level instruction for prison inmates which can lead to one-year certificates or two-year associate of arts degrees.

By means of auto-instruction and electro-writer equipment located at the college and duplicated at each of the four institutions, instant two-way communication permits a professor simultaneously to teach the same course to classes at each of the four institutions.

Depending on inmate interest and needs, from 180 to 250 students will be served, with courses in English, social sciences, architectural technology, business, mathematics and foreign languages.

According to Walton, the main goal of the program is to provide job-oriented curriculums that will prepare inmates for the job market immediately upon release.

In addition to the current offering of general studies and associate of arts degree in humanities and social sciences—in which five inmates at Trenton State Prison received degrees on June 20—the network will be expanded to include such job-oriented courses as community services assistant, business and accounting, and architectural technology.

Walton holds degrees from Trenton State College and the University of Pennsylvania and has completed undergraduate and graduate work at Duke and Temple Universities. Before joining MCCC in 1968, he was English and debate instructor at Trenton Central High School.

He is past president of Lawrence Township Jaycees, current president of Lawrence Township Republican Club and a member of the township's Health Advisory Board. Walton is married, with three children.

COMMUNITY AFFAIRS DEPARTMENT ISSUES REPORT ON PROGRESS

New housing starts, urban aid, program evaluation, and better communications between the State government and municipalities are among the areas in which marked progress has been made by the Department of Community Affairs, according to its third annual report.

The 32-page report covering the fiscal year through June, 1970 reviews the operation of the entire department and its two quasi-independent sister agencies, the New Jersey Housing Finance Agency and the Hackensack Meadowlands Development Commission. It includes statistical information about programs and explains the functions and duties of each major division in the department.

"Our initial thrust during fiscal 1970 has been in keeping with Governor Cahill's call to combat New Jersey's housing crisis," noted Community Affairs Commissioner Edmund T. Hume in the letter of transmittal.

"Working with the New Jersey Housing Finance Agency, 1,908 housing units were placed under construction . . . and commitments were made to provide mortgage financing for an additional 1,423 dwelling units."

Hume also cited the department's revision of the urban aid formula and, in anticipation of Federal revenue-sharing plans, the development of acceptable methods of implementing and distributing these Federal funds.

"For the first time since its inception," Hume continued, "the Department instituted a method of program evaluation by which the ultimate value of the projects administered can be measured accurately."

He said the Department made noteworthy progress during fiscal 1970 in establishing "positive communication links between the Town Halls of New Jersey and State Government." He pledged every effort to strengthen this relationship.

AWARD AID FOR LEGAL SERVICE TO NEEDY

The Department of Community Affairs announced it has awarded state-aid grants totaling \$129,400 to local legal services agencies which serve 13 counties across the state.

The 11 agencies provide free legal assistance in civil matters to needy citizens through 37 neighborhood offices.

Community Affairs Commissioner Edmund T. Hume said the funds "will enable these agencies to continue to offer needed legal services to individuals and families who cannot ordinarily afford a lawyer."

"Presently, there is no constitutional guarantee for an indigent person to receive free representation in a non-criminal matter," Hume added. "These grants, however, will help insure that persons with limited incomes have an opportunity to receive such representation."

The grants were made from a \$1,110,000 state-aid fund for economic opportunity programs in the department's 1970-71 budget. Hume said these grants will help the agencies meet local-share costs of about \$3.3 million in legal services grants awarded by the U.S. Office of Economic Opportunity for fiscal year 1971.

The combined funds will enable the agencies to retain about 115 licensed attorneys to provide legal advice and represent low-income persons in civil matters and before administrative agencies.

During fiscal year 1970 local legal services lawyers handled more than 39,000 cases involving such matters as welfare reform, tenant-landlord relations, consumer rights and waiver of court fees for needy persons.

To qualify for free legal assistance, an individual must have annual income under \$3,000, with an additional \$500 a year permitted for each dependent.

GOVERNOR AMENDS CORPORATE TAX LAW AS INDUCEMENT TO ATTRACT BUSINESS

Governor William T. Cahill on July 21 signed into law Assembly Bill 2510 which amends the Corporation Business Tax Act by deleting the ten per cent stock ownership requirements in the case of investment companies.

"The effect of such an amendment," the Governor said, "permits a corporation, otherwise qualified, to obtain the benefits of the 25 per cent allocation provision although it may hold ten per cent or more of the stock of another corporation. This means that such companies will pay taxes on the basis of 25 per cent of their net income and 25 per cent of their net worth instead of 100 per cent as previously required."

The Governor stressed that "there would be no revenue loss from existing taxpayers" under the provisions of this legislation. He said that a survey of the 300 largest corporate tax returns plus a random survey of other corporate tax returns confirmed this.

"While there will be no anticipated loss of revenue to the State," the Governor said, "the signing of this bill should stimulate more companies to locate in New Jersey with resultant increased job opportunities and added revenues to the State."

Present at the signing was Russell McFall, President of the Western Union Telegraph Company. McFall's interest in the legislation was manifested when the Governor announced that on Sept. 1, Western Union, a corporation that qualifies under the new legislation, will move from New York City to Mahwah.

The Governor went on to say that this would not be the only benefit to the State of New Jersey "inasmuch as investment companies today have a high degree of mobility. This amendment overcomes a serious handicap which the State has had in attracting this type of business to locate here. Enactment of this legislation should make New Jersey a more attractive state for investment-type companies."

HOUSING AGENCY PROVIDES \$6 MILLION MORE FOR TWO APARTMENT PROJECTS

The New Jersey Housing Finance Agency last month authorized additional mortgage loan commitments of \$6,276,000 to finance construction of a nine-story 96-unit senior citizens housing apartment in Perth Amboy, and another 200-unit middle-income garden apartment project of two stories in Lindenwold.

Housing Finance Agency Executive Director John P. Renna Jr. noted that the commitments bring to over 1,400 the total number of housing units financed by the agency in the past two months. A \$28-million commitment was made in May for 1,182 units in four projects.

The Perth Amboy project authorized a \$2,386,000 mortgage to the New Jersey Community Union Housing Corporation Inc., the nonprofit housing arm of the United Automobile Workers Union of New Jersey. The building can house up to 190 senior citizens.

Those qualifying for federal rent subsidies at the Perth Amboy project will pay a basic monthly rental of \$110 for efficiency apartments and \$133 for one-bedroom apartments. Normal market rent is \$203 a month for efficiencies and \$283 for one bedroom, Renna said.

The Lindenwold garden apartments received a \$3,890,000 mortgage loan made to Lindenwold Associates, a limited partnership.

Lindenwold Village is on nearly 12 acres and will contain 300 on-site parking spaces and a community building. In all, there will be 748 rooms with a capacity for 496 persons.

STATE NEWS OF PUBLIC INTEREST

DECENTRALIZED MERIT SYSTEM PROCEDURE ADOPTED BY STATE

James A. Alloway, President of the Department of Civil Service, announced modifications to the Civil Service Merit System, effective July 15, which permit State agencies to reclassify a substantial number of positions and to conduct many promotional examinations. These functions previously could only be performed by the Civil Service Department.

Under the new decentralized merit system procedures, state operating departments are responsible for establishing promotional eligible lists based on job performance, experience, seniority, and oral interviews when there are a small number of competing candidates for promotions. Written examinations would be used only in limited instances.

State departments are also permitted to reclassify employees in a wide range of positions without prior approval from Civil Service. However, the operating agency will still be required to obtain such prior approval to move a title from the classified to the unclassified service, establish a new title, or change the job specification, range, or work hours of an existing title.

The Department of Civil Service will continue to handle all matters relating to open competitive examinations and promotional examinations when there are more than ten candidates competing.

All personnel actions taken by operating departments under the new procedures will be in strict accordance with special guidelines and Civil Service regulations and will be subject to monitoring and post-audit by representatives of Civil Service.

To carry out this responsibility, the Department of Civil Service is establishing a new Division of Personnel Management to advise and assist the operating departments in maintaining an effective personnel system and to review actions taken under the new procedures. Any actions found to be in conflict with the guidelines or not consistent with merit principles will either be revised or rescinded by the Department.

The new program is being installed for a period of one year. At the end of that period, the Civil Service Commission will review and evaluate the results as well as hold a public hearing to determine whether the program should continue.

A special office has been set up to answer questions personnel officers and employees may have about the new procedures. The phone number for this office (609-292-5115) has been included in an informational brochure sent to all state employees.

Grievance procedures have been developed for employees to use as a means of redress against unfair treatment. Employee feedback will be one of the important indicators used by the Department of Civil Service in determining compliance with both established guidelines and merit principles, Alloway stated.

The new personnel procedures are only for state government and do not apply to counties and municipalities under Civil Service jurisdiction. The goals of the new procedure are to improve the state personnel system and to give better service to the public, the Commissioner said.